

CUSTOMER INFORMATION

BULLETIN



DOLA

OFFICE OF TITLES

Department of LAND ADMINISTRATION

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1. EXECUTION BY AN INCORPORATED ASSOCIATION

A new Associations Incorporation Act (59/1987) has been proclaimed which repealed the old Act.

In the new Act there is no reference to who should execute documents. As far as this Office is concerned the sealing clause, as laid down in the articles of association, should be used when an association executes an instrument. In order to identify the persons affixing the association seal, the lodging party is to produce, with the instrument, to the Registrar a statutory declaration by ALL persons attesting the affixing of the seal

- (i) stating the number of the rule that sets out the requirements for use of the seal
- (ii) stating the capacity in which they have affixed or countersigned the affixing of the seal and
- (iii) certifying that all the time the seal was affixed they were duly authorised to do so.

An acceptable form of statutory declaration, which may be adapted to any particular case, is as follows:-

TRANSFER OF LAND ACT, 1893

STATUTORY DECLARATION

I/WE

(name address and occupation of person or persons making declaration)

DO SOLEMNLY AND SINCERELY DECLARE THAT

1. I am/we are (one of) (two or more of) the persons authorised by Rule of the Rules of (name of incorporated body) "the Association" to affix or to countersign the affixing of the common seal of the Association to documents.
2. The Association is the transferor and (here insert name or names of purchaser) is/are the transferee/s in a transfer dated of all that piece of land comprised in Certificate/s of Title Volume/s Folio/s
3. At the time I/we affixed or countersigned the affixing of the seal of the Association to the said transfer, I/we was/were duly authorised to do so and I/we signed in the capacity of/..... and respectively/of the Association and I/we make this solemn declaration under and by virtue of Section 106 of the Evidence Act 1906.

DECLARED before me
this day of
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(Where two or more persons declare then a separate attestation is required for each person) see para. 84.

2. HOME BUYERS GUARANTEE SCHEME

The State Government has introduced a scheme called the Home Buyer Guarantee Scheme with certain participating banks and building societies which allows home loan repayments to be frozen for periods of three years. It also allows for existing mortgages to be changed from one institution to another participating institution free of Office of Titles fees.

The gazettal of the exemption was published in Government Gazette of 10th February, 1989.

Titles Office practice will be as follows:-

- a) Document Registration
Discharges and mortgages will be required to have on the back (under NOTES) a statement that the document is exempt from fees under the Home Buyers Guarantee Scheme and signed by the participating institution. Lodging parties are to show NIL fees. Documents without a notation on the back will be charged normal registration fees.
- b) Searching
Organisations wanting searches exempt from fees should produce a certificate together with a request for the search showing their Title Copy Service Delivery box number to the Manager Tenure Search and Title Security who will arrange for the search to be placed in their box.

3. CUSTOMER REMOTE SEARCHING - DEMONSTRATION

Are you aware that searching of Office of Titles indexes and ordering of searches can be done from your office? This can be done by using dial up access to the Land Titles Office Customer Remote Searching System (C.R.S.).

This system caters for (among others)

- a) searching of all indexes
 - b) ordering of title prints
 - c) on the spot check searches
 - d) checking on progress of dealings
- and contains many benefits for the customer.

One major benefit is that you keep your staff in your office eliminating the present non-productive waiting time.

To enable you to gain further insight to the CRS system it is intended to conduct demonstrations within this Office on a fortnightly basis. The first of these demonstrations will be on Wednesday 8th March 1989 at 10 o'clock. Groups will be limited in size.

Demonstrations can also be organised to be conducted within your office.

For further details contact Arthur Towers, Manager Customer Services on 222 6807.

4. ADVICE OFFICER - CUSTOMER SERVICE CENTRE

One of our Advice Officers, Mr Kevin Wansborough is taking some well earned leave. His place will be taken by Mr Alex Maddern.

Alex has been with us since 1965 and was appointed an Assistant Registrar of Titles in June 1988. He is well equipped to handle your enquiries on Titles Office practice and procedures.

D L Mulcahy

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Director
LAND TITLES

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