

Application to record New Registered Proprietor form 04RP: Instructions for Completion

1. Complete the form in dense black or dark blue ink. If handwriting, use block capitals only.
2. Do not use an eraser or correction fluid to make alterations: rule through rejected material and initial the left-hand margin.
3. If the space provided at any point is insufficient, insert “See Annexure” at that point and include the required material on sheets of white A4 paper at least 80gsm (ordinary copier paper satisfies these requirements) using one side only. Insert a heading beginning “Annexure to ...” and specifying the type of form, the date and the parties to the transaction. Identify the material included, where possible by referring to the relevant marginal heading on the form. In the case of signatures which could not be fitted in the space provided, reproduce the text and layout used on the form. Number all pages in sequence with the form using the format “Page ... of ...”, the number to be placed at the foot of the form in the centre. The first and last pages must be signed by the parties and any witness. Securely attach the additional pages to the upper left-hand corner of the form: a Nalclip is preferred; stapling should be avoided.
4. Insert the total number of pages, including any additional pages (see above), in the space provided at the foot of the form.
5. **Stamp Duty**
Before lodgment at LPI, submit the completed form for assessment to the Office of State Revenue except where the application is made under—
 - section 12(4) of the *Trustees Act 1925* and is pursuant to a will, or
 - section 46C of the *Real Property Act 1900* and
 - * relates to a reserve trust, or
 - * relates to a statutory authority, or
 - * relates to a religious body, or
 - * is pursuant to the *Associations Incorporation Act 1984*.
5. After any necessary assessment by the Office of State Revenue, lodge the completed form by hand at Land and Property Information, Queens Square, 1 Prince Albert Road, Sydney (adjacent to Hyde Park Barracks).
Certificate of title The relevant certificate of title must be lodged with the form except in the case of—
 - an application under section 46C of the *Real Property Act 1900*—
 - * relating to the registered proprietor of a lease, mortgage or charge,
 - * vesting a drainage reserve or public reserve in a local council, or
 - an application under section 12(4) of the *Trustee Act 1925* affecting a time-share.**Notice of sale** If panel (A) TORRENS TITLE is selected, also lodge a completed notice of sale.
6. The following instructions relate to the marginal letters on the form.
 - (A) TORRENS TITLE**
If the application relates to a registered proprietor of land, insert the number of relevant Torrens Title; otherwise leave this panel blank.
 - (B) REGISTERED DEALING**
If the application relates to a registered lease, mortgage or charge, insert the registration number only of the lease, mortgage or charge and the relevant Torrens Title; otherwise leave this panel blank.
 - (C) LODGED BY**
This section must be completed by the person or firm lodging the form at LPI (“the lodging party”). If the lodging party does not have a LPI document collection box, leave the relevant panel blank. If the lodging party has a Customer Account Number insert it as the first item of the first line in the relevant panel; use the following format: “C.A. No.: 123456”. Provision of a reference is optional.
 - (D) APPLICANT**
Insert the full name of the person or organisation applying; for example, where the application is consequent on the appointment or retirement of a trustee of an incorporated association, the association would be the applicant. Address and occupation are not required. In the case of a corporation, include the ACN or ARBN.
 - (E) PRESENT REG'D PROPRIETOR**
Insert the full name as it appears on the Torrens Title. Address and occupation are not required. In the case of a corporation, include the ACN or ARBN.
 - (F) NEW REG'D PROPRIETOR**
Insert the full name. Address and occupation are not required. In the case of a corporation, include the ACN or ARBN.
NOTE: in the case of a reserve trust, the name of the trust given in the Government Gazette notification must be inserted.

(G), (H) and (I) SECTION 46C OF THE REAL PROPERTY ACT 1900/ SECTION 12(4) OF THE TRUSTEE ACT 1925

Select the clause which applies and rule through the other. In the space provided amplify the request as follows—

Application under section 46C of the Real Property Act 1900

At letter (H) refer to the legislative provision, and where appropriate the gazettal, on the basis of which the vesting was effected.

Application under section 12(4) of the Trustee Act 1925

At letter (I) describe the circumstances of the vesting, for example, “the vesting in John Smith (the continuing trustee) and George Jones (appointed by deed dated 1 June 1999 registered Book 7654 No. 321 in place of Harold Brown, deceased) as trustees of the will of Margaret Smith pursuant to the execution and registration of the said deed”.

The following documents must be registered in the General Register of Deeds or must be lodged with the application:

- the trust instrument,
- any deed relating to the office of trustee (appointment, retirement, etc) made subsequently to the instrument by which the present registered proprietor was appointed,
- in regard to any of the above, evidence of the happening of any event as a consequence of which the instrument was executed,
- where the appointment was made by a person other than the retiring or continuing trustee, evidence—
 - * identifying the person making the appointment,
 - * showing that the person making the appointment had the capacity to do so,
- where there is a caveat on the relevant Torrens Title forbidding any dealing not consistent with the duties of an executor or administrator, evidence that those duties have been completed.

(J) EXECUTION

The completed form must be executed by or on behalf of the applicant. Any witness must be an adult who is not a party to the transaction and knows the person executing. Where the form is executed—

By an individual on his/her own behalf The signature must be witnessed.

By an attorney The power of attorney must be registered at LPI. In addition to the attorney’s signature, a statement in the following format must be added: “John Smith by his attorney Jane Smith pursuant to power of attorney Book 1234 No. 567”. The signature must be witnessed.

By a receiver or delegate Use the format given in “By an attorney” suitably modified. The signature must be witnessed.

Under authority Disclose the nature of the authority. The signature must be witnessed.

By a solicitor or licensed conveyancer on behalf of the applicant Add the signatory’s full name and capacity in block capitals. It is not necessary for the signature to be witnessed.

By a corporation The form of execution must include reference to the power or authority relied on by the signatories. Where an authorised officer signs, the signature must be witnessed.

(H) eNOS

Complete this section if the notice of sale is required and the relevant data has been forwarded to LPI through the eNOS facility, otherwise leave it blank.

If you have any questions about this form or privacy matters, please call Land and Property Information Division, Client Services on 02 9228 6666 or 1300 052 637, or visit our website at www.lpi.nsw.gov.au.