



LANDS TITLES OFFICE GUIDANCE NOTES

APPLICATION TO REGISTER DEATH BY SURVIVOR

These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.

Form A2 is to be used to register the death by the surviving Joint Tenant(s)

If there is more than one surviving joint tenant, only one need apply.

Where the estate or interest being dealt with is a:

- a) Freehold or Crown Leasehold estate, use a prefix of AD.
- b) Subsidiary interest (e.g. a registered Lease), use a prefix of AD2.

All panels must be completed. If insufficient space, use approved annexure sheets. If more than one page is used, each must be numbered consecutively, eg. 1-10, 2-10; 1/10, 2/10 or 1 of 10, 2 of 10.

All handwriting must be clear and legible in permanent, dense, rapid drying black or blue ink.

The Registrar-General *may refuse* to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of LTO panel form standards.

LAND DESCRIPTION

If the whole of the land comprised is in CERTIFICATE OF TITLE (CT) or CROWN LEASE (CL) indicate in the following manner:

e.g. "Whole of the land in CT Volume _____ Folio _____"
or "Whole of the land in CL Volume _____ Folio _____"

ESTATE & INTEREST

If the Estate and Interest is Fee Simple insert "FEE SIMPLE",

If the Estate and Interest is as Crown Lessee insert "CROWN LESSEE"

If the Estate and Interest is as Mortgagee or Lessee insert, "MORTGAGEE under Mortgage No....." or "LESSEE under Lease No..... etc." whichever the case may be.

If the deceased joint tenant and applicant(s) were registered as the proprietors of less than the entirety of the relevant estate and interest, the quantum of the estate or interest being dealt with is to be specified: e.g. "FEE SIMPLE in 1 / 2 share".

DECEASED JOINT TENANT

- (a) Insert the full name of the deceased as appearing in the Certificate of Death or Probate
- (b) Insert the full name of the deceased registered proprietor as appearing on the Certificate of Title/Crown Lease, Mortgage or Lease, etc.

DATE OF DEATH

Insert date of death

APPLICANT

Full name and current address of applicant to be stated.

The executor or administrator of a surviving joint tenant who has died before the application to register death is made, may apply. Their capacity must be stated.

If the applicant's name has been altered, state the new name followed by the name as it appears on the Certificate of Title or Crown Lease, e.g. "[*New or correct name*] of [*insert address*] registered as [*old or incorrect name*] as a consequence of [*insert reason*]".

CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by a prescribed person, being one of the following:

- (a) A legal practitioner
- (b) A registered conveyancer
- (c) If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- (d) If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Prescribed Person is a registered conveyancer or legal practitioner, signing on behalf of their client.

The first two listed certifications do not apply where the Prescribed Person is a self-represented party. Self-represented parties (including registered conveyancers or legal practitioners acting on their own behalf) are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

Note: - An attorney or a body corporate cannot make certification statements.

The Registrar-General's [Verification of Identity](#) and [Verification of Authority](#) requirements must always be complied with.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*.

ANNEXURE

It will be necessary to use an annexure sheet (Form B1) if there is insufficient space in a panel for the text or to complete remaining certifications.

An annexure sheet to an instrument must:

- (a) be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- (b) be referred to in the appropriate panel in the body of the instrument;
- (c) be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- (d) comply with the requirements in Form B1 Guidance Notes.