

1, 2 Part 15 – Request for Amalgamation

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^{1, 2}Part 15 – Request for Amalgamation

General Law

[15-0000]

There are two relevant types of amalgamations:

- amalgamation of lots; and
- amalgamation of interests held by tenants in common.

Amalgamation of Lots

Adjoining Lots Amalgamated into One Indefeasible Title

[15-0010]

Section 39(1) of the *Land Title Act* 1994 enables the Registrar to create a single indefeasible title for two or more lots having the same registered owner. However, the Registrar must be satisfied that special circumstances make it appropriate to have the one indefeasible title (s 39(2) of the *Land Title Act* 1994). The Registrar is expressly authorised to act under s 39 where the lots either share a common boundary or have a boundary that adjoins the same part of a road or watercourse (s 39(3) of the *Land Title Act* 1994).

¶[15-0020] to [15-0030] deleted

Practice

Amalgamation of Lots

Adjoining Lots Amalgamated into One Indefeasible Title

[15-2000]

Section 39(2) of the *Land Title Act* 1994 provides for two or more lots to have a single indefeasible title if the Registrar of Titles considers this to be appropriate. The intent of the section is to allow the Registrar latitude in unusual circumstances and the section will be used only where it is considered necessary for efficient registry operations.

In keeping with this rationale, it is not intended that this option will be available to registered owners.

For the issue of indefeasible titles for lots created on a plan of amalgamation see part 21 – Plans and Associated documents, esp ¶[21-2300].

¶[15-2010] deleted

Amalgamation of Interests Held by Tenants in Common in Separate Titles

[15-2020]

Where separate titles have been created and one tenant in common acquires the interest of another, the following documentation should be lodged:

For a fee simple title:

- Form 1 – Transfer;
- Form 24 – Property Transfer Information;
- Form 25 – Foreign Ownership Information (if applicable);
- Form 15 – Request to Amalgamate; and
- Certificates of Title for all lots affected, if issued.

Those parts of Item 7 of the Form 15 – Request to Amalgamate which are not applicable to this type of amalgamation must be ruled through.

It should be noted that the consolidation of shares already held by a tenant in common on existing titles should be the subject of a Form 14 – General Request.

Forms

General Guide to Completion of Forms

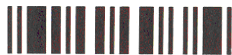
[15-4000]

For general requirements for completion of forms see part 59 – Forms.

Dealing Number

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

Lodger



OFFICE USE ONLY

SMITH & CO
SOLICITORS
38 ANN STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3227 5943

Code
902

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1. Lot on Plan	Description of land held	County	Parish	Title Reference
LOT 17 ON RP817618		STANLEY	WARNER	50035826

2. Applicant
JOHN VICTOR COOK and JANE ALEX COOK

3. How land/shares in item 1 is held
1/4 SHARE AS JOINT TENANTS INTER-SE

4. Instrument by which land to be amalgamated was acquired
Dealing Type TRANSFER FROM PETER SMALL TO JOHN VICTOR COOK AND JANE ALEX COOK AS JOINT TENANTS Dated 5 SEPTEMBER, 2007
Dealing No. 700901236..... Share acquired 1/4

5. Lot on Plan	Description of land acquired	County	Parish	Title Reference
LOT 17 ON RP817618		STANLEY	WARNER	10035127

6. Amalgamated Lot on Plan description	County	Parish	Title Reference (if amalgamation of shares)
LOT 17 ON RP817618	STANLEY	WARNER	10035126 10035127

7. Request/Execution by applicant

It is requested that:

*The lots described in item 1 and item 5 be amalgamated and an indefeasible title be created for the land described in item 6.

OR

*The shares of the applicant specified in item 3 and item 4 be amalgamated and an indefeasible title be created for # 1/2 SHARE AS JOINT TENANTS INTER-SE for the land described in item 6.

*delete if not applicable
#state share and tenancy

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

H I Newton
..... signature
HENRY ISAAC NEWTON
..... full name
SOLICITOR
..... qualification

Witnessing Officer

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

11/9/2007
Execution Date

J V Cook
J A Cook
.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

Guide to Completion of Form 15

Item 1

[15-4010]

Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (eg ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for crown plans). The area of the lot/s is not shown.

eg	Lot on Plan Description	County	Parish	Title reference
	Lot 27 on RP 204939	Stanley	South Brisbane	11223078

Item 2

[15-4020]

Insert full name of the registered owner.

Item 3

[15-4030]

Insert tenancy and or interests of land or shares if more than one applicant.

Item 4

[15-4040]

Insert particulars of the instrument by which the lot or share was acquired. In the case of a share, identify the share acquired.

Item 5

[15-4050]

See Item 1 above.

If amalgamation is in accordance with a new plan of survey then insert the new plan description.

Item 6

[15-4060]

Insert title references from Items 1 and 5 for amalgamation of shares and new amalgamated ‘Lot... on Plan...’ reference. Identify share as applicable.

Item 7

[15-4070]

Complete where indicated and delete sentence that is not applicable. Execute as required.

¶[15-6000] deleted

Case Law

[15-7000]

Nil.

Fees

[15-8000]

Fees payable to the registry are subject to an annual review. See the current:

- *Land Title Regulation 2005* – Schedule 2, item numbers 1, 2(h) and 2(m); and

Cross References and Further Reading

[15-9000]

Part 18 – General Consent

Part 19 – Application for Title

Part 21 – Plans and Associated Documents

Notes in text

[15-9050]

Note ¹ – This part does not apply to water allocations.

Note ² – This part does not apply to State land.