

# **<sup>3</sup>Part 34 – Extinguishment of Building Management Statements**

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## <sup>3</sup>Part 34 – Extinguishment of Building Management Statements

### General Law

[34-0000]

A building management statement (BMS) may be extinguished or partially extinguished by registering an instrument of extinguishment. Extinguishment or partial extinguishment only occurs on registration of an instrument that is signed by every registered owner of all of the lots to which the BMS applies.

A BMS is not automatically extinguished if one person becomes the owner of all lots to which it applies.

### Practice

[34-2000]

An instrument of extinguishment or partial extinguishment of a BMS is prepared in a Form 34 – Extinguishment of Building Management Statement.

A BMS may be partially extinguished to remove a lot that is not contained in, or does not contain, a building or part of a building.

For a full or partial extinguishment the registered owner(s) of all lots to which the BMS applies must execute the instrument. However, where lots affected by the BMS form part of a community titles scheme the instrument of extinguishment may be signed by the body corporate. A certified copy of the resolution agreeing to the extinguishment of the BMS is to be deposited with the instrument of extinguishment.

A certificate of title is not required to be lodged with an instrument of extinguishment or partial extinguishment if the request is accompanied by evidence (eg a certified copy of the notice of a meeting and a certified copy of the minutes of the meeting including a record of the resolution agreed to) the registrar reasonably requires to allow registration of the instrument (s 154(2)(f) of the *Land Title Act* 1994).

The consents of all registered mortgagees to which the BMS applies are required. A BMS is not extinguished automatically if all of the lots come into common ownership. If all lots do come into common ownership and the owner(s) intend to extinguish the BMS, an instrument of extinguishment must be lodged and registered.

### Forms

#### General Guide to Completion of Forms

[34-4000]

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

**EXTINGUISHMENT OF  
BUILDING MANAGEMENT STATEMENT**

Dealing Number

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

Lodger



**OFFICE USE ONLY**

SMYTHE & CO.  
SOLICITORS  
45 ADELAIDE STREET  
BRISBANE QLD 4000  
mail@smytheco.com.au  
(07) 3227 9850

Code  
490

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Collection of this information is authorised by the Land Title Act 1994 and Land 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. Dealing number of instrument/document being extinguished**

723568901

2. Lot on Plan	Description of affected land	County	Parish	Title Reference
	LOT 143 ON SP900567	STANLEY	NORTH BRISBANE	50002571
	LOT 144 ON SP900567	STANLEY	NORTH BRISBANE	50002572

**3. Registered Owners/State Lessees**

HIGHRISE DEVELOPMENT PTY LTD ACN 124123 457

**4. Execution**

The Registered Owners/State Lessees identified in item 3 agree to the extinguishment of the building management statement in item 1.

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

..... signature	(seal) or Full name of company to be shown	W <i>Smith</i> , Director WILLIAM THOMAS SMITH
..... full name		<i>P Jones</i> , Secretary PAUL JOHN JONES
..... qualification	25/11/2007 <b>Execution Date</b>	..... <b>Registered Owner's/ State Lessee's Signature</b>

..... 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/  
State Lessee's Signature**

## Guide to Completion of Form 34

### Item 1

[34-4010]

Insert the dealing number of the BMS to be extinguished.

### Item 2

[34-4020]

Insert the 'Lot on Plan' descriptions of all lots comprised in the BMS with a parcel reference to identify each with one or more of the registered owners in Item 3.

### Item 3

[34-4030]

Insert the full name(s) of all registered owner(s) and refer to the lots in Item 2 by parcel number.

### Item 4

[34-4040]

Execute as required.

¶[34-6000] deleted

## Case Law

[34-7000]

Nil.

## Fees

[34-8000]

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

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

## Cross References and Further Reading

[34-9000]

Part 20 – Schedule, Enlarged Panel, Additional Page or Standard Terms Document

Part 32 – Building Management Statements

### Notes in text

[34-9050]

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