

Guide to completing *Form 23—Settlement notice*

The following information will assist you to complete and lodge a Land Registry *Form 23—Settlement notice*.

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.

Note: A settlement notice lapses two months after it is deposited, or when all instruments directly related to settlement and specified in the notice have been lodged—whichever happens first. A settlement notice cannot be lodged for dealings over State leasehold land. A second settlement notice must not be lodged for the same transaction.

How to complete the form

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

Item 1 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

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

Item 2 Insert 'Transfer' or 'Mortgage', whichever is applicable.

Item 3 Insert 'Fee simple' if whole, or the fraction (e.g. '1/2 interest in fee simple'), or 'Lease no....', or 'Mortgage no....', whichever is applicable.

Item 4 Insert the full name(s) of the first party or parties disposing of or giving the interest. This is usually shown on the title search or on a prior unregistered document.

Item 5 Insert the full names of the transferee(s) or mortgagee(s) and their address for service of notices.

Item 6 Insert the dealing type and names of parties to identify other instruments, if any, directly related to the overall transaction referred to in item 2 (e.g. release of mortgage 701101111 or release of mortgage from ANZ Bank Ltd). Do not repeat the instrument mentioned in item 2. Where more than one new mortgage is referred to, the intended order of registration must be indicated.

Item 7 Insert the dealing type and particulars of all other instruments, if any, to which consent to registration is given and which have not been lodged. Do not repeat instruments mentioned in item 6.

Item 8 Execute (sign and date) the form. Execution is required by the transferee or mortgagee, whichever is appropriate, or by the solicitor for the transferee or the mortgagee. A witness is not required.

How to lodge the document

You may lodge Form 23 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 form should not be folded.

A registration confirmation statement will not be issued when the notification is recorded.

Fees

A regulatory fee is payable for lodging Form 23. 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>.