

Guide to completing *Form 17—Request to dispense with production of instrument/document*

The following information will assist you to complete Land Registry *Form 17—Request to dispense with production of instrument/document* (certificate of title) by the registered owner.

Important information

While individuals in Queensland may undertake their own property transactions, only legal practitioners are qualified to provide legal advice. Therefore, discussions with the Department of Environment and Resource Management's (DERM) officers will be limited to explaining the requirements of Land Registry forms and procedures.

Parties electing to undertake their own property transactions must assume responsibility for ensuring the accuracy and legal correctness of lodged documents.

Property transactions can potentially involve complex legal considerations; it may therefore be prudent for parties to seek professional legal advice.

Form 17 only relates to dispensing with a certificate of title or deed of grant.

How to complete the form

Lodger details: Insert name, postal address, email address and telephone number for correspondence purposes.

Item 1 Insert 'Certificate of title' or 'Deed of grant', as applicable.

Item 2 Insert the lot on plan description, county, parish and title reference as they appear on the title search. The reference to the plan must show the correct prefix (e.g. RP, BUP, GTP, SP).

Example

2. Lot on Plan Description	County	Parish	Title Reference
Lot 27 on RP204939	Stanley	South Brisbane	16723144

Item 3 Insert the full name of the registered owner(s) as shown on the title search.

Item 4 Insert the full name of the applicant(s). The application is to be made by the registered owner(s).

Item 5 Complete (a) and (d) with appropriate information. Applicant(s) must sign the application in the presence of a qualified witness (e.g. Justice of the Peace, Commissioner for Declarations or solicitor).

Other requirements

Statutory declarations

Statutory declarations under the *Queensland Oaths Act 1867* (or the law of the jurisdiction under which the declaration was sworn) are required to support the application.

A statutory declaration must be on *Form 20—Schedule/enlarged panel/additional page/declaration/title reference*. The title reference must also appear on Form 20. The page numbering on Form 17 and Form 20 must be inserted.

Generally, declarations are required from:

- the registered owner(s)
- and
- every person who had custody of the certificate of title since it was last delivered from the Titles Registry, or until and including when it was in the custody of a reliable source (e.g. a solicitor's firm or a financial institution).

The registered owner's declaration must cover the following points (as applicable):

- the date on which and to whom the instrument was last delivered from the Titles Registry
- the history of its custody since delivery from the Titles Registry

- the point at, and the circumstances through, which the instrument was lost or destroyed
- the efforts made by the applicant to search for the instrument if it is lost
- a statement that the search has been conducted in all likely and unlikely places
- any documentary proof of such searches (e.g. copies of letters received from banks and solicitors confirming that the instrument is not held by them).

Each declarant other than the registered owner must set out the details, within their knowledge, of the movement and custody of the certificate of title.

Supporting declarations may also be required. For example, if the evidence indicates that the instrument was last delivered to a registered owner who is a sole proprietor, and if that person is able to, they should declare that they are familiar with the appearance of the missing instrument and that they have searched in all likely and unlikely places around their home and any other places where valuable records are kept. However, if the sole proprietor is unable to declare that they are familiar with the appearance of the missing instrument, a corroborative declaration should be obtained from at least one person, such as a relative or neighbour, who assisted the applicant to search their home and any other places where valuable records are kept and who made enquiries on the proprietor's behalf.

If all the persons who have had custody of the instrument since it was last delivered from the Titles Registry are not available or able to provide declarations, declarations should be obtained from those who are available and a further declaration made by someone appropriate in the specific circumstances stating who the others are and why declarations cannot be obtained from them.

Advertising

Section 18 of the *Land Title Act 1994* allows the Registrar of Titles to determine how 'public notice' is to be given in relation to specific applications.

All public notices of applications lodged with the Registrar of Titles are required to be placed by, and at the expense of, the lodger of the application.

The Registrar of Titles will give the lodger a written notice that:

- contains the public notice that is to appear
- specifies the newspaper in which the notice is to be placed
- provides a date by which the requirement is to be satisfied.

Tear sheets of newspapers that evidence compliance with the written notice must be provided to the Titles Registry before the application will proceed to registration. The tear sheet must be a whole page from the newspaper, must be the original page (not a photocopy), must display the notice suitably identified, and must show the name of the newspaper and the date of publication.

How to lodge the form

You may lodge Form 17 in person, between 8.30 am and 4.30 pm on business days, at a DERM service centre with lodgement facilities. Alternatively you may post the form to any lodgement service centre. Locations of service centres can be found on the DERM website <www.derm.qld.gov.au>.

The forms should not be folded.

Fees

A regulatory fee is payable for lodging Form 17. An additional fee will apply if the document is lodged through the post. Contact Titles Registration Customer Service to obtain current fee information. You can pay by cash, cheque or EFTPOS (savings or cheque account, not credit).

Further information

For further information refer to customer information sheets *Lodgement and processing of Land Registry documents*, *Completing Land Registry forms* and *Complying with Titles Registry requisition notices*. If then you still have further enquiries, contact Titles Registration Customer Service by telephone on (07) 3405 6900 or by email <brisbane.titling.operations@derm.qld.gov.au>. Land Registry forms and customer information sheets are available from the DERM website <www.derm.qld.gov.au>.