

³Part 22 – Certificate of Title

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³Part 22 – Certificate of Title

General Law

[22-0000]

The Certificate of Title is a paper record of the current particulars of ownership and interests of a lot recorded on an indefeasible title held in the Freehold Land Register.

Under s 45 of the *Land Title Act* 1994, unless the Registrar otherwise directs, a Certificate of Title deposited in the land registry is cancelled, whether or not a note of the cancellation is made on it.

Practice

[22-2000]

The Certificate of Title issued by the Registrar is an accurate record of the current particulars held against the indefeasible title in the Freehold Land Register for the lot shown.

A registered owner may request the issue of a Certificate of Title in a Form 19 – Application for Title. However, if the lot is subject to a mortgage, the consent of the mortgagee endorsed on the Form 19 is required. The mortgagee's consent should be endorsed in the following terms, eg: 'XYZ Bank Ltd ACN 123 456 789 consents to the Request'. The consent must be dated and lawfully executed. The consents of all mortgagees must be given.

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

Certificate of Title to be Lodged

[22-2010]

To enable an instrument to be registered, the Certificate of Title must be returned for cancellation with the instrument to the land registry.

However, a Certificate of Title does not have to be returned for cancellation with any of the following:

- (a) an instrument of transfer of a registered lease lodged without the lessor's consent;
- (b) a request to register a writ of execution;
- (c) any caveat;
- (d) a request to register a power of attorney;
- (e) a request to register a charge created under an Act;
- (f) a request to register an instrument of amendment, extinguishment or partial extinguishment of a building management statement, if the request is accompanied by the evidence the Registrar reasonably requires to allow the registration of the instrument;
- (g) a request to record a vesting, if the vesting is in favour of the State or another entity representing the State;

- (h) an instrument for which the Registrar has dispensed with production of the title;
- (i) a request to register a dealing under the *State Development and Public Works Organisation Act 1971*, part 6, division 8.

Certificate of Title Cancelled on Deposit

[22-2015]

The Registrar has directed that a Certificate of Title deposited or left at the land registry for any reason is cancelled, whether or not a note of the cancellation is made on it.

Form 22 – Certificate of Title

CERTIFICATE OF TITLE QUEENSLAND

PRELIMINARY (A)
FORM 22

(B)
Title Reference: 19347111
Certificate No: 3
Issue Date: 22/03/1996

(C)
I certify that the person described below is the registered owner of the undermentioned estate in the land within described subject nevertheless to such Easements, Encumbrances and Interests as are shown.

Registrar of Titles

(D)
REGISTERED OWNER

WILLIAM TROUTON SPACEMASTER
SUSAN KERRY SPACEMASTER

1/2
1/2

AS TENANTS IN COMMON

(E)
ESTATE AND LAND

Estate in Fee Simple

Lot 1 REGISTERED PLAN 122556
County of COOMBO Parish of GALAXY

(F)
EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Deed of Grant No 10414912 (DGR 34)
2. EASEMENT NO 601041046 (P343896) 25/03/1977
RENTING THE LAND
OVER EASEMENT A OF P343896
3. LEASE NO 431015045 (S700019) 19/04/1993
TO 13 RIVER PTY LIMITED
ORIGINAL TERM: COMMENCING 01 APR 1993
TERMINATING 31 MAR 1998
OR OPTIONS AS MAY BE STATED

Guide to Form 22

[22-4000]

The following information is included on the Certificate of Title.

- (A) Lodger details.
- (B) The title reference recorded against the indefeasible title for the lot in the Automated Titles System. The version number identifies the number of Certificates of Title that have been produced for that lot. The date of issue of the Certificate of Title is also included.
- (C) The Registrar's certification in compliance with the requirements of s 43 of the *Land Title Act 1994*.
- (D) The full name/s of the registered owner/s of the lot, their tenancy and relative shares as applicable.
- (E) 'Estate and Land' identifies the fee simple description of the lot contained in the title by reference to the lot and plan and the parish and county in which it is located.
- (F) 'Easements, Encumbrances and Interests' discloses the particulars of any lease, easement, charge etc registered against the indefeasible title. As mentioned previously, if there is a mortgage registered against the indefeasible title, a Certificate of Title cannot be generated without the consent of the mortgagee.

Cross References and Further Reading

[22-9000]

Nil.

Notes in text

[22-9050]

Note³ – This part is not applicable to water allocations or the Water Allocations Register.