

Guide to changing the manner of holding

This guide sets out the requirements to lodge a Transfer of land form under the *Transfer of Land Act 1958*. This form is used to change the manner of holding.

A change in the manner of holding, which does not affect the relative interest held by proprietors, can also be made by lodging an Application for New Folio of the Register – form 11, under the Transfer of Land Act.

For example, changing from joint proprietors to tenants in common in equal shares would not be regarded as affecting the relative interests held by proprietors.

Documents required by Land Victoria

Transfer of land

A Transfer of land 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>Transfer of Land Act>Transfer.

Certificate(s) of Title

The Certificate(s) of Title must 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](http://www.delwp.vic.gov.au/property-forms) available at www.delwp.vic.gov.au/property-forms>Verification of identity.

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](http://www.delwp.vic.gov.au/property-forms) available at www.delwp.vic.gov.au/property-forms>Verification of identity.

Land tax Notice of Acquisition

A completed and signed Notice of Acquisition must be supplied.

For further information on the land tax Notice of Acquisition, contact:

State Revenue Office
121 Exhibition Street
Melbourne 3000
T: 132 161
W: www.sro.vic.gov.au

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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>Payment and lodgement.

Before lodging at Land Victoria

Before lodging your Transfer of land at Land Victoria you should inquire about assessment and payment of duty at:

State Revenue Office
121 Exhibition Street
Melbourne 3000
T: 132 161

W: www.sro.vic.gov.au

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®](#).

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

How to complete the Transfer of land form

This form should be completed online and printed for lodgement.

When you have completed the form and are ready to print, click the 'Print Form' button at the end of the form – do not use 'File' then 'Print' or the quick print button at the top of the form.

An error message will appear if not all of the mandatory sections are completed.

If sections of the form are 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.

The points below assist in completing the Transfer of land

Land

Allows entry of the Volume and Folio number of the land being transferred. This number is located in the top right hand corner of your Certificate of Title.

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Folio range group

- Ranges can be created on the form by selecting the Folio Range Group box and then keying the Folio...to...

Check this box if you have multiple consecutive Volume and Folio numbers to enter. Enter Volume number and first and last Folio number of range.

If your range of Folios goes across Volume boundaries or you have another range of titles to key, click the Add Land button (see below), check the Folio Range Group button and key the second range.

Volume Folio

- Individual titles can be entered here.

Key the Volume and Folio of the title. If you have a parchment title, with more than three characters for the Folio, key the last three digits only.

Part of the land

- Land description can be keyed.
- Key Volume and Folio number.
- Check Part of Land button.
- When data box opens key land description – e.g. Lot 3 on PS546896P.

Add land

- Any number of Volume Folios may be added in this way.

Check this button to open a new land panel to allow another Volume and Folio, Range of titles or Part of Land to be entered.

Additional notes for Land panel

- The land panel may be left blank to allow the later addition of Volume and Folio if not known at the time of printing. Leave the Volume and Folio blank, save and print.
- Part of land panel to only be used for Partial Land Transfers e.g. LOT 1 on PS123456L. If used as a reference until Volume and Folio are available it must be deleted before printing the form.

Estate and interest

Allows for the estate or interest being transferred to be selected.

Fee Simple – the whole estate is being transferred.

Other – three options given:

- Life Estate
- Leasehold Estate
- Remainder Expectant.

Fee simple is the default selection. When there is a different estate or interest being transferred, select the 'Other' radio button and choose appropriate selection from the drop down box.

Transferor/s

Allows for the entry of the transferor/s.

Individual

- Enter the given name/s of the individual.
- Enter the family name of the individual.

For long names the panel will wrap the text as it is keyed – TAB out of the panel to see what has been keyed.

For single names (e.g. Madonna) these are to be keyed in the Family Name panel. The Given Name panel is to be left blank.

Corporation

- Click on Corporation button.
- Enter the name of the corporation as it appears on the title.
- Select the appropriate ABN/ACN/ARBN radio button.
- Enter ABN/ACN/ARBN number if known, if not known enter a '0' in the first box.

When entering the corporation's name DO NOT use punctuation unless it forms part of the official name of the corporation, e.g. W. H. HAIL PTY LTD.

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Name differs to folio

Allows a change of name of a transferor to be shown

- Check the 'Name differs to folio' radio button.
- Enter the name as it appears on the folio.
- Enter the 'Reason for Difference' e.g. marriage or for a corporation – change of name in ASIC.

Add Transferor

Allows for the entry of additional transferors.

- Click this button for an additional Transferor Panel to open.
- Enter the other transferor.

Transferee/s

Allows for the entry of the transferee/s.

Individual

- Enter the given name/s of the individual.
- Enter the family name of the individual.

For long names the panel will wrap the text as it is keyed – TAB out of the panel to see what has been keyed.

For single names (e.g. Madonna), these are to be keyed in the Family Name panel. The Given Name panel is to be left blank.

Corporation

- Click on Corporation button.
- Enter the name of the corporation.
- Select the appropriate ACN/ARBN radio button.
- Enter ACN/ARBN number if known, if not known enter a '0' in the first box.
- Enter Australian Credit Licence number if known, leave blank if not known.

When entering the corporation's name DO NOT use punctuation unless it forms part of the official name of the corporation, e.g. W. H. HAIL PTY LTD.

Add Transferee

Allows for the entry of additional transferee/s.

- Click this button for an additional Transferee panel to open.
- Key the other transferee/s.

Manner of holding

Allows for the manner of holding of the transferees to be selected.

Two or more transferees can choose how they will hold the land. The options are:

- Joint Proprietors – when a joint proprietor dies that person's interest passes to the survivors.
- Tenants in Common – when a tenant in common dies that person's interest passes according to their will or the laws of intestacy.
 - equal shares – all transferees will hold equal shares, e.g. two transferees will hold a half share each, three transferees will hold a one third share each, etc.
 - unequal shares – the amount of shares each transferee is to hold must be entered. The form will calculate the total shares.
- Other – can be used for all other manner of holding e.g. Life Estate/Remainder Expectant.

Address/es of transferee/s

Address of transferee 1

Allows for entry of the address for notices to be mailed in the future.

- Unit – enter unit/flat/apartment number.
- Street No – enter property number.
- Street Name – enter the name of the street etc.
- Street Type – choose from drop down list.
- Locality – enter suburb or town.
- State – choose state from drop down list.
- Postcode – enter postcode of suburb or town.

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Address of transferee 2

If there are multiple transferees check the radio button that applies to each additional transferee.

- Same as Transferee 1 – all transferees have the same address.
- Different Address – one or more of the transferees that is different to the first transferee.

Directing party

Although this panel still appears, it has been deactivated. Land Victoria no longer accepts transfers by direction.

Consideration

Allows for the circumstances of the transfer to be entered.

Monetary

- Key amount paid for the property in data box in whole dollars.
- When you tab out the form will automatically add punctuation.

Non-monetary

If the transfer is for other than monetary amounts check the Non-monetary radio button. A drop down box will appear giving you four options.

- Natural love and affection – generally used for transfers between spouses.
- Desire to make a gift – generally used for transfers between related parties.
- Devise in a will – used to give effect to a gift in a will.
- Other, please specify – used when none of the above are appropriate e.g. to change manner of holding.

Signing

Allows for the parties to sign the form. Depending on whether the party is an individual or corporation the signing clause will differ.

- For an individual the options are the following:
 - Individual's Name – the individual will sign in his/her own right
 - Other Power of Attorney – certified copy of Power of Attorney is required
 - General/Enduring Power of Attorney – no copy required if in the Victorian form
 - Leave Blank – allows for a manual keying of signing clause

The form must be signed by each party or their attorney/ies and witnessed by an independent adult.

If a Power of Attorney option is chosen separate boxes will open to allow for the attorney's name and the date of the power to be entered.

- For a corporation the options are the following:
 - Leave Blank – used for Power of Attorney signing and allows for signing clause to be entered manually
 - Execute using a Common Seal – three options:
 - Multi-person Company
 - Sole-person Company
 - Multi-person Company – one director only signs
 - Execute without a Common Seal – three options
 - Multi-person Company
 - Sole-person Company
 - Multi-person Company – one director only signs.

If choosing 'Execute using a Common Seal' or 'Execute without a Common Seal' you will be given three options to choose from. With each option extra boxes will appear where the director's or secretary's full name and usual address must be keyed.

The form must then be signed by the director and/or secretary and the Common Seal affixed (if applicable).

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If using the third option, Multi-person Company – One Director only signs, the usual proofs (copy of company constitution or letter from legal practitioner) are required to be presented at the time of lodging the transfer.

Date

Allows for the form to be dated.

- Enter the date via the drop down calendar or key the date in the following format DD/MM/YYYY.

Lodging party

This section of the form allows for the entry of the details of the person or corporation lodging the form at Land Victoria.

Lodging Party has a customer code

- Enter customer code in the data box provided.

Lodging party does not have a customer code

- Check 'the lodging party does not have a customer code' button. Extra boxes will open.
- Enter given and family names of lodging party or check the 'Corporation' button and enter corporation name.
- Enter address of lodging party.

Reference field

- This is used to indicate the reference for YOUR client.
- It may also be used to show a phone number.

Additional terms/covenants

Allows for entry of any additional information that cannot be included in the data panels.

Enter additional information below

- Check the radio button and a free text data box will appear at the top of the next page.
- Key any additional information here.

Notes for Additional Terms/Covenants

- This section is not to be used for the creation of a covenant or easement within the transfer. The Transfer of Land T2 form is to be used for these purposes.
- The use of this section is for extra data that may not fit readily in the form – e.g. a complex or overseas address (see below – Case scenarios not supported).

Save button

To save your completed or partially completed form, click the 'save' button and chose where on your computer to store your document.

Case scenarios not supported

These instructions are for the instances when unusual circumstances exist in a transfer of land.

How the 'Additional Terms/Covenants' page would be used to key a complex or overseas address for a transferee

- Customer to key transferee names.
- In address of transferee panels, data to be keyed as follows:
 - UNIT/STREET NO – to be left blank
 - STREET NAME – key a full stop
 - STREET TYPE – select connection
 - LOCALITY – key a full stop
 - STATE – choose VIC
 - POSTCODE – key a '0'
- At the bottom of the form check the 'Enter additional information below' radio button.
- A free text data box will open on the next page. Key the heading 'Address of transferee' then key the full address.

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How to include tenants in common in unequal shares where joint proprietors hold a share

This situation occurs where there is a tenancy in common, and within one or more of the tenancy groups there is a joint proprietorship.

Example:

John and Mary Citizen as joint proprietors of a two-thirds share, and

Bill Citizen as sole proprietor of one-third share

- Customer when preparing the form will key all transferees into the Transferee panels.
- 'Manner of Holding' will be selected as 'Tenants in Common in Unequal Shares'.
- Share portions to be keyed as follows:

John Citizen	6
Mary Citizen	0
Bill Citizen	3
Total Shares	9

This will ensure that the correct Manner of Holding is captured for each tenancy group.

Contact us

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

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