

Guidance Notes

Application for Amalgamation of Strata Plans

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 A8 is to be used for the amalgamation of two or more deposited strata plans to form a single new strata plan pursuant to section 16 of the *Strata Titles Act 1988* (STA).
- * The A8 must be assessed for stamp duty prior to being lodged in Land Services SA (LSSA)
- * The strata plan, containing a certificate from a licensed surveyor must be lodged with the A8.
- * A land valuer's certificate, certifying that the schedule of unit entitlements is correct must be lodged with the A8. 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. The unit entitlement sheet is available on the Forms and Guidance Notes page.
- * Where the registered proprietor of a unit or consenting party has altered their name, an application amending their name must precede the A8.
- * Where the plans to be amalgamated have been physically altered or changed, amalgamation can only proceed after the relevant strata plan(s) have been amended using the provisions of sections 12 or 13 of the STA.
- * If the existing Common Property title is subject to any registered interest(s) (e.g. Caveat or lease), these may need to be dealt with prior to the lodgment of this application as the extent of the common property will be changed and the existing corporation will be dissolved, and a new corporation created.
- * 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.

EXPLANATION OF FORM

Applicants

Insert the full names and addresses of the strata corporations applying for the amalgamation of their respective strata plans.

Address of New Corporation

Insert the postal address for the site of the new corporation. If this address differs with any previous address given for the corporations, the change of address for the site must be authorised by the local government authority. This can be by letter attached to the application signed by an authorised officer of the authority.

Schedule of Mode of Issue

All unit numbers for the new plan in ascending numerical order together with their existing plan numbers, unit numbers and related title references are to be inserted in the Schedule of Mode of Issue.

Execution by Strata Corporation

To be dated.

Strata Corporations to affix their common seal. (eg; Strata Corporation No. 1234 Inc.)

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 to the Amalgamation of Strata Plans

Consents are required from all persons with a registered interest in the units affected by the amalgamation.

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 amalgamation

Insert the numbers of the strata plans being amalgamated

Must be dated.

Execution by consenting party

If the consenting party 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 to consenting party's execution must be an adult (aged 18 years or over) who knows the consenting party personally or has 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 print, address and business hours telephone number legibly beneath their 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 consenting party 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

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.

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 Certifier 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. Unit entitlement sheet, copy of unanimous resolution

ANNEXURE

It will be necessary to use 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 the 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 of a 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 A8 (Version 3)