

APPLICATION FOR REPLACEMENT CERTIFICATE OF TITLE



Land & Property
Information

A division of the Department of Finance & Services

This fact sheet provides advice on preparing and lodging an Application for Replacement Certificate of Title (form 12PV) for registration by Land and Property Information (LPI), under section 111 of the Real Property Act 1900.

You should use form 12PV when the following apply.

- You are the owner of land (either as a private person or as a corporation) and your current Certificate of Title for the land has been mislaid, destroyed, stolen, damaged or defaced.
- You intend to:
 - prepare and lodge the application for a replacement Certificate of Title yourself
 - ask another private person to lodge it on your behalf
 - use a solicitor or licensed conveyancer to prepare and lodge it on your behalf.

An Application for Replacement Certificate of Title (form 12PV) and instructions for completion can be obtained through our website www.lpi.nsw.gov.au or by visiting LPI at:

1 Prince Albert Road
Queens Square
Sydney NSW 2000

We have provided the answers to frequently asked questions to help you complete the form.

I cannot locate the Certificate of Title to my land. How can I get a replacement?

If you cannot locate your Certificate of Title you must conduct a thorough search of your records and any place where you store important documents to ensure that the Certificate of Title cannot be located. It may be held:

- in a safety deposit box or security packet held with a bank or other institution
- by the solicitors that acted for you on the purchase of the property or since that purchase
- by the bank or financial institution from which you have obtained a loan and have given the title as security.

If your land is currently mortgaged then the Certificate of Title will usually be in the possession of the mortgagee (the lender).

If, after carrying out the above searches, you cannot locate your Certificate of Title or the Certificate of Title has been destroyed, lost, stolen or is damaged or defaced you may apply for a replacement using an Application for Replacement Certificate of Title.

Should an Application for Replacement Certificate of Title be used for all requests for a Certificate of Title?

No. It should only be used in the circumstances outlined above.

Use Request form 11R instead for:

- creation of a consolidated title
- creation of separate titles for parcels in an Auto Consol folio
- creation of share titles
- creation of titles for leasehold estates, life estates or estates in remainder
- creation of Certificates of Title that have not been issued despite the existence of a folio of the register
- creation of a Certificate of Title by court order under s138 of the *Real Property Act 1900*
- issue of a Certificate of Title with enhanced security features to replace a current computerised edition issued before January 2004
- issue of a Certificate of Title to replace a certificate lost between settlement and lodgment
- laminated, damaged or defaced titles providing the Reference to Title / Folio Identifier and Certified Authentication Code (CAC) are legible.

Proof of identity and other evidence required for the forms of request listed above vary according to circumstances. Contact LPI for further advice if you are planning to lodge one of these types of request.

To find out the current lodgment fee for registration of Request form 11R, contact the Customer Service Centre on T: 1300 052 637 or visit our website www.lpi.nsw.gov.au.

How do I make an application for a replacement Certificate of Title?

The application must be made by at least one of the registered proprietors and must be accompanied by:

- the current local council rate notice for the land in the Certificate of Title. A photocopy will be accepted provided it has been certified by a solicitor or justice of the peace to be a true copy of the original. A certificate under section 603 of the *Local Government Act 1993* will not be accepted
- a statutory declaration by all of the registered proprietors:
 - tracing the chain of custody of the title to the person last known to have had possession of it. If this is someone other than the registered proprietor(s), a statutory declaration is required from them also. All facts should be given with as many details as possible. It is not sufficient to merely state that a Certificate of Title 'is lost' or 'cannot be found'. The declaration must fully describe the circumstances regarding the loss of title. In the case of theft, specify the police station at which the theft was reported and the 'event number' assigned to the matter by the police
 - giving particulars of any unregistered mortgage, charge or covenant charge affecting the land. If this is the case, an additional statutory declaration by the mortgagee or chargee is required, stating that they are not in possession of the Certificate of Title
 - stating that the Certificate of Title is not held by any person or corporation as security for a loan or any other purpose
 - stating whether the registered proprietor/s has/have been bankrupt (or insolvent where the registered proprietor is a corporation)
 - stating that the land in the attached rates notice is identical with the land in the Certificate of Title
 - giving the applicant's current address if the address for service of notice shown on the rate notice lodged as evidence with the application has changed.

Under normal circumstances, an attorney pursuant to a Power of Attorney cannot complete the statutory declaration on behalf of the registered proprietor. Discretion is used to determine whether such evidence is acceptable and is based on the circumstances of the registered proprietor's inability to complete the statutory declaration. The original Power of Attorney or a copy certified by a solicitor or Justice of the Peace to be a true copy must be furnished and the attorney must declare the statutory declaration in their own right as attorney acting on behalf of the registered proprietor, and that the Power of Attorney has not been revoked.

If the Certificate of Title has been lost under circumstances for which there is no apparent explanation, you should also state:

- your usual practice with regard to safe custody of similar documents and whether the practice was followed in this case
- when and where the Certificate of Title was last seen and the circumstances under which it was then referred to
- whether any other person had access to the Certificate of Title and, if so, what enquiries have been made of that person
- your conclusion as to the reason for the loss.

If the Certificate of Title was lost when in the custody of a person other than yourself, a statutory declaration from that person will also be required.

The application must be signed by you and witnessed, or it may be executed on your behalf by an attorney, solicitor or licensed conveyancer and witnessed.

Where your attorney has signed the application, the original of the Power of Attorney must be sighted.

The name, address and daytime telephone number of the witness to your signature must be shown on the application.

You and any person lodging the application on your behalf (other than a solicitor, licensed conveyancer, law stationer or financial institution that has a LPI document collection box must lodge photo and other identification with the application.

What is a statutory declaration?

A sample statutory declaration suitable for use with an Application for Replacement Certificate of Title is included in this fact sheet.

For more information see the fact sheet entitled *What is a statutory declaration?* on our website www.lpi.nsw.gov.au.

What photo and other identification do I need?

The table below shows what documents you will need to supply with your application. One document from each category is required if you are an Australian citizen or foreign national. If you are a New Zealand national, you must provide a total of three documents from categories 2 and 3. The same document cannot be used to satisfy the requirements of more than one category. For example a personal reference cannot be used to meet the requirements of both categories 2 and 3.

If you lodge original passports, drivers' licences, etc. they will be copied and returned. The copied documents will be stored as evidence and will not be available on the public record.

If you wish to lodge copies instead of original documents, they must be certified in NSW by one of the following.

- A justice of the peace.
- A notary public.
- A commissioner of the court for taking affidavits.
- A solicitor authorised by subsection (1) of section 27, *Oaths Act 1900* to take and receive any affidavit.
- Another person by law authorised to administer an oath.

The evidentiary documents you produce to support your application will be validated with the appropriate authorities.

	Australian citizens	New Zealand nationals	Foreign nationals
Category 1	<ul style="list-style-type: none"> • Standard birth certificate • Citizenship certificate 	<ul style="list-style-type: none"> • Not applicable 	<ul style="list-style-type: none"> • Current entry visa • Current resident visa
Category 2	<ul style="list-style-type: none"> • Current Australian passport • Current Australian driver licence • or Current NSW Photo Card (PC) issued by the Roads and Traffic Authority of NSW (RTA) or Current Birth Card (BC) issued by the NSW Registry of Births, Deaths and Marriages (BDM)* • Personal reference (only acceptable if the applicant does not possess one of the above) 	<ul style="list-style-type: none"> • Current passport • Current Australian driver licence 	<ul style="list-style-type: none"> • Current passport • Current Australian driver licence
Category 3 (NB: the document from this category must show the applicant's current address)	<ul style="list-style-type: none"> • Recent utility bill • Current bank statement • Personal reference 	<ul style="list-style-type: none"> • Recent utility bill • Personal reference 	<ul style="list-style-type: none"> • Recent utility bill • Personal reference

Notes

For a person to obtain either the Photo Card or Birth Card, extensive documentary evidence is required, comparable to the evidentiary documents deemed necessary to support the issue of a replacement title.

* The Birth Card was discontinued on August 1 2008 but holds validity for five (5) years after issue.

A NSW Photo Card must be surrendered once a person obtains a driver licence.

What is a personal reference?

A personal reference is a statutory declaration provided by an Australian citizen certifying that they have known the person being referenced for at least 12 months. Personal references must be in an approved form (form 10-1210) and be supported by primary, secondary and other documentation (excluding a personal reference) that identifies the referee as an Australian citizen. A copy of form 10-1210 is included in this fact sheet.

If I appoint someone else to lodge my Application for Replacement Certificate of Title for me, do they have to provide any proof of their identity?

Yes, if you appoint someone who is not a solicitor or licensed conveyancer they must provide their driver licence or passport, in addition to the evidence provided to prove your identity.

LPI will take appropriate measures to ensure that you are aware that the application is being made on your behalf by this person.

If you use a solicitor or licensed conveyancer who regularly lodges documents for registration and who has a LPI document collection box, they will not have to provide proof of their identity to LPI.

My Certificate of Title was lost in the mail. Is any additional evidence required?

Where a Certificate of Title has not been received by registered post within three months following registration of an instrument, a replacement Certificate may be obtained at no cost upon receipt of the following evidence:

- statutory declaration from the lodging party stating that relevant inquiries were made with the Post Office and the registered post article containing the Certificate of Title has not been located, and
- corroborating statement from the Post Office confirming that the registered post article could not be located.

Where three months has elapsed following registration of the instrument, an Application for Replacement Certificate of Title, form 12PV should be lodged and the prescribed lodgment fee paid. The Application must be accompanied by all evidential and identity documents together with a letter from Australia Post indicating that you have reported the loss of the Certificate of Title in the mail and detailing efforts made by that organisation to locate it.

My Certificate of Title has been stolen. Is any additional evidence required?

In addition to the normal evidence required you must attach the police report or a police event number (from the relevant police station) relating to the theft.

My Certificate of Title was destroyed in a fire. Is any additional evidence required?

In addition to the normal evidence required, you must attach a report from the Fire Brigade.

I have my Certificate of Title, but it has been damaged or defaced and I would like to replace it.

In addition to the normal evidence required, you must attach the damaged or defaced Certificate of Title.

I am lodging the application as attorney for the registered proprietor. Is any additional evidence required?

You must lodge the original of the Power of Attorney with the application, as well as providing proof of your identity.

I have changed my name since the current Certificate of Title was issued. What do I need to do to have the replacement Certificate of Title issued in my new name?

You should lodge a completed Change of Name (form 10CN) and Notice of Sale together with your application. An additional fee will be payable.

I am lodging an application where a mortgage is noted on the register. Is any additional evidence required?

When an application is made by the registered proprietor where a mortgage is noted on the register, the usual statutory evidence (at least one statutory declaration) and council rates notice must be furnished. The statutory evidence must trace the searches undertaken to locate the Certificate of Title and the reasons for lodging the application in view of a registered mortgage.

Statutory evidence will be also required from the mortgagee stating that they are aware of the application and are not in possession of or aware of the location of the Certificate of Title.

If a mortgage that has been repaid is still noted on the title then a Discharge of Mortgage form (05DM) completed by the mortgagee must be lodged with the application. Statutory evidence from the mortgagee will be requested in this instance.

Important note: When a mortgage is noted on the register, the mortgagee most likely is holding the Certificate of Title as security. The lodgment of an Application for Replacement Certificate of Title will therefore be unnecessary. Enquiries should be made of the mortgagee.

How do I lodge the application at LPI?

You should take the Application for Replacement Certificate of Title with all required evidence to Land and Property Information, 1 Prince Albert Road, Queens Square, Sydney NSW 2000. Lodgment must be made in person. Postal lodgments are not accepted.

The prescribed lodgment fee must be paid. Additional fees may be payable in cases in which the application is for a manual folio.

To find out the current lodgment fee for registration of an Application for Replacement Certificate of Title form contact the Customer Service Centre on T: 1300 052 637 or visit our website www.lpi.nsw.gov.au.

What happens after I have lodged my application?

The documents will be examined and on completion a new edition of the Certificate of Title will, in the case of personal lodgments by members of the public, be posted by registered mail to the registered owner at the address shown on the rates notice.

What do I do if the missing Certificate of Title is subsequently discovered?

You should inform LPI that the missing title has been discovered. If this is done:

- before the replacement Certificate of Title has been issued, then action on the Application for Replacement Certificate of Title will be discontinued
- after the replacement Certificate of Title has been issued, then the old title must be produced at LPI and will be cancelled.

I want to lodge an Application for Replacement Certificate of Title which is held in the name of a company. What do I need to do?

You must meet essentially the same requirements as those set out above for private persons.

The statutory declaration must be made by an officer of the company authorised under section 127(1) of the *Corporations Act 2001* or other power or authority of the company. In all instances their position and authority to do so on behalf of the company must be stated.

Photo and other identification documents for the authorised officer must be provided to the same standards as are applicable for private persons.

In addition, an Australian Securities and Investment Commission search certificate less than 28 days old showing the company's current registered address must be provided. The replacement Certificate of Title will be mailed to this address.

Statutory declaration

Oaths Act 1900, NSW, Eighth Schedule

I/We, (name/s in full)

do solemnly and sincerely declare that:

- 1 I/We am/are the registered proprietor/s of the property situated at and known as
.....(address), which has Certificate of Title reference
- 2 I/We purchased the property on or about (date) and have held the
Certificate of Title in (location/s) since that time.
- 3 I/We have made a thorough search of said locations and have been unable to find the
Certificate of Title.
- 4 I/We (name/s) the registered proprietor/s am/are the only person/s in
possession of the land.
- 5 The Certificate of Title is not held by any person or corporation as security for a loan or for any
other purpose whatsoever.
- 6 I/We have never been bankrupt or insolvent and have not assigned my/our estate for the
benefit of creditors.
- 7 Annexed hereto and marked with the letter "A" is a true copy of a current local Government
Rates Notice for the land, and I/we declare that this notice refers to the land in the missing
Certificate of Title reference.

and I make this solemn declaration conscientiously believing the same to be true, and by virtue
of the provisions of the *Oaths Act 1900*.

Declared at: on
[place] [date]

.....
[signature of declarant]

in the presence of an authorised witness, who states:

I, a
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person
who made it: [* please cross out any text that does not apply]

1. *I saw the face of the person OR *I did not see the face of the person because the person
was wearing a face covering, but I am satisfied that the person had a special justification
for not removing the covering, and
2. *I have known the person for at least 12 months OR *I have not known the person for at
least 12 months, but I have confirmed the person's identity using an identification
document and the document I relied on was

[describe identification document relied on]

.....
[signature of authorised witness]

.....
[date]



Personal Reference

(made as a Statutory Declaration under the Oaths Act 1900)

I, Full Name of person making declaration

of, Full Residential Address of person making declaration

in the State of New South Wales do solemnly and sincerely declare as follows:

1. This declaration is being made for the purpose of the lodgment of a with Land and Property Information affecting folio of the Register

2. is personally known to me.

3. He/she has been personally known to me foryearsmonths (minimum 12 months). Full Name of person for whom reference is being provided

4. He/she, to the best of my knowledge, currently resides at Full Residential Address of person for whom reference is being provided

5. My details appearing below are correct

My Australian Birth Certificate number is (include State of issue) []

My Australian Citizenship Certificate number is []

My Australian passport number is []

My Australian driver license number is (include State of issue) []

Note: One only required and a certified copy* must be attached and marked Annexure A. * Certified correct by a Justice of the Peace or solicitor

Note: One only required and a certified copy* must be attached and marked Annexure B. The passport or driver licence must be current at the time the declaration is made.

6. I acknowledge that the above evidence of identity may be checked with the relevant issuing authorities and I consent to this being done.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at: on Place where declaration made Date on which declaration made

Signature of declarant

in the presence of an authorised witness, who states:

I, a Name of authorised witness Qualification of authorised witness

certify the following matters concerning the making of this statutory declaration by the person who made it: [* please cross out any text that does not apply]

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2. *I have known the person for at least 12 months OR *I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was Describe identification document relied on

Signature of authorised witness

Date



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Land and Property Information

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