

These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.

This form is designed to suit the simple varieties of a discharge of encumbrance. Use form B2 or B3 for more complex discharges and complete the subject matter in narrative style.

All panels must be completed or struck through. If insufficient space, use approved annexure sheets. If more than one page is used, each must be numbered consecutively, e.g. 1-10, 2-10; 1/10, 2/10 or 1 of 10, 2 of 10.

All handwriting must be clear and legible in permanent, dense, rapid drying black or blue ink.

The Registrar-General *may refuse* to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of LTO panel form standards.

ENCUMBRANCE BEING DISCHARGED

Show the *number* only of the encumbrance to be discharged.

LAND DESCRIPTION

Indicate whether the encumbrance is being discharged as regards the whole or portion of the land comprised in the CERTIFICATE OF TITLE (CT) or CROWN LEASE (CL). If portion only, identify the relevant portion by reference to an appropriate plan.

WHOLE - e.g. "Whole of the land in CT Volume _____ Folio _____"
or "Whole of the land in CL Volume _____ Folio _____".

PORTION - e.g. "Allotment 4 in DP 42361 being portion of the land in CT Volume _____ Folio _____".

ENCUMBRANCEE

Full name and current address to be stated. If the name of the encumbrancee has been altered, state the new name followed by the name as it appears on the Certificate of Title or Crown Lease, e.g." [New or correct name] of [insert address] registered as [old or incorrect name] as a consequence of [insert reason]".

OPERATIVE CLAUSE

If the encumbrance is being fully discharged, strike through the second listed clause. If the encumbrance is being discharged only as regards the land described, but will remain over other land, strike through the first listed clause.

CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by the Certifier, being one of the following:

- a. A legal practitioner
- b. A registered conveyancer
- c. If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- d. If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Certifier is a registered conveyancer or legal practitioner.

The first two listed certifications do not apply where the Certifier is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

Note: - An attorney or a body corporate cannot make certification statements.

The Registrar-General's [Verification of Identity](#) and [Verification of Authority](#) requirements must always be complied with.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*.

ANNEXURE

It will be necessary to use an annexure sheet (Form B1) if there is insufficient space in a panel for the text or to complete remaining certifications.

An annexure sheet to an instrument must:

- a. be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- b. be referred to in the appropriate panel in the body of the instrument;
- c. be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- d. comply with the requirements in Form B1 Guidance Notes.

FORM D3 (Version 3)



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