

Guide to replacing a lost or destroyed Certificate of Title - Unrepresented parties

Note: From 1 August 2019 Australian Legal Practitioners, Law Practices and Licensed Conveyancers representing clients in an Application for a Certificate of Title in place of a paper one lost or destroyed must lodge via the electronic lodgment network known as PEXA, unless an exemption applies. For exemptions refer to the Request to accept paper lodgment form.

This guide sets out the requirements to lodge an Application for a paper Certificate of Title in place of one lost or destroyed under the Transfer of Land Act 1958.

This Guide is intended to assist professionals. We strongly encourage all members of the public to seek professional help. For Further information please refer to the 'Guide to replacing a lost or destroyed certificate of Title – Unrepresented parties'.

Documents required by Land Use Victoria

The subscriber, their employee Australian legal practitioner or licensed conveyancer, or supervised employees, that signs the registry instrument must provide a completed and signed statutory declaration in the form required by the Registrar with the application. The form of statutory declaration can be found on the Fees, Guides and Forms page.

Before completing the required statutory declaration, the subscriber must request and receive confirmation that exhaustive and thorough searches be conducted for the paper certificate of title from:

- the applicant(s);

- the party to whom the certificate of title last issued or their successor;
- any Australian Legal Practitioner, Law Practice or Licensed Conveyancer who may have held the certificate of title;
- any financial institutions, accounting firms or accountants that may have held the certificate of title;
- any caveator of a caveat alleging a charge or mortgage affecting the land the subject of the application; and
- if not one of the above, the person that last held the certificate of title.

Inquiries with any party other than the applicant and the issuing party are only required if necessary in the circumstances.

Only folios that are in the same proprietorship may be included in one application.

Required searches

The types of searches that must be conducted include:

- searches of the home and any storage facilities used by the applicant
- searches of the home and any storage facilities used by the person that last held or may have held the certificate of title
- searches of the records of any of the entities listed as to the release of the paper certificate of title and to whom it was released
- if the registered proprietor is a company, a company search identifying the company's officers should be undertaken and the required confirmation sought from at least one of them

Guide to replacing a lost or destroyed Certificate of Title - Unrepresented parties

- if a law firm or lawyer last held the paper certificate of title, efforts must be made to trace the lawyer or the principal using the Law Institute of Victoria, the Legal Services Board and White Pages if required.

Fees

Land Use Victoria fees are payable at lodgment.

Acceptable payment methods and lodgment fees are available on the [Fees, Guides and Forms](#) page.

Land Use Victoria may require an additional assurance contribution payment after lodgment if the application is assessed as high risk.

Contact us

For [location and contact details](#), refer to land.vic.gov.au.

© The State of Victoria Department of Environment, Land, Water and Planning 2021



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 the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677 www.relayservice.com.au. This document is also available on the internet at www.delwp.vic.gov.au.