

Guidance Notes

Application for Amendment to Schedule of Unit Entitlements

These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.

GENERAL INFORMATION

- * Form AP2SP is to be used to amend the Schedule of Unit Entitlements for a deposited strata plan:
 - pursuant to a unanimous resolution of the Corporation under Section 12(1) of the *Strata Titles Act 1991* (STA), or
 - in pursuance of an Order of Court under Section 13 of the STA
- * Where the application is made pursuant to an Order of Court, a copy of the sealed court order must accompany the application.

Note: As documentation requirements for an amendment pursuant to an order of court are to be determined by viewing the order, the following notes relate to Section 12(1) applications.

- * A land valuer's certificate, certifying that the schedule of unit entitlements is correct must be lodged with the form AP2SP. The land valuer is to insert the strata plan number on the unit entitlement sheet. Refer to Notice to Lodging Parties no. 158 for the prescribed form of the certificate and an example of the unit entitlement schedule. The unit entitlement sheet is available on LTO Forms.
- * As the unit entitlements for a strata plan have changed a copy of the unanimous resolution, being a copy of the minutes, certified by an officer of the Strata Corporation is to be attached to the AP2SP. The form of certification is:

This is a copy of the resolution of the corporation referred to in the attached application.

.....

[Signature of officer of the Strata Corporation]

- * If the name of a consenting party has changed from that appearing on the title, an application amending their name should be lodged prior to the AP2SP form.
- * All handwriting must be in permanent, dense, rapid drying black or blue ink.
- * Each page must be numbered consecutively, e.g. 1 of 10, 2 of 10.

EXPLANATION OF FORM

Heading

If the application is not being lodged pursuant to an Order of Court cross through Section 13.

Application to the Registrar-General

- * Insert the number of the Strata Corporation and the corporation's postal address.

Note: Any change of address for the strata site must be authorised by the local government authority by a letter attached to the application signed by an authorised officer of the authority.

- * Retain (1) if the Community Corporation is making the application under section 12 of the STA.
- * If pursuant to an Order of Court retain (2) and insert the relevant information.
- * In (3) insert the number of the strata plan the schedule of unit entitlements relates to

Execution by Strata Corporation

To be dated.

Strata Corporation to affix their common seal.

The Strata Corporation may instruct a practitioner to execute on their behalf under client authorisation. If they do so, the Strata Corporation execution panel is to be struck through.

Consent for the Amendment of to the Schedule of Unit Entitlements

Consents are required from the registered interests of any units affected by a change in its Unit Entitlement.

Consenting party

Show consenting party's full name, including if a company their ACN or ABN, and their address.

Nature of estate or interest held

State the nature of the estate or interest held (i.e. Registered proprietor of CT, Mortgagee, etc)

Consent to amendment

Insert the number of the strata plan the substituted schedule of lot entitlements is to be annexed to.

Must be dated.

Execution by consenting party

If the consenting party executing is a natural person who is signing in his or her own right, he or she must sign his or her usual signature in the place indicated on the form. A different format must be used where a person is not signing in his or her own right (e.g. he or she is signing as attorney for the consenting party).

Pursuant to Section 267 of the *Real Property Act 1886* (RPA), the witness must be aged 18 years or over and must know the applicant personally or have satisfied him or herself as to the identity of the applicant. The witness cannot be a party to the instrument. The witness must sign his or her name and print his or her full name, address and business hours telephone number legibly beneath his or her signature.

Pursuant to Section 268 of the RPA, a witness is guilty of an offence if he or she does not know the person executing the instrument personally and has no reasonable ground on which to be satisfied as to the person's identity, OR knows or has reasonable grounds for suspecting that the person signing the instrument is not a party to the instrument or does not have the authority to sign on behalf of the party.

- *Maximum Penalty - \$5,000 or 1 year imprisonment.*

If the party executing is a body corporate it may execute in any manner permitted by law.

Consenting parties may instruct a practitioner to execute on their behalf under client authorisation. Where consent forms exist for both execution by the consenting party and under client authorisation only the relevant consent form is required.

CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by the Certifier, being one of the following:

- a. A legal practitioner
- b. A registered conveyancer
- c. If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- d. If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Certifier is a registered conveyancer or legal practitioner.

The second listed certification as regards Client Authorisation does not apply where the application is executed by the applicant.

The first two listed certifications do not apply where the Certifier is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

Note: - An attorney or a body corporate cannot make certification statements.

The Registrar-General's [Verification of Identity](#) and [Verification of Authority](#) requirements must always be complied with.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*.

SUPPORTING DOCUMENTATION LODGED WITH APPLICATION

Insert reference to supporting documentation that is required to be lodged with the application e.g. lot entitlement sheet, copy of unanimous resolution

ANNEXURE

It will be necessary to use an annexure sheet (Form B1) if there is insufficient space for the text or to complete the remaining executions.

An annexure sheet to an instrument shall:

- a. be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- b. be referred to in the body of the instrument where there is insufficient space;
- c. be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- d. comply with requirements in Form B1 Guidance Notes.

When an additional or inserted sheet being a certificate, statutory declaration or writing of a similar nature is intended to form part of an instrument ensure:

- a. it is affixed securely and permanently to the top left-hand corner of the instrument; and
- b. the printing or handwriting thereon is clear and legible and in permanent form.

The Registrar-General may refuse to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of these standards.

FORM AP2SP (Version 3)



Land Services SA ACN 618 229 815

PHONE 1800 648 176 or 8423 5000 FAX 8423 5090 EMAIL communications@landservices.com.au

VISIT Level 9, 101 Grenfell Street, Adelaide SA 5000 POST GPO Box 543, Adelaide SA 5001
landservices.com.au