

Guide to completing *Form 14* and *Form CMS*

Request to record a **new** community management statement

The following information is a guide to completing and lodging a **new** community management statement (CMS).

To record a new CMS for a community management scheme you must complete and lodge Land Registry *Form 14—General request* accompanied by *Form CMS—First/new community management statement*.

Important information

While individuals in Queensland may undertake their own property transactions, only legal practitioners are qualified to provide legal advice. Therefore, discussions with Titles Registry staff at the Department of Environment and Resource Management (DERM) will be limited to explaining the requirements of the 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. Therefore it may be prudent for parties to seek professional legal advice.

Form 14—General request

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

Item 1 Insert the nature of the request as 'Request to record new community management statement for [name of scheme] community titles scheme'.

Item 2 Insert 'common property of [name] community title scheme [number]', the title reference for the common property for the community title scheme and the county and parish.
If applicable, insert 'lot [number] on [plan reference]' and title reference for any lot being added to or removed from the scheme.

Example

2. Lot on Plan Description	County	Parish	Title Reference
Common property of Seaview community titles scheme 1234	Stanley	Enoggera	
Lot 47 on RP204939	Stanley	Enoggera	16723014

Item 3 Insert full name of the body corporate (e.g. Body Corporate for Seaview community titles scheme 1234). If a lot is being added to or removed from the scheme, the name of the registered owner(s) of the lot(s) should also be inserted.

Item 4 Insert 'Not applicable'.

Item 5 Insert the full name of the applicant(s)—i.e. the body corporate, or the body corporate and the registered owner(s)—as shown on the relevant title(s).

Item 6 Insert appropriate words of request (e.g. 'I hereby request that: 'the new community management statement deposited herewith, which amends Item 2 (the regulation module), Item 4 of the CMS and Schedule A, B be recorded as the community management statement for Seaview community titles scheme'). It must also clearly state if a lot is being added or removed from the scheme.

Item 7 Execute (sign and date) the form. If a lot is being added or removed the body corporate and the registered owner of that lot must both execute.

Form CMS—First/new community management statement

- Item 1** Insert the name of the community titles scheme (e.g. Seaview community titles scheme 1234).
- Item 2** Insert a reference to the relevant regulation module that is applicable to the scheme (either Standard, Commercial, Small Schemes or Accommodation).
- Item 3** Insert the full name of the body corporate (e.g. Body Corporate for Seaview community titles scheme 1234).
- Item 4** Insert the Lot on Plan, county, parish and title reference for all land (including the common property for the scheme) that will be contained in the scheme.
- Item 5** Insert 'Not applicable'.
- Item 6** Insert the number of the plan deposited with the CMS (if applicable).
- Item 7** The form must be noted by the relevant local government and signed by an officer/delegate whose full name and designation are shown; or insert 'Not applicable pursuant to section 60(6) of the *Body Corporate Community Management Act 1997*'.
- Item 8** The body corporate of the scheme land must sign and date the form.

Schedules and plans must be numbered and identified on each page of the CMS form, in accordance with the following:

- CMS form numbered as 'Page 1 of [total no. of pages]'
- pages of schedules numbered consecutively commencing 'Page 2 of [total number of pages]'
- schedules must be identified by relevant heading (e.g. Schedule A)
- plans must be identified by appropriate alpha characters and pages numbered consecutively following the schedules.

Sketch plan(s) that are an integral part of the CMS must be on either A4 or A3 folded to A4 size.

Where possible, more than one schedule may be contained on the same page.

How to complete the schedules

A CMS incorporates and must include Schedules A,B,C,D and E.

Schedule A Schedule of lot entitlements

Insert the schedule of lot entitlements for interests and contributions. Entitlements must be shown as whole numbers, as shown in the example below.

The schedule may be expanded by adding additional lines and/or pages as required. For further information refer to Chapter 2, Part 5 of the *Body Corporate and Community Management Act 1997*, which sets out the contribution schedule and interest schedule entitlements.

If the contributions for all lots are not equal, an explanation must also be included as to how the contribution schedule was decided—taking into account how the scheme is structured, the nature, features and characteristics of the lots included in the scheme, and the purposes for which the lots are used.

Example

SCHEDULE - A	SCHEDULE OF LOT ENTITLEMENTS	
Lot on Plan	Contribution	Interest
Lot 1 on SP12347	1	1
Lot 2 on SP12347	1	1
Lot 3 on SP12347	1	1
TOTALS	3	3

Schedule B Explanation of the development of scheme land

The development of scheme land (e.g. if the scheme is intended to be developed progressively and the development is not complete), explaining the proposed development and illustrate it by concept drawings. For example, 'subdivision of scheme land to create further lots for the scheme or to establish a subsidiary scheme, or excision of a log from, or addition of a lot to, scheme land'.

State the purpose of any future allocations for the scheme and the stages in which the future allocations are to be made. If the scheme forms part of; is intended to form part of; or is to be the basis for a layered arrangement of community titles schemes, explain the structure, or proposed structure, of the layered arrangement. If there is no future development planned, insert 'Not applicable'.

Each plan or other instrument lodged relating to the scheme land must be in accordance with the explanation set out in this schedule.

Schedule C By-laws

Insert details of the by-laws. For example, if the by-laws contained in Schedule 4 of the *Body Corporate and Community Management Act 1997* apply, this should be stated in this schedule. If they do not apply, or are modified, the full text of the by-laws applicable must be clearly set out.

Schedule D Other details to include in the CMS

Insert other details (if any) required or permitted to be included in the CMS under the relevant regulation module e.g. table of details of lots, statutory easements and services location diagram(s) (see below). If there are no other details to be added, insert 'Not applicable' or 'Nil'. Service location diagrams must be attached to this form by an alpha identifier.

Example of table

Lot on Plan	Statutory easement	Services location diagram
Lot 1 on SP12347	Gas line, sewer line, stormwater, overhead & underground electricity, telephone, water, projections shelter, support	A
Lot 2 on SP12347	Gas line, sewer line, stormwater, overhead & underground electricity, telephone, water, projections shelter, support	A
Lot 3 on SP12347	Gas line, sewer line, stormwater, overhead & underground electricity, telephone, water, projections shelter, support	A
Common property	Gas line, sewer line, stormwater, overhead & underground electricity, telephone, water, projections shelter, support	A

Schedule E Description of lots allocated exclusive use area of common property

If applicable, describe the lots allocated 'exclusive use areas of common property'. This schedule is in addition to the by-laws under which exclusive use is allocated. It must identify the lots affected and the area allocated to the respective lot. A sketch plan(s) identifying 'exclusive use areas of common property' must be attached. The sketch plan(s) should be prepared in accordance with Registrar's directions. If Schedule E is not applicable insert 'Not applicable' or 'Nil'.

Example of allocation of exclusive use areas

Lot	Exclusive area
Lot 1 on SP12347	Area A on sketch plan B
Lot 2 on SP12347	Area B on sketch plan B
Lot 3 on SP12347	Area C on sketch plan B

How to lodge the document

Form 14—General request must be lodged with a completed community management scheme form. You may lodge forms in person (between 8.30 am and 4.30 pm on business days) at a departmental business centre, with lodgement facilities.

Alternatively you may post the form to a departmental business centre with lodgement facilities (the form should not be folded). Locations of business centres are available on DERM's website <www.derm.qld.gov.au>.

Fees

A regulatory fee is payable for lodging a new CMS. Contact Titles Registration to obtain current fee information. You may pay by cash, cheque or EFTPOS (savings or cheque account, not credit). An additional fee is payable for a form lodged by post.

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 on (07) 3405 6900 or via email <brisbane.titling.operations@derm.qld.gov.au>. Land Registry forms and customer information sheets are available on DERM's website <www.derm.qld.gov.au>.

The *Body Corporate and Community Management Act 1997* is available from the Office of the Queensland Parliamentary Counsel website <www.legislation.qld.gov.au>.