

# Guide to applying for a new Folio of the Register

This guide sets out the requirements to lodge an Application for new folio of the Register – form 11, under the *Transfer of Land Act 1958*. This form is used to apply for a new Folio of the Register.

A new folio may be necessary if:

- a proprietor's name is incorrect, incomplete or has changed
- proprietor(s) want to change the manner of holding
- proprietor(s) want to consolidate interests
- proprietor(s) want to consolidate parcels into one folio
- proprietor(s) want to create separate folios for separately transferrable parcels.

A proprietor's name may be incorrect if a transfer lodged for registration contained a spelling error or did not set out the proprietor's full name and, consequently, details in the Register are incorrect.

A proprietor may want to show a name change as a result of marriage, registering a change of name with the Registrar of Births Deaths and Marriages or assuming a different name.

Although Land Victoria does not require a correction to be made, if not done problems may occur at a later stage that cause delays in obtaining finance or settling the sale of the property.

## Documents required by Land Victoria

### Application for new folio of the Register – form 11

This form must be fully completed and is available on the [Transfer of Land Act](http://www.delwp.vic.gov.au/property-forms) page at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Transfer of Land Act>Transfer.

### Certificate(s) of Title

The Certificate(s) of Title must to be supplied. It/they will be:

- in possession of the lodging party; or
- held by a financial institution, legal practitioner or other party who must provide Land Victoria with the Certificate(s) of Title to enable the transaction to be lodged.

In most cases, the party providing the Certificate(s) of Title will charge a fee.

After your transaction has been processed, a new Certificate of Title will be issued.

### Verification of identity

All parties to a conveyancing transaction must have their identity verified.

When a conveyancer or lawyer represents a client, the conveyancer or lawyer is responsible for verifying their client's identity. For further information, refer to [Guide to verification of identity for paper conveyancing transactions for conveyancers, lawyers and mortgagees](#) available at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Verification of identity.

# Guide to applying for a new Folio of the Register

If a party to a conveyancing transaction is not represented by a conveyancer or lawyer (a non-represented party), verification of identity needs to be undertaken by Australia Post – the Approved Identity Verifier. In addition, Australia Post will witness the non-represented party signing any conveyancing documents. For further information, refer to [Guide to verification of identity for people not using a conveyancer or lawyer](#) available at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Verification of identity.

## Statutory declaration

A completed and signed statutory declaration evidencing the required change of name must accompany the application. The statutory declaration form is located directly below the application on the website.

Also see 'How to complete the statutory declaration' later in this guide.

## Fees

Land Victoria fees are payable at lodgement.

Acceptable payment methods and lodgement fees are available on the [Forms, guides and fees](#) page at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Payment and lodgement.

## Before lodging at Land Victoria

Prior to lodgement, the lodging party must also be in possession of the Certificate(s) of Title or ensure that the Certificate(s) of Title has/have been provided to Land Victoria through the nomination process.

To ascertain whether or not the Certificate(s) of Title has/have been nominated, a single Property Transaction Alert on Title or one or more Pre-lodgement Check(s) can be made through [LANDATA](#)<sup>®</sup>.

Customers who subscribe to a Property Transaction Alert on Title are notified by email when a Certificate of Title has been nominated at Land Victoria.

A Pre-lodgement Check is made prior to lodgement to confirm that the Certificate(s) of Title has/have been nominated, to inform of a prior dealing affecting that title or to provide details of the controlling party of Certificate(s) of Title.

A Property Transaction Alert on Title or Pre-lodgement Check(s) product can be obtained through:

- Document Tracking-at [www.landata.vic.gov.au](http://www.landata.vic.gov.au) or
- a [title information broker](#) found at [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Property information>Buying and selling property>Brokers and data service providers.

## How to complete the form 11

This form should be completed online and printed for lodgement.

If the form is being completed manually rather than online:

- the writing must be clear and legible and in BLOCK LETTERS
- only use black or blue pen
- correction fluid must not be used
- the back of the form must not be used.

If there is insufficient space in any panel an Annexure Page (A1) must be used, which is available on the [Forms, guides and fees](#) page at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Annexure Page pdf form.

## The points below assist in completing the form 11

### Lodged by

This section is to be completed by the party lodging the application at Land Victoria.

# Guide to applying for a new Folio of the Register

Please insert the following:

- name, telephone number and postal address for contact details or for the return of any documents
- customer reference and your Land Victoria customer code (if applicable).
- signature of the applicant's licensed conveyancer (under the *Conveyancers Act 2006*) who must state he/she is a licensed conveyancer
- signature of agent – letter of agency must be supplied.

## Land

Insert Volume and Folio number(s) of affected title(s), e.g. Volume 12345 Folio 125.

Multiple titles, numbered consecutively, may be inserted as a single range entry, e.g. Volume 12345 Folio 125-132.

## Applicant

Insert the full name(s) and address(es) of the applicant(s). The address(es) will be where notices are mailed in the future.

Please note that a 'care of' or 'post office box' is not an acceptable address.

## Reason for request

Insert the reason for the change. Acceptable reasons include change of name, change of manner of holding, consolidation of interests, consolidation of parcels or creation of separate folios for each separately transferable parcel.

## Manner of holding

Insert the new manner of holding, e.g. joint proprietors or tenants in common in equal shares.

## Signed

The form must be signed by the applicant(s), a legal practitioner, a licensed conveyancer or an agent of the applicant.

Signature requirements are:

- applicant signs – no witness required
- signature of the applicant's Australian legal practitioner (under the Legal Profession Uniform Law Victoria) – full name and address must be given
- Insert the full name and residential address of the person making the declaration.
- Clause 1 – insert the full, correct name of the applicant.
- Clause 2 – insert the name as it currently appears in the Register and the Volume and Folio number(s) of the affected title(s).
- Clause 3 – state the reason for the required change – acceptable statements might include 'my middle name was omitted on the transfer' or 'my name was misspelt on the transfer and I did not notice the error'. Clause 4 should be added if the declaration is not made by the applicant. It should set out the means of knowledge – acceptable statements might include 'I am the applicant's son/daughter and know his full, correct name to be (*insert the applicant's full, correct name*)'.
- Insert where the declaration is being signed, e.g. Melbourne.
- Insert date the declaration is being signed.

## Statutory declaration in support of application for a new Folio of the Register

A completed and signed statutory declaration is required to explain a change of name. The declaration is usually made by the applicant; however, it can be made by any person who has sufficient means of knowledge.

## How to complete the statutory declaration

# Guide to applying for a new Folio of the Register

- The person signing the declaration must do so in front of a qualified person under the *Evidence (Miscellaneous Provisions) Act 1958* – a full list can be found at [www.justice.vic.gov.au](http://www.justice.vic.gov.au)>Justice system>Legal assistance>Statutory declarations.
- The witness must sign and insert his/her full name, address and qualification.

## Contact us

For [location and contact details](#), refer to [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us.

© The State of Victoria Department of Environment, Land, Water and Planning 2016



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>

### Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

## Accessibility

If you would like to receive this publication in an alternative format, please telephone DELWP Customer Service Centre on 136 186 or email [customer.service@delwp.vic.gov.au](mailto:customer.service@delwp.vic.gov.au). Alternatively, telephone the National Relay Service on 133 677 ([www.relayservice.com.au](http://www.relayservice.com.au)). This document is also available on the internet at [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au).