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Telephone Enquiries

NOTICE TO LODGING PARTIES

When replying please quote

1. Administration and Probate Act, 1919

On the 1st July, 1987 Sections 3 and 14 of the Administration and Probate Act Amendment Act (No.2), 1984 came into operation as proclaimed in the Government Gazette dated 4th June, 1987, page 1430.

In order for this Department to assist the Probate Court in regard to this amendment every Transmission Application of a deceased person who died on or after 1st July, 1987 will need the following to be produced, viz., the muniment of title, the Grant of Probate, Letters of Administration, or Section 79 order where the Public Trustee is involved, and a Registrar's certificate of disclosure as required by Section 121a of the Administration and Probate Act, 1919. The Registrar's certificate will be returned together with the Grant of Probate or Letters of Administration to the lodging party after registration of the Transmission Application. Your attention is drawn to the obligation of the person dealing with the assets of a deceased person dying on or after the 1st July, 1987 to ensure that these have been properly disclosed as provided by Section 44 of the said Act.

2. Retirement Villages Act, 1987

On the 30th June, 1987 the Retirement Villages Act, 1987 came into operation as proclaimed in the Government Gazette dated 25th June, 1987, page 1610.

Section 15 of the Retirement Villages Act, 1987 provides that the owner of any land that is, or is to be, used as a retirement village shall apply to the Registrar-General for endorsement to that effect on the relevant Certificates of Title. The application is to be made on an A3 Panel Form and the operative clause may be drawn in the following manner:

The applicant hereby applies pursuant to Section 15(2) of the Retirement Villages Act, 1987 to have an endorsement made on the abovementioned Certificate of Title of the fact that the within land is/or is to be used, as a retirement village (delete whichever is inapplicable according to Section 15(1) and (2) of the said Act).

Your attention is drawn to Section 15(3) of the said Act in regard to either the notification or consent of each person who holds a mortgage, charge or encumbrance over the land. If this is applicable to the relevant retirement village it is necessary for the applicant to add to the abovementioned operative clause the following certification:

.... and it is hereby certified that notice has been given as required under Section 15(3) or, Section 15(3) has been complied with as evidenced by the consents attached hereto.

It is also drawn to your attention that a General Registry Office Plan will be required to be deposited if the retirement village is over only portion of the land in the Certificate of Title.

This instrument is to be certified correct for the purposes of the Real Property Act, 1886 by a Licensed Land Broker or Solicitor, as required by the Retirement Villages Act, 1987 regulations.



(J.G. MAHER)

REGISTRAR-GENERAL

18.8.1987

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