

### **<sup>3</sup>Part 19 – Application for Title**

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### <sup>3</sup>Part 19 – Application for Title

## General Law

[19-0000]

Any existing Certificate of Title that is deposited for cancellation to allow registration of a dealing affecting that title is cancelled unless the Registrar directs to the contrary (s 45 of the *Land Title Act 1994*). The cancellation is recorded in the Automated Titles System when the dealing is processed.

However, an application can be made by the registered owner or the lessee of a lease under the *South Bank Corporation Act 1989* to the Registrar to issue a fresh Certificate of Title for that lot (s 42(1) of the *Land Title Act 1994*).

A Certificate of Title issued for a lot under the *South Bank Corporation Act 1989* is to be treated by the Registrar in the same manner as a Certificate of Title under the *Land Title Act 1994* (Schedule 4 item 9A(6A) of the *South Bank Corporation Act 1989*).

A Certificate of Title will not be issued:

- (a) if the lot is subject to a registered mortgage, unless the consent of the mortgagee is endorsed (s 42(2) of the *Land Title Act 1994*); or
- (b) until all lodged instruments have been registered; or
- (c) if the application is not over all of the land in the title; or
- (d) if the first Certificate of Title is not cancelled.

## Practice

[19-2000]

Application for a Certificate of Title may only be made by the registered owner or the lessee of a lease under the *South Bank Corporation Act 1989* and must be made in a Form 19 – Application for Title. If the lot is subject to a registered mortgage, the consent of the mortgagee must be endorsed on the Form 19 (s 42(2) of the *Land Title Act 1994*).

The consent should be endorsed in the following terms, eg ‘XYZ Bank Ltd ACN 456799403 consents to this request’, followed by the date and lawful execution (s 161 of the *Land Title Act 1994*). If there is more than one mortgage, the consents of all mortgagees to the Form 19 are required.

If there is insufficient space on the Form 19 to accommodate all of the consents, a Form 20 – Schedule may be used. It should be noted that a Form 18 – General Consent is neither appropriate nor acceptable for a mortgagee’s consent to a Form 19 – Application for Title.

The Registrar must give the Certificate of Title to the person stated in the request in the Form 19.

# Forms

## General Guide to Completion of Forms

[19-4000]

For general requirements for completion of forms see part 59 – Forms, esp ¶[[59-2000].

**Example 1 – Application (No Consent Required)**

QUEENSLAND LAND REGISTRY  
Land Title Act 1994

**APPLICATION FOR CERTIFICATE OF TITLE**

**FORM 19** Version 4  
Page 1 of 1

Dealing Number

Lodger (Name, address, E-mail & phone number)

Lodger Code



**OFFICE USE ONLY**

M G DILMAH  
29 ALBERT STREET  
CAMP HILL QLD 4152  
(07) 2680 4078

**Privacy Statement**

Collection of this information is authorised by the Land Title Act 1994 and is used to maintain the publicly searchable registers in the land registry. For more information about privacy see the department's website.

1. Lot on Plan Description	County	Parish	Title Reference
LOT 160 ON RP32261	NARES	CAIRNS	25432099

**2. Registered owner**  
MARY GRACE DILMAH

**3. Request by registered owner**

It is requested that a certificate of title be issued in the name of the registered owner described in item 2 and:-

- a) mailed to Ms Mary G Dilmah  
of 29 Albert Street, Camp Hill Qld 4152

**OR**

- b) held for collection by

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

*J Osprey*

..... signature

JAMES OSKAR OSPREY

..... full name

JUSTICE OF THE PEACE (C.DEC) #29004

..... qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

..... signature

..... full name

..... qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

20/9/2007  
**Execution Date**

*M G Dilmah*

.....  
**Registered Owner's Signature**

/ /  
**Execution Date**

.....  
**Registered Owner's Signature**

**Mortgagee's Consent (Mortgagee must show full name and execute)**

..... hereby consents to the above request.

/ /  
**Execution Date**

.....  
**Mortgagee's Signature**

**Example 2 – Application with Mortgagee’s Consent**

QUEENSLAND LAND REGISTRY  
Land Title Act 1994

**APPLICATION FOR CERTIFICATE OF TITLE**

**FORM 19** Version 4  
Page 1 of 1

*Dealing Number*

**Lodger** (Name, address, E-mail & phone number)

**Lodger Code**



**OFFICE USE ONLY**

M G DILMAH  
29 ALBERT STREET  
CAMP HILL QLD 4152  
(07) 2680 4078

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1. Lot on Plan Description	County	Parish	Title Reference
LOT 160 ON RP32261	NARES	CAIRNS	25432099

**2. Registered owner**  
MARY GRACE DILMAH

**3. Request by registered owner**

It is requested that a certificate of title be issued in the name of the registered owner described in item 2 and:-

a)

**OR**

b) held for collection by XYZ BANK LTD ACN 123 123 456

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

*J Osprey*

..... signature

JAMES OSKAR OSPREY

..... full name

JUSTICE OF THE PEACE (C.DEC) #29004

..... qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

20/9/2007  
**Execution Date**

*M G Dilmah*

.....  
**Registered Owner's Signature**

..... signature

..... full name

..... qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
**Execution Date**

.....  
**Registered Owner's Signature**

**Mortgagee’s Consent (Mortgagee must show full name and execute)**

XYZ BANK LTD ACN 123 123 456 ..... hereby consents to the above request.

XYZ BANK LTD by its duly constituted attorney Jonathan Pennyfeather under Power of Attorney 784666945

*J Pennyfeather*

20/9/2007  
**Execution Date**

.....  
**Mortgagee's Signature**

## Guide to Completion of Form 19

### Item 1

[19-4010]

Description of lot should be ‘Lot... on Plan...’.

### Item 2

[19-4020]

Insert full name of registered owner.

### Item 3

[19-4030]

Complete either (a) or (b), strike out the other and sign as indicated.

### Duty

[19-4040]

There is no duty payable on a Form 19 – Application for Title.

¶[19-6000] deleted

## Case Law

[19-7000]

Nil.

## Fees

[19-8000]

Fees payable to the land registry are subject to an annual review.

See the current *Land Title Regulation 2005* – Schedule 2, item numbers 2(i)(i) and 2(i)(ii).

## Cross References and Further Reading

[19-9000]

Part 22 – Certificate of Title

### Notes in text

[19-9050]

Note<sup>3</sup> – This part is not applicable to water allocations or the Water Allocations Register.