

Guide to transfer of land by mortgagee or annuitant

This guide sets out the requirements to lodge a Transfer of land by mortgagee or annuitant form (T3) under the *Transfer of Land Act 1958*.

The T3 transfer form is used for transfers of land (including vacant land, house and land, strata units etc.) by a mortgagee or annuitant under power of sale.

Documents required by Land Victoria

Transfer of land by mortgagee or annuitant T3 form

The Transfer of land by mortgagee or annuitant T3 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](#) 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](#) 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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Additional information

Rating bodies

Each rating body (water, sewerage, council etc.) needs to be notified of the change of ownership. To notify these bodies a copy of the completed land tax Notice of Acquisition should be sent.

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 by mortgagee or annuitant T3 form at Land Victoria you should enquire about the 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 by mortgagee or annuitant T3 form

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, guides and fees>Annexure Page PDF form.

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The points below assist in completing the T3 form

Lodged by

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

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).

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.

Mortgage or charge number

Insert the mortgage or charge number under which the power of sale is being exercised. Key the number exactly as shown on the title.

Consideration

Allows for the circumstances of the transfer to be entered.

Monetary

Include the amount paid for the property in figures. 'Nil' is not acceptable, a consideration must be shown.

Mortgagee or annuitant

Insert the name(s) of the mortgagee(s) or annuitant(s). If the mortgagee's or annuitant's name differs from that shown on the title, then a recital is required, e.g. Mary Smith formerly Mary Brown.

Transferee

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

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

For two or more transferees: If no manner of holding is shown the transferees will be registered as JOINT PROPRIETORS. (When a joint proprietor dies that person's interest passes to the survivor/s.) An alternative is to hold as TENANTS IN COMMON. This must be stated and the quantum of shares set out (e.g. 'tenants in common in equal shares' or 'Bruce Len Adams as to two equal undivided third parts or shares and Joan Beryl Adams as to one equal undivided third part or share as tenants in common').

When a tenant in common dies that person's interest passes according to their will or the laws of intestacy.

Subsisting encumbrances

All affecting encumbrances registered or notified in the Register prior to the mortgage or charge, and those subsequently registered or notified that fall within the exceptions in Section 77(4) of the *Transfer of Land Act 1958* must be referred to specifically or by a general statement, e.g. 'any encumbrances affecting the land'. A mortgage or charge continuing to affect the property must be specifically referred to.

Creations and/or reservation of easement and/or restrictive covenant

Using an Annexure Page (A1), insert any easements being created or reserved. Indicate dominant and servient land and full details of the easement. If a restrictive covenant is being created or reserved, indicate the land to take the benefit of the covenant and provide full details of the covenant.

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

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Signed

Each party must sign the transfer. The signature of each party must be witnessed by an adult person who is not a party to the transfer

Contact us

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

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