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Update Summary

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UPDATE 82

AUGUST 2016

LAND TITLES LAW AND PRACTICE

**Sharon Christensen, Bill Dixon
and Anne Wallace**

UPDATED ANNOTATIONS

Sharon Christensen has provided updated annotations to the *Land Title Act 1994* relating to electronic conveyancing and the new witnessing requirements for overseas execution. Refer to:

Section 9A – Land title practice manual

- [2.330] Electronic Conveyancing.

Section 11 – Execution of certain instruments

- [2.550] Execution of electronic conveyancing documents.

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Section 11B – Mortgage transferee to confirm identity of mortgagor

- [2.590] Reasonable steps to confirm identity of mortgagor – s 11B(2).

Section 14C – Signing or executing an electronic conveyancing document

- [2.890] Execution of electronic conveyancing documents.

Section 61 – Requirements of instrument of transfer

- [6.450] Completion of Form 1 Transfer; and
- [6.550] Obligations of an attesting witness.

Section 161 – Execution and proof

- [9.842] Execution by an Individual - outside Australia.

Section 162 Obligations of witness for individual

- [9.930] Obligations of an attesting witness.

Bill Dixon has provided updated annotations the *Land Title Act 1994* relating to new case law at:

Section 122 Lodging a caveat

- [7.1090] Interests that are not caveatable.

130 Compensation for improper caveat

- [7.5030] A person; and
- [7.5090] Improper purpose?

Anne Wallace has updated commentary to s 82 Creation of Easement by Registration of the *Land Title Act 1994* to address two decisions dealing with construction of registered easements, *Hare v van Brugge* (2013) 84 NSWLR 41; [2013] NSWCA 74 and *Multiplex Bluewater Marina Village Pty Ltd v Harbour Tropics Pty Ltd* [2016] QSC 99. Refer to:

Section 82 Creation of easement by registration

- [6.10260] Meaning of easement;
- [6.10300] Completion of Form 9 Easement; and
- [6.10320] Covenants in an easement.

Annotations to ss 82 to 97D have also been updated by Anne Wallace to reflect removal of the requirement to specify Parish and County in instruments lodged in the registry. Refer to:

Section 82 Creation of easement by registration

- [6.10300] Completion of Form 9 Easement; and
- [6.10364] High-density development easements.

Section 90 Surrendering an easement

- [6.14760] Completion of Form 10 – Surrender of Easement; and
- [6.14765] Completion of Form 40 – Surrender of High-Density Development Easement.

Section 91 Amending an easement

- [6.15270] Completion of Form 13 – Amendment.

Section 97B Requirements of instrument of covenant

- [6.17845] Completion of Form 31 Covenant.

Section 97C Amending an instrument of covenant

- [6.17891] Completion of Form 13 Amendment.

Section 97D Releasing a covenant

- [6.17935] Completion of Form 33 Release of C

