

TRANSFER BY POWER OF SALE

Form 018 - TPS

Land Titles Act 1925

IMPORTANT INFORMATION

This form is to be used to lodge a transfer by mortgagee under power of sale under the *Land Titles Act 1925* (the Act). You can access the Act at www.legislation.act.gov.au or obtain further information and forms at www.act.gov.au/accesscbr.

PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the personal information required by this form for the purposes of issuing a registration under the Act. The Registrar-General prevents any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Registrar-General provides identifiable information to law enforcement and other Directorates that have legal authority to request information under prescribed circumstances.

These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

INSTRUCTIONS FOR COMPLETION

- A Transfer is a dutiable document.
- The certificate of title or production of title consenting to the registration of this document is required for lodgement. The Buyer Verification Declaration must be completed prior to lodgement of this form. The submission date and reference number must be recorded on this form.
- **Aggregation** - Only complete the question on the transfer instrument if purchasing multiple properties within a 12 month period. Two or more dutiable transactions of separate dutiable properties must be aggregated if they occur within 12 months of each other; involve transferees who are the same or associated people; and the transactions are part of substantially one arrangement relating to all items of dutiable property. If you do not believe your transactions should be aggregated you must provide the corresponding code on the transfer instrument. Furthermore, where there are multiple properties on the one transfer instrument an annexure should be lodged with this form identifying the individual consideration for each property transferring. This will be taken as the clients request for the transactions not be aggregated in accordance with section 24 (2) of the *Duties Act 1999*.
- Please indicate if the property is a Crown lease granted under the Land Rent Scheme. Duty for a land rent transaction is calculated in the same way as other Crown leases.
- If a duty concession/exemption is being claimed or the transferee is applying for Deferred Duty, please record the applicable code number. The codes and required documentation to retain are available on www.revenue.act.gov.au.
- The value entered into the Consideration Field must reflect the total value of the property, being the higher of the consideration or market value, including GST is applicable.
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- The first named buyer on this form will be the primary contact for ACT Revenue Office purposes.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached. If there is insufficient space in any panel, please use an Annexure Sheet.
- Execution by:
 - a) **A Natural Person** – Should be witnessed by an adult person who is not a party to the document.
 - b) **Attorney** – if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority e.g. "AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation". (This execution requires a witness).
 - c) **Corporation** – Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
 - i. Two directors of the company;
 - ii. A director and a secretary of the company; or
 - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director must state sole director. (This execution does not require a witness).

LODGE MENT AND CONTACT INFORMATION

Website:

www.accesscanberra.act.gov.au

General Enquiries:

13 22 81

In Person:

Environment, Planning and Land Shopfront

Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson

Opening hours - Monday to Friday 8:30am to 4:30pm (excluding public holidays)

<input type="checkbox"/> Yes (if yes provide code number) Code Number: <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No (if no provide code number) Code Number:
---	---

CONSIDERATION (See instructions for completion – higher of market value or consideration)	GST PAYABLE (See instructions)	DOES THIS TRANSACTION INVOLVE A LAND RENT LEASE? (See instructions)
\$	\$	<input type="checkbox"/> Yes <input type="checkbox"/> No

DEVELOPMENT STATUS (Tick the appropriate box – one box must be completed)	LAND USE (Tick the appropriate box – one box must be completed)
<input type="checkbox"/> Land Only <input type="checkbox"/> Incomplete Building <input type="checkbox"/> Building Completed	<input type="checkbox"/> Residential <input type="checkbox"/> Rural <input type="checkbox"/> Commercial

AGREEMENT / CONTRACT FOR SALE DATE	SETTLEMENT DATE (the date the buyer is liable for rates)

COMMUNITY TITLE (if Transfer relates to a Community Title Scheme the following should be attached)	ACTPLA – MINISTER’S / DELEGATE’S CONSENT
<input type="checkbox"/> Statutory Declaration AND <input type="checkbox"/> Certified Copy of Undertaking submitted to ACTPLA	

TRANSFEROR/S – SELLER’S EXECUTION	
Print full name of Transferor	Print full name and address of witness
Signature or common seal of Transferor	Signature of witness

TRANSFeree/S – BUYER’S EXECUTION (if Solicitor for Transferee executes – must state full name of Solicitor)	
Print full name of Transferee/Transferee’s Solicitor	Print full name and address of witness
Signature or common seal of applicant	Signature of witness

OFFICE USE ONLY			
Lodged by		Certificate of title lodged	

Data entered by		Certificates attached to title	
Registered by		Attachments / Annexures	
Registration date		Production number	