

# Application for Deposit of a Plan of Division

*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.*

For additional information on the completion of this form and requirements see Land Services SA (LSSA) notes on land division under the *Real Property Act 1886* available at [www.landservices.com.au/property-professionals/land-division](http://www.landservices.com.au/property-professionals/land-division)

## GENERAL INFORMATION

- \* Form RTU is to be used where there are no transactions occurring as part of the division pursuant to Part 19AB of the *Real Property Act 1886* (RPA)

**Note:** - Roads, Reserves and Service Easements are vested by the Act and are not considered a transaction.

- \* The State Commission Assessment Panel (SCAP) certificate, if applicable, must be current at the time of lodgement of this document.
- \* If the name of an applicant or consenting party has altered, an application amending their name should be lodged prior to the RTU.
- \* All sections of the form must be either completed or struck through.
- \* 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.
- \* Each page must be printed double sided, where possible.

## EXPLANATION OF FORM

### Heading

Insert the plan number (if known) and the development number.

### Land Description

Include reference for all titles (e.g. Whole of the land in CT Volume .....Folio.....) affected by the plan this includes:

- The land being divided by the deposited plan (if portion of certificate of title then describe precisely eg; Allotment 1 in DP 121658 being portion of land in CT Vol 5000 Folio 1)
- Other land being redesignated.

### Applicant(s)

Insert the full name and address of the applicants, being the registered proprietors of the land being divided.

### Certificate of Consent for the Deposit of a Plan of Division

- \* Parties required to consent to the deposit include all persons claiming an interest or having a registered estate or interest in the land actually divided. Registered interest cannot be adjusted except for Statutory Encumbrances eg; Land Management Agreement, see NTLP 158, 161 & 179 regarding adjustment of statutory encumbrances

- \* See Notice to Lodging Parties (NTLP) 171 & 179 regarding deregistered encumbrances

### 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)

### Statement of Effect on estates or interests of consenting parties

- \* Insert Interest affected (e.g. CT 5678/23, M 34567812, L 6785892, etc.)
- \* Show effect on the interest, if any, e.g. Extinguishment of easement (TG12369872) over Allotment 12 (Public Road).
- \* Registered interests cannot be adjusted except for Statutory Encumbrances eg; Land Management Agreements. If no effect insert NIL. Do not use N/A.
- \* Insert Consideration/Value for Stamp Duty purposes.

### Consent

- \* Must be dated.

### Execution by applicant and consenting party

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 *Real Property Act 1886* (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 the Application is a body corporate it may execute in any manner permitted by law.

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)

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

Certifications do not apply where the application is executed by the applicant.

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

Insert new title instructions for all new titles to be issued as result of the cancellation.

## 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 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 RTU (Version 3)