

Guidance Notes

Application for Amalgamation of Allotments

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 RTA is to be used when amalgamating two or more allotments to form one allotment or more allotments pursuant section 223LJ of the *Real Property Act 1886* (RPA).
- * Satisfactory arrangements may need to be made if the whole of the new allotment, formed by the amalgamation, is not subject to the same existing numbered mortgage(s) or encumbrance(s). eg; Discharge of Mortgage followed by RTA then new Mortgage over the whole of the new allotment.
- * Where the appurtenance for an existing easement is being extended as part of the amalgamation, the application must be assessed for stamp duty prior to being lodged with Land Services SA.
- * If the name of an applicant or consenting party has altered an application amending their name should be lodged prior to the RTA.
- * Each page must be numbered consecutively, e.g. 1 of 10, 2 of 10.
- * All handwriting must be in permanent, dense, rapid drying black or blue ink.
- * Each page must be printed double-sided, where possible.

Note: Land that is a State Heritage Place cannot be amalgamated without development approval see Schedule 3 of the *Development Regulations 2008*

EXPLANATION OF FORM

Heading

Insert the plan number if known.

Land Description

Include the title references (e.g. Whole of the land in CT Volume Folio) for the:

- Allotments being amalgamated
- Servient land for an existing easement where, as part of the amalgamation, the easement's appurtenance is being extended.

Applicant (s)

- * Insert the full name and address of the applicants, being the registered proprietors of the land being amalgamated.
- * Proprietorship (including names and mode of holding) of all titles for land being amalgamated must be identical. Where it differs, appropriate documentation must precede the RTA form.

Request by Applicant(s)

(b) is to be retained only if extending the appurtenance of an existing easement as indicated on the plan of amalgamation.

Consent to the Amalgamation of Allotments

- * Consents are required from:
 - a. Mortgagees and encumbrancees in the land being amalgamated. Note: registered interests must be over the whole of the land being amalgamated and cannot be adjusted within the RTA.
 - b. Servient land registered proprietor and registered interests where as part of the amalgamation the appurtenant of an existing easement is being extended.

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 C.T....., Mortgagee under M 1234567, etc)

Statement of Effect on estates or interests of consenting parties

- * Insert Interest affected (e.g. CT 5678/23, M 34567812, etc.)
- * Show effect on the interest, if any, e.g. Extension of the appurtenance for easement (TG12369872) to the whole of Allotment 7 in DP 52345.
- * If there is no effect insert NIL. Do not use N/A
- * Insert Consideration/Value for Stamp Duty purposes.

Consent to amalgamation

- * Must be dated.

Execution by Applicants and consenting parties

If the 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 applicant).

Pursuant to Section 267 of the RPA, the witness must be aged 18 years or over and must know the party executing personally or have satisfied him or herself as to their identity. 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, its execution must conform to any prescribed formalities.

Any stamps used are not to be upside down, sideways, etc.

Applicants and consenting parties may instruct a practitioner to execute on their behalf under client authorisation. If they do so, the applicant execution panel is to be struck through. 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)

If an appurtenancy is being extended all certifications on the RTA form 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 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.

NEW TITLE INSTRUCTIONS

Instructions must be completed for all new titles to be issued.

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 must:

- 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 of 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 RTA (Version 3)



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