

A Guide to Searching New South Wales Land Title Records

in the Queens Square Office of Land and Property Information

User Guide to Old System Searching

Date of Publication December 2009

Copyright

© December 2009

Copyright in this document is held by the Land and Property Management Authority (LPMA). Division 3 of the Commonwealth Copyright Act 1968 recognises that limited further use of this material can occur for the purposes of fair dealing – for example study, research or criticism. However, to make use of this material, other than as permitted by the Copyright Act, please write to LPMA.

Disclaimer

Information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Advice from a professional adviser (eg a solicitor or licensed conveyancer, as appropriate) should be sought if there is doubt as to the applicability of this information to individual circumstances.

This is one of five publications detailing searching and access to land titling records, the originals of which were held at the Land and Property Management Authority Queens Square, Sydney office.

User Guide - Searching the Records of the Registrar General

User Guide - The Parish Map and Crown Plan in Family History and Genealogical Research

History of the Registrar General's Maps and Plans

User Guide - Old System Searching

User Guide - Torrens Title Searching

Contents

1. Searching.....	7
2. Crown Land	7
3. Old System	8
3.1 Old System Title	8
3. Early Transactions	9
4. Old System Crown Grants.....	10
5. Searching Crown Grants	10
5.1 Reservations and Conditions in Crown Grants	11
5.2 Quit Rents	11
5.3 Reservations of Gold and Silver.....	11
5.4 Reservations of Coal.....	12
5.5 100 Feet Reservation from the High Water Mark (MHWM)	12
6. The Grant Index	13
6.1 Crown Grant Search.....	14
7. The Vendors Index	15
8. Deeds Indexing System.....	19
8.1 Automated Deeds Indexing System.....	19
8.2 Deeds Index searching.....	19
8.3 Deed Name Search.....	21
8.3.1 The Private Name/Corporation Box.....	21
8.4 Displaying Deed Particulars	22
8.5 Security Interests in Goods Act (SIGA).....	22
8.6 Deed Details Screen	23
8.7 Deed Search	25
9. The Old System Purchasers Index.....	27
10. The Register of Causes, Writs and Orders (CWO).....	29
11. Other Old System Indexes	31
11.1 Index to the (Discontinued) Miscellaneous Register	31
11.2 Index to the Register of Resumptions	32
11.3. Bill of Sale, Stock Mortgage, Wool Lien, Crop Lien	32
11.4 Index to Instruments Evidencing Change of Name (1875 to 1967)	32
12. The Mapping System.....	34
12.1 Cadastral Records Viewer (CRV)	35
12.2 Cadastral Records Enquiry (CRE)	36
12.3 County, Parish and Town Maps	38
12.4 Reference Sheets.....	39
12.5 Central Mapping Authority Maps (CMA Maps)	39
12.6 Current Charting Practices	39
12.7 Symbols and Notations	39
12.8 Pyramidal Mapping System	41
13. Legal Concept of "Land"	42

14. Estates in Land.....	42
14.1 Estate in Fee Simple	42
14.2 Estates Tail.....	42
14.3 Life Estates.....	43
14.4 Estates in Remainder	43
15. Co-ownership	44
15.1 Survivorship.....	44
15.2 Share in Entirety	44
16. Possessory Title.....	45
17. Old System Searching	46
18. Deeds.....	47
18.1 Conveyances.....	48
18.2 Lease and Release	48
18.3 Confirmatory Conveyances	49
18.4 Conveyance of the Equity of Redemption.....	49
18.5 Mortgages	49
18.6 Leases	49
18.7 Acknowledgements	49
19. Interpreting Deeds.....	51
19.1 Old Deeds	52
19.2 Dry Trustees.....	53
19.3 Deposited Deeds	54
20. Official Searches	56
20.1 The Limitation in an Official Search	57
20.2 Official Search to Create a Non Qualified Folio of the Register.....	58
20.3 Official Search to Remove a Caution from a Qualified Title.....	58
20.4 Official Search Pursuant to Section 700 of the Local Government Act 1993	59
20.5 Official Search pursuant to Section 151 of the Environmental Planning and Assessment Act 1979.....	59
22. Good Root of Title	60
22.1 Criteria for Selecting a Commencement Point for a Good Root of Title Search.....	60
23. Official Search Report	63
23.1 The Format.....	63
23.2 Mortgage Entries	64
23.3 ADIS Entries.....	64
23.4 Mortgagee Power of Attorney Entries	66
23.5 Entries Involving Executors	66
24. Land Descriptions.....	67
24.1 Subject Land	67
24.2 Subject Land Otherwise Described.....	67
24.3 Includes Subject Land	68
24.4 Inter Alia Subject Land	68
24.5 Inter Alia Subject Land, includes Subject Land.....	68
25 Official Search Report	69
25.1 Link Conveyance.....	71
25.2 Index to the Register of Causes, Writs and Orders (excepting Bankruptcy Entries) ..	81
25.3 Deposited Deed Numbers	121

26. Delivery of an Official Search	122
26.1 Registrar General's Facsimile Signature.....	122
27. Continuation of an Official Search	123
28. Copies of Official Searches	124
29. Other records used in Old System searching	125
29.1 Primary Application Searches (PA).....	125
29.2 Primary Application Packets	127
29.3 Primary Application Document.....	127
29.4 Search Sketches	127
29.5 Previous Official Searches	128
29.6 Old System Estates Plans.....	128
29.7 Conversion Actions and IVA's	128
30. Gaps in the Continuity of a Chain of Title	129
30.1 Covenant to Produce.....	129
31. Department of Lands Searching Service	130
32. Abbreviations	131
Bibliography.....	134
Glossary	137
Products and Services schedule.....	146

1. Searching

The activity of searching Land and Property Management Authority (LPMA) records can fulfil a myriad of objectives. For example, LPMA records can be searched to establish; boundaries, easements, restrictions on land, Past or probable use of land, demographic and historical information. The main purpose of searching however is the pursuit of documentary evidence of ownership of a particular parcel of land. It can be at a certain date as in historical or genealogical searching or at present as for conveyancing or rating purposes. The primary focus in the guides will be on this type of searching.

With Old System (OS) land, searching involves the examination of an unbroken chain of documents, from the original grant up to the present to establish ownership of a known parcel of land. It is achieved by following the various indexes and documents that have been made, received and registered with the Registrar General or his predecessors since the occupation of Australia by Governor Arthur Philip and the foundation of the Colony of New South Wales. NSW was proclaimed for Britain as Crown land on 7 February 1788. Australia was regarded as uninhabited or “terra nullus” and Phillip began registering land grants from 22 February 1792. OS Title is subject to Common Law principles, consequently, there may be gaps in the chain of registered ownership. There is no government backing of ownership.

With Torrens Title land, in its current format as held in the LPMA's Integrated Titling System (ITS), the title to land is referenced by its legal land description generally being the lot and plan reference for the land and in the Torrens system this one single State guaranteed document establishes ownership of land. Historical ownership is recorded in manual register books and loose leaf registers or since its inception as Automated Land Titling System (ALTS) in 1983 as historical files within ITS for computer titles.

Spatial assistance is afforded by means of reference to Street Directories, paper maps and plans or the digital images of them and the computer maps and aerial photos available at Queen Square counters, on the LPMA webpage, SIX portal or through authorised Information Brokers.

This series of User Guides explains in some detail the various means and ways of conducting a search utilising the records of the Registrar General.

2. Crown Land

According to English Law, the lands of an acquired colony vested absolutely in the reigning Monarch as Crown Land and this presumption was applied to the Australian continent. The Colony of New South Wales was proclaimed by Captain Arthur Philip on 7 February 1788 and all land vested in the reigning monarch George III as Crown land. By his commission dated 2 April 1787 and instructions dated 25 April 1787 Governor Phillip was given power and authority (inter alia) to dispose of and to grant such lands as were in the power of the Crown. Grants to be evidenced by a document bearing the seal of the Territory and having being entered upon record by an officer as Phillip should appoint, were to be good and effectual in law against the Crown.

There were no rights recognised of the indigenous population and an attempt by

John Batman to negotiate with tribal chiefs for the purchase of lands, at what is now Melbourne, was quickly voided by the administration. The legal basis of the Crown's proprietary interests in lands of the Colony of New South Wales was the doctrine of *terra nullius*. From that point on the Crown has dealt with the lands in various ways, ranging from free grant, freehold alienation, to short term leases and licences.

3. Old System

Since the registration of the first grant of land from the Crown to James Ruse on 22 February 1792 until the last on 31 December 1862, land ownership in New South Wales, was based on the English Common Law System of conveyancing, known as "Old System". It is simply called Old System because it was the title system in use, prior to the introduction of the State's main title system, Torrens Title. From 1 January 1863 land was granted or sold under the Torrens Title system.

3.1 Old System Title

The system of recording ownership to land firstly adopted in the Colony of New South Wales followed the English common law format. In its perfect form, Old System Title is a chain of evidence beginning with the Crown Grant and embracing all dealings and legal happenings up to the present date, that could affect the particular estate or interest of the land in question. Establishing proof of title requires the tedious examination of a series of deeds, commonly referred to as, a chain of deeds or a chain of title. The chain of title is established by possession of (in theory) all documents pertaining to that land from the time of its granting from the Crown. Each time land is sold or mortgaged, a separate Deed is prepared. As time passes the size of the bundle of documents requiring safe storage for production rapidly grows.

The law (Conveyancing Act s.53) recognises the difficulties inherent in the proof of ancient title and directs (with certain exceptions), that in the matter of specific performance between Vendor and Purchaser, a period of 30 years good title (See Sec 22) shall be sufficient to prove ownership.

The document by which an ordinary transfer of old system land is affected, is a Deed of Conveyance commonly referred to as a "Conveyance".

An Old System Mortgage is a Conveyance, subject to the right of the Mortgagor (i.e. equity of redemption) to redeem the land on discharge of the debt.

This system presents considerable problems for land owners when land is transferred, subdivided, or if deeds are lost. The chain of circumstances (perfect or imperfect) devolving from the Crown Grant may be broken and a new title established through resumption, acquisition or transfer pursuant to Section 713, Local Government Act, 1993. Old system title is complicated, expensive, uncertain and not guaranteed by the State, particularly as there is no statutory requirement to register all deeds and a fee is required. It was not mandatory to register plans of subdivision of Old System land prior to 1961. Title may be wrested from the Crown without the formality of Grant by reason of adverse possession or by resumption, acquisition and statutory vestings.

To offer land holders some degree of confidence in their transactions, a system of registration of such dealings was introduced, pursuant to the Governor King's Public Order of 26 February 1802.

While registration was not compulsory, the advantages were soon recognised and so began the system of registration and indexing of registered dealings still in use today and very much in the same form.

3. Early Transactions

Governor Philip Gidley King issued an Order dated 13 November 1800 stating 'that no claim for property be admitted by the Civil Court of Judicature, unless the parties enter into written agreements between each other, or enter them into books which will be kept for that purpose'.¹ The order was to be in force from 27 November 1800. Two books were to be kept at Sydney at the Judge Advocate's office and by Sergeant-Major Jamison for the military, and one each were to be kept at Parramatta and the Hawkesbury. None of these books are known to have survived.

The first record of transactions held by the Registrar General is contained in the "Register of Assignments and Other Legal Instruments" which was established pursuant to a General Order issued, 26 February 1802, by Governor King. King "ordered and declared that no assignment of property will henceforth be considered legal unless regularly drawn up at the Judge-Advocate's Office and duly registered".² On these instructions on 6 March 1802, the first of nine registers was created, now known as the "Old Register."

The Order continued: "Every person now holding assignments are to appear with them at the Judge-Advocate's Office on Friday next, the 6th instant, to have them examined and registered, otherwise no cognizance of them will be taken by the civil court".³ So while the register was created in 1802 it contains assignments and other legal instruments dating back to 22 January 1794.

The Deed Register was first constituted in New South Wales by a Proclamation, issued 18 January 1817 by Governor Macquarie, which provided for the registration of all deeds and conveyances made and executed from and after 25 March 1817.

The Judge-Advocate's Office came to an end when a Charter of Justice was granted in 1823 by the King in pursuance of a power conferred on him by the English Act Geo. IV, c.96 - whereby the Supreme Court of NSW was established.⁴

The nine Old Registers comprise, amongst others, the total recorded extracts or enrolments of dealings from 17 January 1794 to 15 May 1824. The Registration of Deeds Act 1825 then provided for control of this activity.

On 16 November 1825 the first Deeds Act came into force. This marked the commencement of the General Register and the start of the Vendors Index, which is still in use today.

Deeds originally were, only registered in the Vendors Index. In 1896, the Purchasers Index was established and most registrations, since that time have been dually indexed.

¹ Historical Records of New South Wales (HRNSW).IV.255; Historical Records of Australia (HRA).I.III.38, 761.

² HRNSW.IV.696; HRA.I.III.473-474, 761.

³ Ibid

⁴ Butt, P., Land Law 1996 3rd Edition, ibid para 1951

4. Old System Crown Grants

The first registered grant of land was made to ex convict James Ruse, who was granted "Experiment Farm", a 30 acre property at Rose Hill (near Parramatta), in March 1791. He had occupied the land since 21 November 1789 and the grant was registered 22 February 1792.

Grants were issued as early as 1790, but doubts as to validity, arising from the manner of sealing and from the lack of registration, brought about their re-call and re-granting.

The earliest grants had wax seals impressed with Governor Phillip's signet ring. The Territorial Seal did not arrive until 22 September 1791. By the end of that year at least 85 grants had been made and Governor Phillip wrote of the need for a record to be kept. Early in 1792 Governor Phillip charged David Collins, the Secretary of the Colony with the responsibility for registering Crown Grants and the first entry in the register is of the Ruse grant.

A few grants and other Crown instruments, not intended to be registered under the Real Property Act, were made subsequent to 1862 and are to be found in Special Grant Book No. 4 (Serial 199). In the main they are Grants of Rescission of Reservations and Conditions (contained in earlier grants) but a few grants of land occur. Grants found in Special Grant Book No. 4 have all been entered in the last grant index (of 1862).

5. Searching Crown Grants

Whenever it becomes relevant to ascertain what reservations and conditions are applicable to a certain piece of land previously contained in a grant, it is almost always necessary to search the Crown Grant itself. The reason for this lies in the impracticality of stating grant reservations and conditions in full on any certificate of title which has superseded a Crown Grant. As a matter of convenience the Registrar General has always indicated by a brief note on certificates of title, that the estate or interest of the registered proprietor is held subject to any reservations or conditions in favour of the Crown.

It was only from 1893 that the Registrar General began to notify on certificates of title the more salient aspect of grant reservations, such as reservations of minerals.

The practice of issuing Crown Grants ceased with the commencement of the Real Property (Crown Land Titles) Amendment Act 1980 on 1 October 1981. This amending legislation included a new Part 3 in the Real Property Act 1900, enabling the creation of an ordinary folio of the Register and the issue of a certificate of title both for unalienated Crown Land and Crown Land holdings.

Where a folio of the Register is created for unalienated Crown Land it is created in the name of "The State of New South Wales" and the land may subsequently be dealt with by transfer or lease under the Real Property Act. In appropriate cases, references are made on the folios to memoranda (filed in the Department of Land and Property Management under dealing numbers) setting forth any exceptions, reservation and conditions applicable to the land or holding described in the folios. It is noteworthy that clause 10.1.6. of the 1992 Edition of the Contract for the Sale of

Land precludes any objection, requisition or rescission relating to any exceptions, reservation and conditions contained in the Crown Grant. This is still current in October 2009.

Practitioners will search Crown memoranda, noted on certificates of title issued since 1 October 1981, but seldom go back to the Crown Grants even though the land being dealt with is has tidal frontage and the current title has no specific exception in favour the Crown. Practitioners more frequently obtain grant searches to ascertain the minerals that have been reserved to the Crown and to see whether the presumption *ad medium filum aquae* applies to that particular case.

Those practitioners who do search grants often become alarmed when they discover the standard reservations mentioned above which could seemingly affect their client's enjoyment of the land. No amount of assurances from the Land and Property Management Authority can convince these solicitors that the Crown will not exercise those rights. For these solicitors there is the right to approach the Minister for a revocation of the reservations or conditions under sections 139 and 140 of the Crown Lands Act 1989.

5.1 Reservations and Conditions in Crown Grants

Crown Grants issued as early as 1790, but doubts as to their validity, arising from the manner of sealing and lack of registration brought about their recall and re-granting. Registration of Crown Grants began in 1792. Crown Grants normally issue subject to diverse exceptions, reservations and conditions. The title that develops from the Grants inherits those exceptions, reservations and conditions as have been lawfully imposed.

Typical exceptions have been of gold, silver and other minerals, land below a specified depth, roads, railways, reserves and driftways, and land within 30.48 metres (100 feet) of tidal water. However a reservation of land within 30.48 metres from the mean high water mark is inappropriate when no abuttal to tidal water exists.

Some standard reservations have been of:

- The rights to construct roads, bridges, canals and railways on or through land.
- The right to take and remove indigenous timber and such other natural produce of the land as may be required at any time for the construction and repair of roads, bridges and other public works and for naval purposes.

Grants sometimes contained conditions which imposed either positive or negative obligations on the grantee and assigns. An example of the former is that which requires a sea wall to be maintained, while the latter may be illustrated by a condition that the land will not be used in such a way as to obstruct the view of a lighthouse.

5.2 Quit Rents

Quit Rents, often only nominal in quality, were imposed on Grants made up to 1831, when the practice was discontinued and provision made for redemption of those of monetary value already in existence, by payment of 10 years rent. By the Crown Lands (Amendment) Act, 1964, the requirement for redemption was abolished.

5.3 Reservations of Gold and Silver

In early grants, mines of gold and silver were reserved to the Crown. These minerals are classified as Royal metals and as such, presumed inalienable, from the Crown.

5.4 Reservations of Coal

By Government order dated 21 August 1828 (confirmed by the Imperial Government by notice published 1 July 1831) the Crown in New South Wales was directed to reserve from Grants amongst others, all mines of coal.

On 26 January 1850, the reservation of mines of coal was rescinded retrospectively from all Grants of land, which at that date were not within any City, Township or Village. The rescinding proclamation followed the abolition, in 1847, of the monopoly enjoyed by the Australian Agricultural Company (AACo), to mine coal in NSW.

The Coal Acquisition Act 1981 commenced on 1 January 1982, and it again vested all coal and shale in the Crown.

5.5 100 Feet Reservation (30.48 metres) from the High Water Mark (MHW)

A reservation of 100 feet (30.48 metres) from the high water mark, is in fact an exception from the Grant of a strip of land of that width, on the landward side of the mean high water mark, as existing at the date of the grant - *McGrath V. Williams* (1912) 12 S.R. 477.

The mean high water mark is the line defining the mean, between the high tides at ordinary spring and neap tides. Where a Grant is described with this, as an abuttal, the natural title boundary will advance or recede in time, according to the rules of law governing accretion and erosion. The landward boundary of the 100 feet reservation should not, theoretically, be affected by this movement, and should (if possible), be established as at the date of the Grant.

Where this reservation is patently ineffective, that is, where in effect there was no water frontage or where the water frontage was patently never tidal, the reference is disregarded, except to note the ineffective nature of the reservation.

6. The Grant Index

The Grant Index consists of a chronological record, in alphabetical order of the surnames or company names of those who bought or received grants of land from the Crown, up to and including 31 December 1862.⁵

The Grant Index briefly records the areas and portion or allotment numbers, (if any), of the lands granted and where the lands were located. The Crown Grants are bound together in register books which are identified by Serial Reference Numbers. The grant reference numbers consist of the Serial Number of the bound book, which contains the grant and the number allotted to each grant, which is known as the Page Number.⁶

Some of the early Grant Registers contain pages numbered from both ends of the book, resulting in duplication of page numbers. Some of the index books include the same years as other index books.

The Grant Index comprises 15 books. Several Index Books include the same years as others:

- | | | |
|-----|--------------|--|
| 1. | 1792 to 1826 | |
| 2. | 1792 to 1826 | This book is a typed facsimile of the first register |
| 3. | 1827 to 1831 | Contains only Town Allotment Grants |
| 4. | 1827 to 1830 | |
| 5. | 1830 to 1839 | |
| 6. | 1839 to 1847 | |
| 7. | 1847 to 1855 | |
| 8. | 1855 to 1856 | |
| 9. | 1856 to 1857 | |
| 10. | 1856 to 1857 | |
| 11. | 1858 to 1860 | Contains only Town Allotment Grants |
| 12. | 1858 to 1860 | |
| 13. | 1861 to 1862 | |
| 14. | 1860 to 1862 | |
| 15. | 1860 to 1862 | |

⁵ Hallmann's., Legal Aspects of Surveying as apply in New South Wales, Second Edition by Ticehurst F. K., The Institute of Surveyors, Australia INC New South Wales Division, 1994. ibid para 11.7

⁶ Hallmann's ibid para 11.7

6.1 Crown Grant Search

Entries in the Grant Index are indexed in alphabetical order as regards surnames only. If there are several entries under the same grantee name, use the area and location of the land to identify the correct grant.

The Grant Registers were originally grouped in various series such as Land Purchases, Town Purchases, Special Grants etc., and were given distinguishing letters or numeral in that series or referred to by the year of the grant eg 1861 Land Purchases.

Some of the early Grant Registers contain pages numbered from both ends of the book, resulting in duplication of page numbers.

If the registration date of the Grant is known, the search is commenced in the first Grant Index book to include the same year as that date.

When the registration date of the Grant is not known, the search can be commenced in the first grant index book, which is 1792 to 1826 and continued forwards until the relevant entry is found. Alternatively the search can be commenced from the last grant index book, 1860 to 1862 and continued back until the grant is found.

Entries in the index will generally refer to a Grant Register, by listing the Serial and Page number. Handwritten indexes, still in use, normally refer to the letter or number originally given, to the relevant book and sometimes do not quote the page number of the grant. In these instances, reference should be made to the Supplementary Index, located in the first few pages of each grant register.

The supplementary index in each register lists all the grants contained in that register, in alphabetical order, as regards grantee's surnames. Next to the grantee's name is written the page of the grant.

The Serial number is located at the bottom of the spine of each Grant Register. The Page number is usually located at the top right hand corner of the first page of each grant.

If a parcel of land was granted as Old System, but is currently held under Torrens title, the Old System grantee particulars can be found by conducting a historical search, back to a manual Certificate of Title. Old Form and most New Form titles contain grant particulars, as part of the land description on the first page of the title.

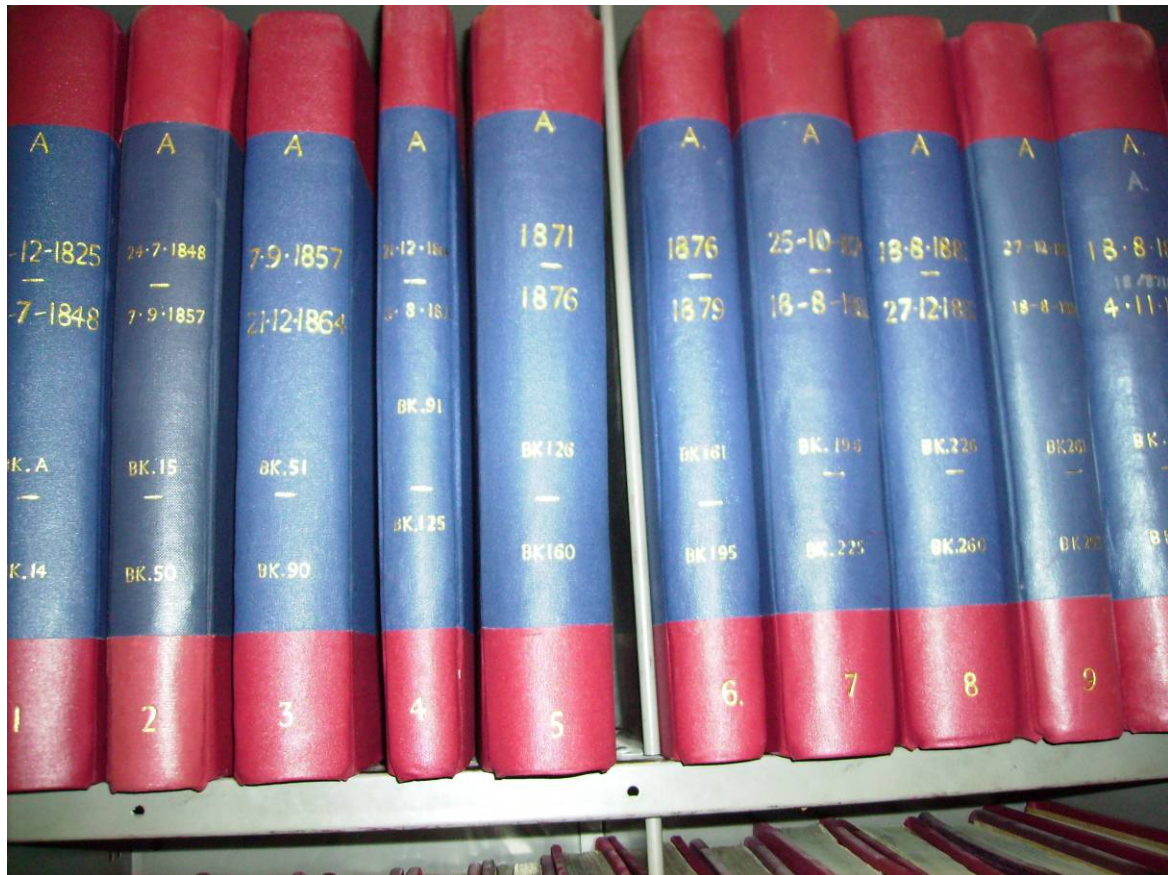
If a parcel is currently Old System or was converted to Torrens title by conversion action, the paper reference map needs to be inspected in order to obtain grantee particulars. All paper reference maps were scanned and filed as digital images commencing September 2002. Access to the images to clients is through the Queen Square Public search terminals, or the Spatial Information Exchange (SIX) www.six.nsw.gov.au and Pixel, additionally to internal users through the Cadastral Records Viewer (CRV).

The paper reference maps contain some or all of the following grantee particulars:

- Grantee's name
- Date of the grant – generally prior to 1863. The Parish Maps also show Volume and Folio references for Crown Grants issued from the commencement of the Real Property Act, on the 1 January, 1863, to 1 October 1981 and a reference to "First Titles" issued since that date.

- Parish, County and Portion number
- Town name, Allotment and Section numbers
- Area, in acres or hectares

7. The Vendors Index



The Registration of Deeds Act of 1825 established a General Register for recording transactions with land and the associated index, now known as the Vendors Index. The Vendors Index is the operative index for all registrations in the General and Miscellaneous Registers and entries are made under the names of all persons granting or creating an estate or interest. The index contains entries of old system transactions, which date back to the “Old Register”.

Each index entry contains some or all of the following:

- Names of the parties to the deed
- Type of deed. (Abbreviations are used to describe the deeds, such as “C” for conveyance)
- Book and Number of the deed
- A summary of the land description(s)

From 16 December 1825 to 2 November 1992 the Vendors Index is bound in books which are numbered in chronological order. The books are grouped so that the

names of all vendor parties whose surnames or other main names commencing with the same letter of the alphabet, are filed together.⁷

Prior, to 1 January 1898, the Vendors Index is compiled in strict alphabetical order, as regards surnames only. The entries are in chronological order, without regard to the order of first or given names. In some cases, entries are abbreviated by the use of phrases such as "etc", or "and ors" (and others).

The early Vendors Index entries were spread across 2 pages of the Index register. The left hand page shows the vendor's name(s), purchaser's name(s), type of deed and Book and Number. The right hand page contained brief land descriptions or other information.

From, 1898 onwards entries were indexed in alphabetical order as to surname and first name, however the entries were still spread across two pages.

It is important for researchers to note that transactions, not relating specifically to land, are also contained in the Register.

1825 to 1904 the Vendors Index was handwritten. The handwriting in some of the early index registers can prove very difficult to read. Over the years, a few of these old indexes were typed, which significantly improved their legibility. It is therefore prudent, when searching, to direct your attention to the description of the land, rather than the columns relating to the names. This will reduce the chances of missing an affecting entry.

From 1904 to 1971 entries were shown one after another on a single page. The pages were divided into the following headings from left to right:

From Whom to Whom	Book and No.	Nature and Deed Description
--------------------------	---------------------	------------------------------------

From 1972 to 1986 the format of the entries was changed to a more compact style. The particulars were written one after the other and not separated under headings.

From 1987 to November 1992 the Vendors Index is contained, in small loosely bound green folders, which contain one entry per page in strict alphabetical order.

After searching the paper records, an old system search is continued to the present date, using the Integrated Titling System.

From 2 November 1992 to July 2006 the Automated Deeds Indexing System (ADIS) was used to search all Old System indexes (except the Grant Index).

ADIS was redeveloped and incorporated as a component of the ITS on 15 May 2000. The Security of Interests in Goods Act 2005 (SIGA) caused LPI to update and change the way all Old System searching is carried out. Deeds Indexing and Security Interest searches (SIGA) are accessed through ITS ([See Section 8.5](#)).

The Old System Vendors and Purchasers Index are now searched through the Deed Name Search by ticking the Vendor / Purchaser box and providing either the Family and Given names or Corporation name. This inquiry relates to information registered from November 1992 onwards. Manual indexes are available to search for records registered prior to that date. Copies of documents registered prior to ADIS are

⁷ Hallmann's *ibid* para 11.7

available for purchase over the counter from Off-line Property Information Services, basement 1 West wing, Queens Square, Sydney.

The use of abbreviations and jargon in index entries is common place. Abbreviated words include:

- First or Middle names
- Localities, towns, sections, parishes, counties, streets, allotments, roads and rivers
- Executors, trustees, administrators, and attorneys

Some terms are not easily recognised, such as “ux of” which stands for “wife of”, this term, is commonly used in Vendor’s Index entries.

Searching common surnames, such as Smith or Brown prior to 1898 is a slow and tedious task, because of the numerous pages of entries for each surname.

If it is not clear from the wording in an index entry, whether a deed affects subject land, then the deed must be inspected.

Because all instruments are indexed under date of registration, not execution, it is essential that each name being searched in a chain of title is searched against from the date of execution of the deed whereby their interest was acquired until the date of registration of the instrument which disposes of that interest.

Where a mortgage is disclosed, search is made against the mortgagee to a discharge or reconveyance of the mortgage or to a dealing by the mortgagee with the land. Where the mortgage has been discharged, a note of the registration number of the discharge is entered in the index against the particulars of the mortgage for the assistance of searchers. The omission of any reference to a discharge against the entry of a mortgage should not, however, be taken as a sure indication that the mortgage has not been discharged.

Where a lease is disclosed and the term has not expired, search should be made against the lessee as well as the lessor.

It may not be possible to complete a search of the Register without additional outside information. Where one of the deeds in a chain has remained unregistered, the search may come to a dead-end unless the missing information is gleaned elsewhere. Often records of deceased owners must be searched in the Probate Office. At other times the Registry of Births, Deaths and Marriages will provide missing links to a chain.

These “gaps” may occur for various reasons including:

- unregistered Instruments;
- vesting in heir-at-law or devisee through intestacy or by will (prior to the Probate Act 1890) and the will not recited in subsequent conveyance – particularly when the person taking has another surname;
- conveyance by devisee as beneficial owner when no acknowledgment has been registered and the will is not recited;

- conveyance by a married woman when property was acquired as a spinster and recital of marriage omitted;
- conveyance by a Council under the *Local Government Act 1919*, for non payment of rates; or
- conveyance made after change of name and deed poll evidencing that change not registered.

Copies of documents registered in ADIS, the series Book 4000 to Book 4191 are on microfilm and available for purchase over the counter from Property Information Delivery Services, ground floor, Records wing, Queens Square, Sydney.

Copies of all documents registered in ADIS, from Book 4192 are available for purchase from DIIMS, either over the counter from Property Information Delivery Services, ground floor, records wing, Queens Square, Sydney or electronically from the LPMA website www.lpma.nsw.gov.au or from approved Information Brokers.

All copies require a fee to be paid. The fee is reviewed annually.

LPI NSW - Integrated Titling System

Deed Name Search

Family Name: *At least 2 characters*

Given Name: *At least 1 character*

☒ Exact Order ☐ Any Given Name

OR

Name:

*Corporation names - do not include Pty Ltd, Co, etc.
Private names - use when the Family Name / Given Name is not apparent.
Select the Any Order option.*

☐ Exact Order ☐ Any Order

Register

- ☒ Vendor/Purchaser
- ☒ Security Interests (SIGA)
 - ☐ Bill of Sale
 - ☐ Stock
 - ☐ Wool
 - ☐ Crop
- ☒ CWD
- ☒ Resumption
- ☒ Unreg Deposited Deed

Name 1 of 23

- DAVID ANDREW JONES
- DAVID ANTHONY JONES
- DAVID CHRISTOPHER JONES
- DAVID CONGRAVE JONES
- DAVID EDWARD JONES
- DAVID ELGAN JONES

[View results](#)

8. Deeds Indexing System

8.1 Automated Deeds Indexing System

The Automated Deeds Indexing System (ADIS) was implemented on 2 November 1992 and allowed automated indexing and searching of all “Old System” registrations with the exception of Causes Writs and Orders and the Grant Index. All registration copies of deeds were microfilmed efficient from that date until March 1998 when the scanning and storing of Documents began in the Document and Integrated Imaging System (DIIMS).

It made searching Old System title much faster, and more efficient than searching the manual indexes.

Under ADIS manual indexing ceased. All new, Old System deed entries were entered into ADIS. After searching the paper records, an Old System search is continued to the present date, using ITS. Deeds registered using ADIS were numbered in the series starting with Book 4000.

All indexes relating to Old System land are held in ITS and copies of the deeds (Book 4000 to 4191 are on microfilm and from Book 4192 onwards) are held in the Document and Integrated Image Management System (DIIMS) and copies must be ordered from Property Information Delivery Service, ground floor, Records wing.

Deed Index Searches including Deed Name Search, Deed Number Search, Vendor Search, Purchaser search, Resumption Search and unregistered Deposited Deed Search are free searches available from the public computer terminals. Only CWO and SIGA searches require payment of the standard fee.

8.2 Deeds Index searching

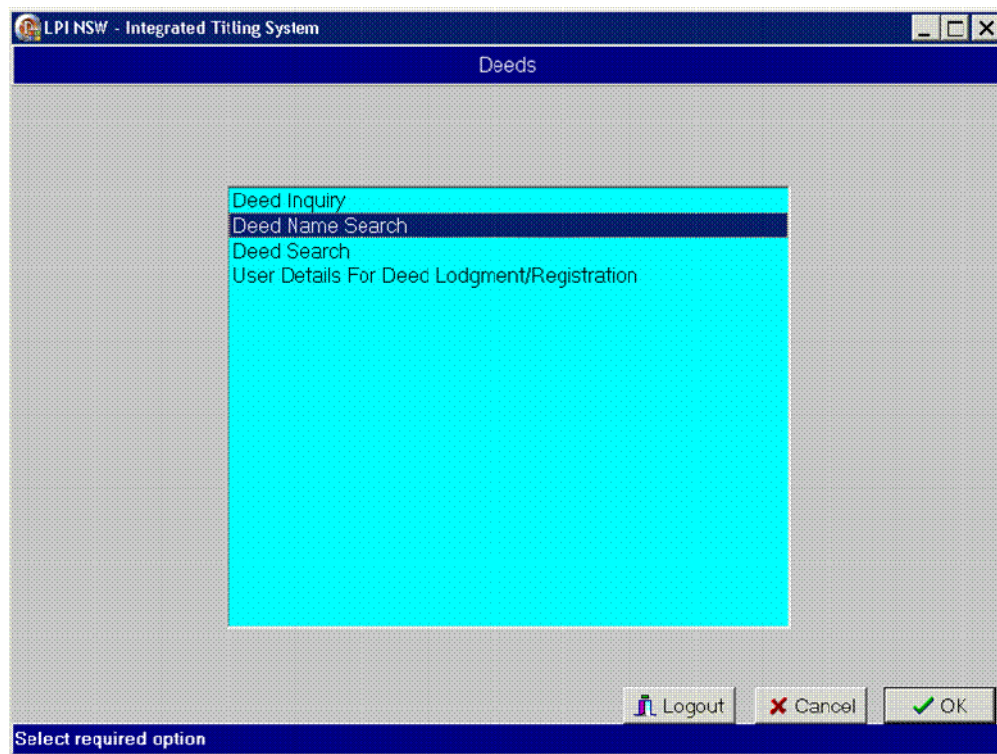
Access Deeds Index searching via, the Integrated Titling System (ITS).

In ITS, click **Searches and Inquiries** and then select **Deeds**.

There are 4 options listed under Deeds:

1. Deed Inquiry
2. Deed Name Search
3. Deed Search
4. User Details Lodgment/registration

Use either option 2 or 3 for searching purposes.



Example of Search Screen from the Queens Square public terminals shown.

8.3 Deed Name Search

- The “Exact Order” button searches for names as exactly written - see example below.
- The “Any Order” button searches names in the order entered and all other possible combinations, including other names, that contain the names entered

Use can be made of the “%” symbol as a Wildcard when entering names.

For example; the name Peter can be written as Pet% and all variations will be shown in the result.

LPI NSW - Integrated Titling System

Deed Name Search

Family Name: JONES *At least 2 characters*

Given Name: DAVID *At least 1 character*

OR

Name:

*Corporation names - do not include Pty Ltd, Co, etc.
Private names - use when the Family Name / Given Name is not apparent.
Select the Any Order option.*

☐ Exact Order ☐ Any Order

Register

☒ Vendor/Purchaser

☒ Security Interests (SIGA)

☐ Bill of Sale

☐ Stock

☐ Wool

☐ Crop

☒ CWO

☒ Resumption

☒ Unreg Deposited Deed

Name 1 of 23

DAVID ANDREW JONES

DAVID ANTHONY JONES

DAVID CHRISTOPHER JONES

DAVID CONGRAVE JONES

DAVID EDWARD JONES

DAVID ELGAN JONES

Help Clear Cancel OK

View results

Example of result from the Queens Square public terminals shown.

8.3.1 The Private Name/Corporation Box

Company, association names etc, or a personal name where the surname or order is not known, are entered in the Private Name/Corporation Name field. Enter a name where the order is unclear in the Private Name/Corporation Name field and use the “Any Order” button.

The terms: “Mac” or “Mc”, “and” or “&”, “Company” or “Co” will be searched under both variations. If unsure if a name includes an apostrophe or the word “The” at the beginning of the name, include it in the search name and both variations will be searched.

If unsure of punctuation or spaces in a name, include them in the search name and both variations will be searched. If omitted, only the name as entered will be searched.

When searching a company name, do not enter the words “Pty Ltd”, “Limited” etc.

If the company name contains numbers, eg 123 Pty Ltd, enter the search name with the numbers as drawn. However, it may be necessary to enter the numbers in words, in order to get a result.

The screenshot shows the 'Deed Name Search' window in the LPI NSW Integrated Titling System. It features a search form with fields for 'Family Name' (with a 'At least 2 characters' hint) and 'Given Name' (with a 'At least 1 character' hint). Below these are radio buttons for 'Exact Order' and 'Any Given Name'. An 'OR' section allows searching by 'Name' (e.g., 'DAVID.JONES') with hints for corporation and private names, and radio buttons for 'Exact Order' and 'Any Order'. On the left, a 'Register' section has checkboxes for 'Vendor/Purchaser', 'Security Interests (SIGA)' (with sub-options: Bill of Sale, Stock, Wool, Crop), 'CWO', 'Resumption', and 'Unreg Deposited Deed'. The main area displays 'Name 1 of 21' and a list of search results: 'DAVID JONES (ADELAIDE) LTD', 'DAVID JONES (ADELAIDE) PTY LTD', 'DAVID JONES (ADELAIDE) PTY LIMITED', 'DAVID JONES CREDIT PTY LIMITED', 'DAVID JONES CREDIT PTY LTD', and 'DAVID JONES FINANCE PTY LIMITED'. The first result is highlighted in blue. At the bottom are 'Help', 'Clear', 'Cancel', and 'OK' buttons, and a 'View results' link at the very bottom.

Example of result from the Queens Square public terminals shown.

8.4 Displaying Deed Particulars

ITS will display all the entries that are found under the name searched. Not all deeds shown in the result of a search may be relevant. To view the particulars of each deed select an entry and click **OK**.

8.5 Security Interests in Goods Act (SIGA)

The Security Interests in Goods Act 2005 (SIGA) commenced on 1 March 2006. The Act was designed to simplify and modernise the registration procedures for goods mortgages such as Bills of Sale, Stock Mortgages, Crop and Liens, etc and introduced mortgages for aquaculture, fish, and non agricultural chattels classified as Agricultural mortgagees (Business). The Act repealed the Liens on Crops and Wool and Stock Mortgages Act 1898 and the Bills of Sale Act 1898.

Searchers should note that the information provided in a Security Interest Index Search will include details relating to Security Interests, Bills of Sale, Stock Mortgages and Crop and Wool liens registered after November 1992. Interests created prior to that date must be searched in the manual Vendors Index, basement one West wing Queens Square.

SIGA searches became accessible online from 3 October 2006 through Land and Property Management Authority's network of authorised information brokers and will continue to be available via the LPMA website www.lpma.nsw.gov.au

Standard search fees apply for SIGA searches ordered through the Lands website or over the counter. SIGA searches will no longer be accessible through public computer terminals. Searching of security instruments is enabled through the Deeds suite of searches utilising Deed Name search and ticking the box for Security Interests. **The search fee applies whether a Search Result or No Record Result is returned.**

Searchers should note that to perform an effective SIGA search, the family name and given name(s) fields are used to search for individuals and the general purpose name field is used to search for both individuals and corporations.

Example of result from the Queens Square public terminals shown.

8.6 Deed Details Screen

The details of the first deed appear in the main body of the screen. To view the other deed's particulars just click on the other reference. If there is insufficient information on the deed in the main part of the screen, apply for a copy of the deed.

LPI NSW - Integrated Titting System

Deed Details

Searched: DAVID JONES (ADELAIDE) LTD

BK 4117 NO 549

Registered 24/11/1995 11:55:45 AM

Deed Type POWER OF ATTORNEY

Date 14/11/1995

Vendor DAVID JONES (ADELAIDE) LTD

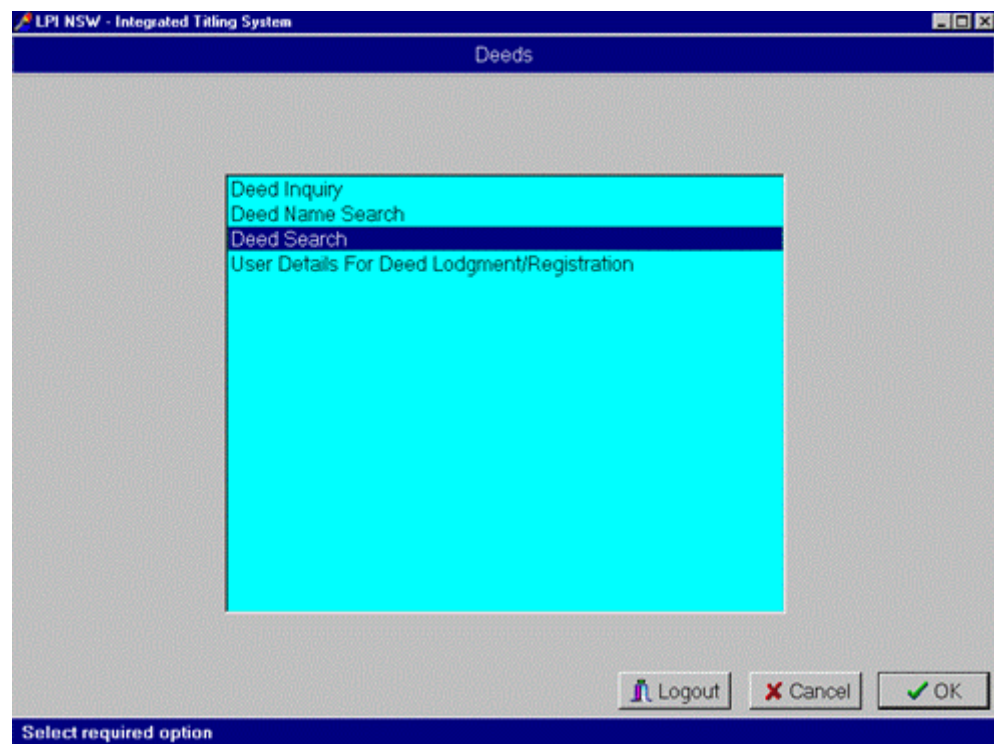
*** END OF SEARCH ***

Print Cancel OK

Select deed to display

Example of result from the Queens Square public terminals shown.

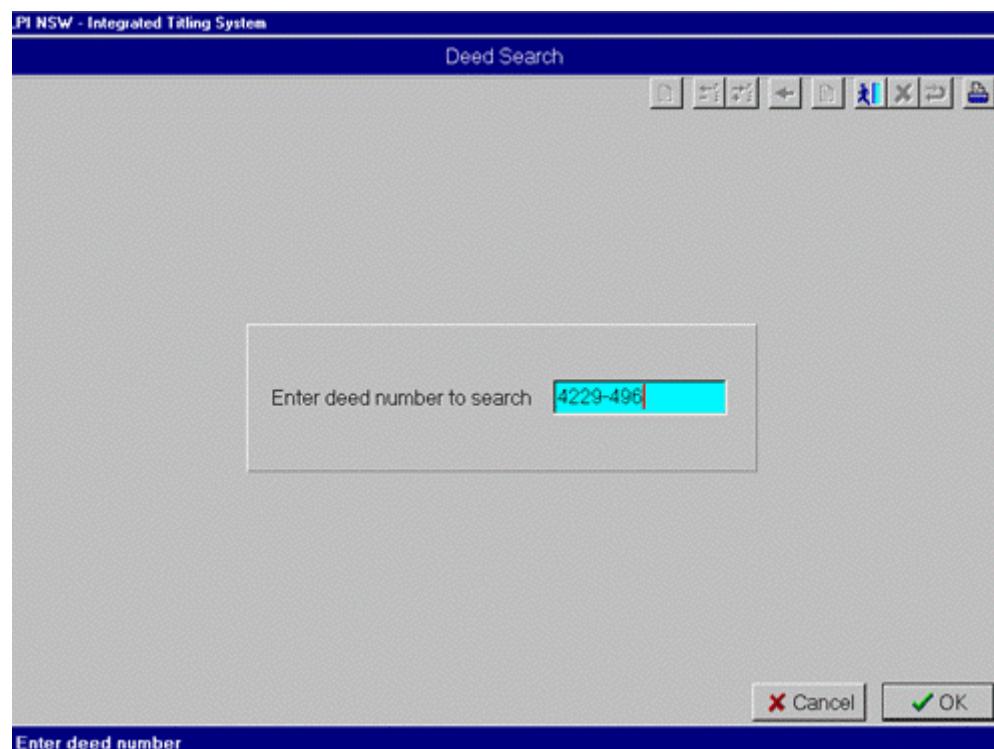
8.7 Deed Search



Example of result from the Queens Square public terminals shown.

Type in the number of the deed to be searched. Enter the deed number without the words Book and No., and use a hyphen to separate the two numbers as per the below example.

Click **OK** after entering the deed number.



Example of result from the Queens Square public terminals shown.

Example of result from the Queens Square public terminals Deed Details are shown below.

LPI NSW - Integrated Tiling System

Deed Details

Searched: BK 4229 NO 496

BK 4229 NO 496	Registered 12/3/1999 9:30:16 AM CA76144
Deed Type	CONVEYANCE
Vendor	OLIVE MAY MADDEN
Purchaser	MALCOLM DAVID FULLER SUSAN JANE FULLER
Locality	BELLEVUE HILL
Link Deed	BK 3325 NO 173
*** END OF SEARCH ***	

Print Cancel OK

Select deed to display

9. The Old System Purchasers Index



The Old System Purchasers Index which commenced on 1 July 1896 is a bound book index, numbered in numerical order, of persons acquiring an estate or interest in land, compiled from the entries recorded in the Vendors Index.

Similarly to the Vendors Index, the Old System Purchasers Index, prior, to 1 July 1908 is compiled in strict alphabetical order, as regards surnames only. The entries are in chronological order, without regard to the order of first or given names.

The Old System Purchasers Index contains details of any parties classifiable as purchasers in registered deeds. The index contains particulars of:

- the type of deed
- the Book and Number of the deed
- a brief description of the property

The index does not give the names of the vendor parties to the deed. The deed must be inspected to obtain the names of the vendor parties.

The books are grouped so that the names of all purchasing parties whose surnames or other main names commence with the same letter of the alphabet are filed together.

The index is used as an aid in searching. Where there is a break in title or where an owner but no reference to title is known. Another method to bridge such gaps is to

search back from the name of the present owner in the Old System Purchasers Index. Often recitals in later deeds, or references to deeds are set out in a covenant for production, will provide the missing information.

Searchers are cautioned against relying solely on index entries as they may be misleading because of their brevity. Every identified deed should be inspected in the Register. Another important reason to inspect the Register is that Deposited Deeds and Covenants to Produce are noted on the entries.

The latter part of the index is not as complete as earlier volumes, as it contains only references to owners of land.

Note: From 2.11.1992 (Book 4000) under the Automated Deed Indexing System (ADIS), manual indexing ceased. All indexes since that date relating to Old system land are held in the Integrated Titling System (ITS) and copies of the deeds (Book 4000 to 4191 are on microfilm and Book 4192 onwards) are held on the Document and Integrated Image Management System (DIIMS) and copies must be ordered from Property Information Delivery Service, ground floor, Records wing

The Vendor/Purchaser box must be ticked in the Deed Name Search in ITS to get results after 2 November 1992.

The information from the Old System Purchasers Index from 1987 to 1992 has been entered on a spreadsheet for uploading into ITS.

LPI NSW - Integrated Titling System

Deed Name Search

Family Name *At least 2 characters*

Given Name *At least 1 character*

☐ Exact Order ☐ Any Given Name

OR

Name *Corporation names - do not include Pty Ltd, Co, etc. Private names - use when the Family Name / Given Name is not apparent. Select the Any Order option.*

☒ Exact Order ☐ Any Order

Register

- ☒ Vendor/Purchaser
- ☒ Security Interests (SIGA)
- ☐ Eill of Sale
- ☐ Stock
- ☐ Wool
- ☐ Crop
- ☒ CWO
- ☒ Resumption
- ☒ Unreg Deposited Deed

Name 1 of 21

- DAVID JONES (ADELAIDE) LTD
- DAVID JONES (ADELAIDE) PTY LTD
- DAVID JONES (ADELAIDE) PTY LIMITED
- DAVID JONES CREDIT PTY LIMITED
- DAVID JONES CREDIT PTY LTD
- DAVID JONES FINANCE PTY LIMITED

Help Clear Cancel OK

View results

Example of result from the Queens Square public terminals shown.

10. The Register of Causes, Writs and Orders (CWO)

*The Register of Causes, Writs and Orders was established under Part XX111, Section 185 of the Conveyancing Act 1919 and commenced on 1 July 1920 for the purpose of registering:⁸

- i. Any Writ or Order affecting land, issued or made by a court. See section 186 (1) (a).⁸
- ii. Any claim to an interest in the land which is the subject of a law suit that is pending or incomplete. See Section 186(1)(b).⁸
- iii. Any Order affecting the title to land, or restricting the right of dealing with or the user of land or any buildings thereon or creating a charge over land, made by the court. See Section 187(a).⁸
- iv. Any Charge upon land (not being in respect of a rate or tax) imposed by or under the provisions of any Act of Parliament. See Section 187(b).⁸

Any Order, Award, Determination or Notification.....made under the provisions of any Act of Parliament of the State or Commonwealth.....restricting the right of dealing with land or the user of land. See Section 187(c).⁸

This register contains entries of writs, court orders and other interests affecting a parcel of land. A cause is any grounds or legal proceeding before a court.

The alphabetical index to the Register comprises the Register itself. Entries are made in the name of the person whose land is affected, or where no owner's name is disclosed, under a short title of the Act, under which a charge was imposed, together with the addition of the name of the Local Government area or of the parish and county in which the land is situated or of such of those particulars as are applicable. This Register contains entries of writs, court orders and other interests affecting a parcel of land. All CWOs have been redundant against Torrens Title land since 1972 that is must be registered as a Torrens instrument against the nominated computer folio(s).

Since 1 July, 1970 bankruptcy orders are no longer entered in the Register of Causes, Writs and Orders. .Bankruptcy items, previously entered in the Register of Causes, Writs and Orders, were separated from other entries in the Register of Causes, Writs and Orders and are no longer available for inspection. Searches are made at the Federal Magistrates Court or the Federal Court of Australia who have concurrent jurisdiction under the Bankruptcy Act 1966.

Causes, Writs and Orders are now registered under Section 186 of the Conveyancing Act 1919.

Official Searches compiled for the removal of a caution or creation of a title must show the parties in the search, as being searched in the Register of Causes, Writs and Orders. Parties are searched from when they obtained an interest in the subject land, until one year after they disposed of their interest. In this case no entries were found under any of the subject names.

⁸ Hallmann's ibid para 11.10

The date the search is completed is entered under the last entry on the page of the search. The Link Conveyance details together with the locality of the Subject Land are entered on the last page.

All Causes, Writs and Orders vacated between 1920 and November 1992 were not carried forward and indexed in ADIS. All reference to non vacated Causes, Writs and Orders were firstly loaded to ADIS and subsequently to ITS as a searchable item.

Any Causes, Writs and Order vacated since November 2002 presently remains as a searchable item in ITS. All Causes, Writs and Orders registered after November 1992 are indexed in ITS and accessed through ticking the Causes, Writs and Orders box in the Deed Name Search in ITS.

Copies of CWOs registered pre November 1992 are available on microfilm. Copies of CWOs registered after November 1992 are available electrically from DIIMS. Customers can request to have parties in an Official Search searched in the Register of Causes Writs and Orders. The Register is searched through the Deeds Name search in ITS.

The CWO search is available internally but not viewable from the Public Search Screens at Queen Square. Copies of Causes, Writs and Order searches can be obtained from the Property Information Delivery Service, Ground Floor, Records Wing, Queen Square, Sydney for the schedule fee or as a paid search from the Lands website, www.lpma.nsw.gov.au

The screenshot displays the 'Deed Name Search' window within the 'LPI NSW - Integrated Titling System'. The interface includes a toolbar with standard application icons. The search criteria section contains fields for 'Family Name' (with a hint 'At least 2 characters') and 'Given Name' (with a hint 'At least 1 character'). Below these are radio buttons for 'Exact Order' and 'Any Given Name'. An 'OR' section allows for a 'Name' search, with a hint: 'Corporation names - do not include Pty Ltd, Co, etc. Private names - use when the Family Name / Given Name is not apparent. Select the Any Order option.' This section also has radio buttons for 'Exact Order' and 'Any Order'. On the left, a 'Register' section has checkboxes for 'Vendor/Purchaser', 'Security Interests (SIGA)' (with sub-options 'Eill of Sale', 'Stock', 'Wool', 'Crop'), 'CWO', 'Resumption', and 'Unreg Deposited Deed'. The main results pane, titled 'Name 1 of 21', lists several entries, with 'DAVID JONES (ADELAIDE) LTD' highlighted in blue. Other visible entries include 'DAVID JONES (ADELAIDE) PTY LTD', 'DAVID JONES (ADELAIDE) PTY LIMITED', 'DAVID JONES CREDIT PTY LIMITED', 'DAVID JONES CREDIT PTY LTD', and 'DAVID JONES FINANCE PTY LIMITED'. At the bottom, there are buttons for 'Help', 'Clear', 'Cancel', and 'OK', and a 'View results' link at the very bottom.

Example of result from the Queens Square public terminals shown.
Also (See Section 25.2)

11. Other Old System Indexes

11.1 Index to the (Discontinued) Miscellaneous Register

The Miscellaneous Register was constituted by regulation pursuant to the Conveyancing Act, 1919, published in Government Gazette No. 126 of 2 July, 1920, and continued until 30 June, 1976.



As its name implies, this Register contains a wide variety of transactions. The most important of these for land title searchers are Powers of Attorney, Changes of Name and Appointments of Receivers.

From its commencement, a separate Miscellaneous Index was maintained. This is located in the same area as the Old System Grant Index and Register. From that date until the close of the Register, entries were indexed in the Vendors Index.

The Regulation originally required that instruments registered in the Miscellaneous Register should be indexed in a separate index but this requirement was omitted by a regulation published in Government Gazette No. 37 of 3 March 1950; a separate index covers the period from 1 July, 1920 to 10 March, 1950.

Thereafter and until 30 June 1976, instruments registered in the Miscellaneous Register were indexed in the same index as those instruments registered in the General Register of Deeds, namely the Vendors' Index.

11.2 Index to the Register of Resumptions

Section 196A of the Conveyancing Act, 1919 - added by the Conveyancing (Amendment) Act, 1930 – provides, that a register, to be called the Register of Resumptions, shall be kept at the Office of the Registrar General.⁹

Whenever any land is resumed, the Crown or other authority making the resumption shall forthwith send to the Registrar General notice in the prescribed form of the resumption.

Subsection (5) provides that such modifications as may be necessary, s.196A applies to and in respect of the compulsory acquisition of land under an Act of the Parliament of the Commonwealth and so applies as if an acquisition were a resumption; see also regs. 67 and 68 of the Conveyancing Act Regulations.

Where primary applications are concerned, the index is only searched now, for Commonwealth acquisitions, as the reference map is relied on for State resumptions and appropriations.

11.3. Bill of Sale, Stock Mortgage, Wool Lien, Crop Lien

The above indexes are now searched using ITS and the deeds suite of searches, namely the Deeds Name search and ticking the SIGA box.

The *Security Interests in Goods Act 2005* ([See Section 8.5](#)) commenced on 1 March 2006. The Act was designed to simplify and modernise the registration procedures for goods mortgages such as bills of sale, stock mortgages, crop liens, etc. The Act repealed the *Liens on Crops and Wool and Stock Mortgages Act 1898* and the *Bills of Sale Act 1898*.

11.4 Index to Instruments Evidencing Change of Name (1875 to 1967)



A series of six index books relates to instruments evidencing change of name recorded in the following record series:

- instruments enrolled between 29 January 1875 and 30 September 1925 with the Prothonotary of the Supreme Court and transferred to the Registrar General on 1 October 1925 (Book 1 only)
- instruments enrolled in the then Bills of Sale Section during the period 1 October 1925 to 30 June 1967
- instruments registered in the Miscellaneous Register during the period 22 July 1942 to 30 June 1967 – earlier registrations being indexed only in the Index to the Miscellaneous Register.

⁹ Hallmann's *ibid* para 11.11

Instruments evidencing a change of name have been accepted from time to time in the undermentioned NSW registries and record series:

- Supreme Court: Prior to 1 October 1925 (when the Transfer of Records Act 1923 became operative), it had been a long established practice to enrol instruments evidencing change of name in the Prothonotary's Office at the Supreme Court. The instruments enrolled in that Office up to 30 September 1925 were transferred to the Registrar General with other instruments and records covered by the provisions of the Transfer of Records Act 1923.
- Instruments evidencing change of name were also for a time (limited for the most part to the period 1914 – 1918) accepted for enrolment in the Equity Office and these records have not been transferred to the Registrar General. Since 1925, it has been the policy of the Equity Office not to accept enrolments of this nature.
- General Register of Deeds (prior to 1 July 1920): Although enrolment in the Supreme Court was the generally accepted method for the recording of deeds and instruments evidencing change of name, registrations were effected occasionally in the General Register of Deeds prior to 1 July 1920 (when the Conveyancing Act 1919 became operative).
- Bills of Sale Section: Following the transfer on 1 October 1925 of the deeds and other instruments evidencing change of name (which had been enrolled in the Prothonotary's Office), it became the practice for some years to accept for enrolment in the Bills of Sale Section, deeds and instruments of the same nature. In view of the facility for registration in the Miscellaneous Register, the practice was terminated on 30 June 1967 and, after that date the Miscellaneous Register was used exclusively until its closure in 1976.
- Miscellaneous Register (constituted 1 July 1920): Deeds and instruments evidencing change accepted for registration in the Miscellaneous Register from its inception on 1 July 1920.

Note

All Changes of Names were registered in the General Register of Deeds and indexed inclusively in the Vendors Index from 30 June 1976 until 2 November 1992 when they were indexed in ADIS. In April 1996 this function was transferred to the Registry of Births, Deaths and Marriages. A small number of changes of names continued to be accepted in Lands from 1996 to June 2002. LPI will no longer accept a Change of Name for registration in the General Register of Deeds. (DRD Information Bulletin No.28 2002)

This index should be checked if a name can no longer be found in a chain of title search of the Vendors and Old System Purchasers Indexes.

12. The Mapping System

The LPI hardcopy charting and reference map collection was scanned to become electronic files in September 2002. The maps can be viewed in digital form by clients at the Public Search terminals in the West wing basement one, the SIX portal using the Spatial Services and Reference Maps links www.six.nsw.gov.au and Pixel and by staff on the CRV.

The electronic reference maps contain notes added after September 2002. All historical notes before September 2002 are on the face of the scanned maps.

The maps and plans of this Office serve to locate land for the purpose of establishing title and survey particulars. A cadastral map shows the boundaries of parcels as they relate to one another. The manual Mapping System contained current and historical subdivisional information. The mapping system supplies leads to survey information and title references. It is one of the most logical points to commence a search.

Both the paper and electronic maps must be inspected in the course of conducting an Old System title search. You should ensure that all notations affecting a parcel are considered. The reason for looking at the current map of the area being searched is to establish if the land being searched, is held under old system title. If the land has been converted to Torrens title, the map should provide information on the method used to convert the parcel of land from Old System.

A good root of title search must in most instances, extend back at least 30 years. The Mapping System contains valuable historical information, which can lead to the establishment of a suitable commencing point for the search.

Paper maps contain notations that were added, when subdivisions or other actions affected a parcel of land.

Information noted on the paper maps includes:

- Crown Grant boundaries and grantee details
- Information on whether land is Torrens Title, Old System Title or Crown Land
- Previous Official Searches and Old System Crown Solicitors searches
- Primary Applications and Conversion Actions
- Historical subdivision plans
- Road Plans
- Government Gazettes
- Other miscellaneous charting

12.1 Cadastral Records Viewer (CRV)

The Cadastral Records Viewer (CRV) is a computerised inquiry system. The CRV is an internal application that has replaced the extensive LPI paper based Reference and Charting Map system and the electronic Cadastral Records Directory (CRD) formerly in use throughout LPI by staff and clients in the Queens Square Plan Room.

The CRV provides a range of interactive screen based tools that are accessed by both pull down menus and icons that allows for the selective searching of LPMA records. It will permit the interaction between cadastre (or computer map) and the supporting data sources like notation capture, plan, dealing and charting map images as well as computer titles for viewing and printing. The system also provides on line help functions and prompts to assist users when searching.

Officers enter the application from their desktop and access data from a known point such as a street address, parcel by lot/plan reference, local government area or locality, or feature by cadastral ID, Crown Account Number, and others.

The search will return electronic base map details contained in the Digital Cadastre Database (DCDB). The CRV will allow the display of data relevant to the cadastre and permit manipulation (zoom/pan) of the nominated display of data as required.

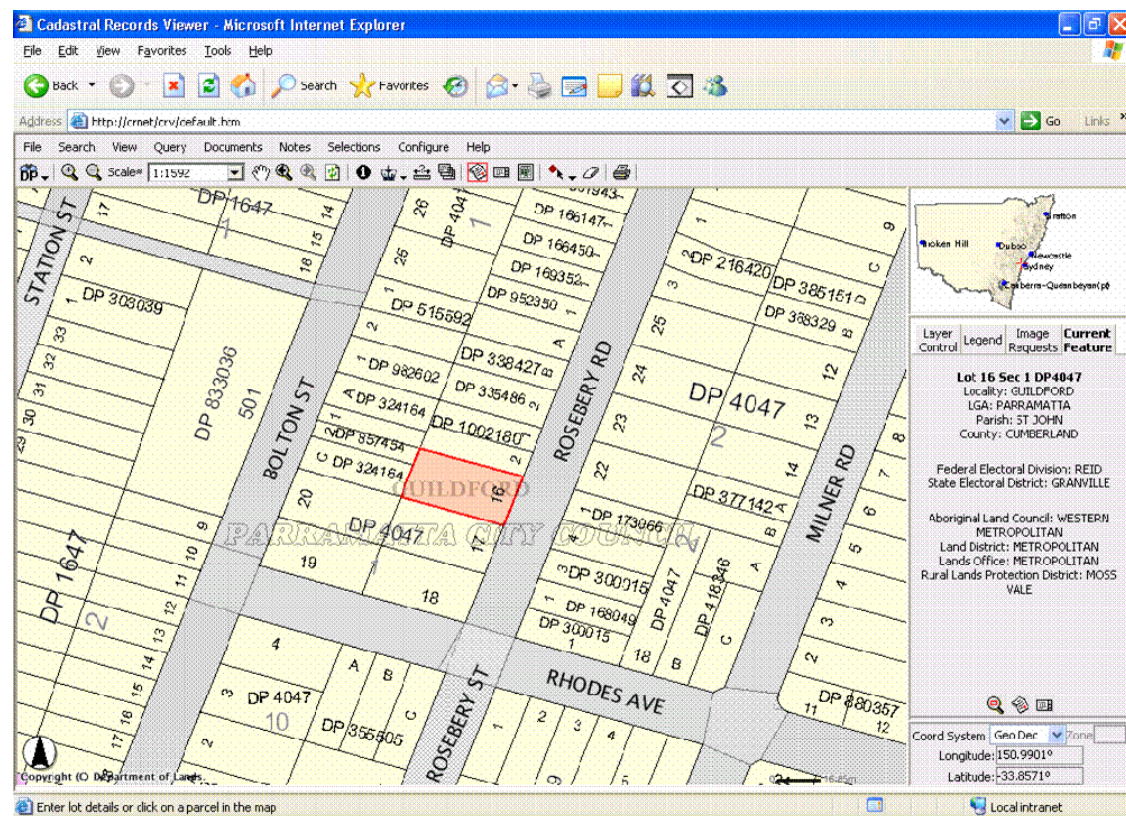


Image shows screen from a LPMA computer screen.

12.2 Cadastral Records Enquiry (CRE)

On 1 July 2006 the Cadastral Records Enquiry (CRE) delivered to public searchers a facility that provides an electronic means to make remote searches of the NSW cadastre (DCDB). The search output displays a graphical location diagram, a list of electronic notations, affecting the primary lot and surrounding parcels, collected since the electronic collection of notes commenced in July 2002 and a list of plans including their purpose and survey/compilation status.

Detail includes, lot and plan numbers, street names etc and notes related to historical, proposed plan, dealing and government gazette actions affecting the search area. Administrative detail such as, Local Government Area, Parish and County information is also displayed.

The CRE replaces the hard copy charting reference maps to which notations were made up to September 2002.

The CRE derives its data from core Lands computer systems, including the Integrated Titling System (ITS), the Digital Cadastral Database (DCDB) and the titling notations databases.

The CRE and Reference Map Search are accessed through the SIX portal www.six.nsw.gov.au Select PIXEL option.

The CRE is available through approved Information Brokers and Queens Square public terminals.

The screenshot shows the SIX Spatial Information Exchange portal in a Microsoft Internet Explorer browser. The address bar displays a long URL. The page header includes the SIX logo and navigation tabs: Home, Services, Links, Spatial Services (selected), Delivery, Tools, Support, News, and My SIX. A user welcome message for Anthony Cranney is visible. On the left, a sidebar lists 'SIX Viewer Channels' with options for 'Cadastral Records', 'CRE Search', 'Ref. Map Search', and 'DCDB for NSW'. The main content area is titled 'Cadastral Records Enquiry' and contains a search form with fields for Plan type (Deposited Plan, Strata Plan), Plan No., Lot, and Section. Below these are fields for 'Your Reference' and buttons for 'Submit Request' and 'Reset'. A section titled 'INITIATING A CADASTRAL RECORDS ENQUIRY (CRE) SEARCH' provides details about the search output, including 'The Map Report', 'The Titling Notations List', and 'The Plans List'. The footer notes that the information is provided as a searching aid only and accesses the Digital Cadastral DataBase (DCDB).

Sample CRE report

12.3 County, Parish and Town Maps

By 1848, the State of New South Wales had been divided into the 141 counties, now in existence. The first county was named Cumberland by Captain Arthur Phillip on King George III birthday on 4 June 1788 and the second county was named Northumberland in 1804. In 1825 the Secretary of State instructed that the colony be divided into Counties and Parishes and the practice of selling Crown Land was introduced. The Counties were subsequently divided into 7515 Parishes and together they formed the basis of land administration in New South Wales.

Parish Maps were prepared by the Crown Lands Office from original plans of portions, roads etc. These maps show the relationship of portion boundaries to such features as roads, rivers, railways and seashores. The portion's number and its area are shown, but not the dimensions which can be obtained from the Crown plan.

The Parish Maps also show Volume and Folio references for Crown Grants issued from the commencement of the Real Property Act, on the 1 January, 1863, to 1 October 1981 and a reference to "First Titles" issued since that date.

The grantee's name and date of Crown Grants made prior to 1863 may be shown on the face of the plan or recorded within a schedule together with, the portion's Crown plan catalogue number. It must be remembered that only the original grantee's name and title particulars are noted on the Parish Maps.

In areas of low subdivisional activity, separate Parish Maps may not have been prepared or simply not used as a charting medium in LPI and the County Map remains as the base charting plan. This is the case in the vast majority of the Western Division of New South Wales which is mainly under Crown Lease.

Larger scale maps of Towns, Villages and their environs, as well as, sections of the City of Sydney known as "City Sections" and "New Grants", were also published by the Crown Lands Office. These maps show land subdivided into sections and allotments. Grantee particulars of each Allotment in a Section are shown on Town Maps in separate schedules or within the allotments. There are 1140 Government proclaimed Towns and Villages.

No County or Parish Map has been updated since 1991. Subdivisional change is recorded on the Digital Cadastral Data Base (DCDB) a computer map of New South Wales.

12.4 Reference Sheets

Maps of this nature (up until the Introduction of Central Mapping Authority sheets) covered most of the Sydney Metropolitan area, as well as, other more densely populated areas and were prepared by the former Valuer General's Department. Other reference sheets of similar scale were prepared by the Old Cumberland County Council, (Styled CCC Sheets) and by various local government authorities.

Cadastral maps generally referred to as "Reference Sheets" and being of a larger scale than Parish Maps, were prepared by Government Department and Public Authorities, such as local councils. These were placed into use in the Plan Room as basic reference maps and are charted on Parish and Town Maps, indicating, that they should be referred to as the next step in a search of land within their boundaries.

12.5 Central Mapping Authority Maps (CMA Maps)

These maps once showed the most recent subdivisional pattern prior to the implementation of the DCDB. This was accomplished, through a system of constant updating, by noting each new Deposited Plan (after registration) in the area of the older plan it replaced. The superseded plans of survey, were recorded for historical purposes by way of a note in a schedule and on the face of the CMA map. The CRV and the CRE replace the paper maps and show the most recent subdivisional changes.

CMA Maps were introduced in two series:

- Urban Cadastral Series based on the Integrated Survey Grid (at 1:4000, 1:2000 etc. They were comprehensively compiled and were being used to replace the existing charting maps).
- Rural Cadastral Series based on the Australian National Grid (at 1:10000 to 1:25000) were not comprehensively charted and for searching purposes must be used in conjunction with existing Parish and County Maps.

Most county, parish and town maps in urban areas became Index maps only, to the C.M.A. Reference Map system. The urban cadastral map provides a comprehensive index to survey definition records including reference to superseded plans.

12.6 Current Charting Practices

In September 2002 manual updating of all LPI paper maps was discontinued. All notations, status and subdivision changes are made in the Integrated Titling System (ITS) and the Digital Cadastral Database (DCDB).

Search details regarding subdivision, status and history are available from the Cadastral Records Enquiry (CRE).

All plans held in the LPI Plan Room have been digitised to capture subdivision and land status prior to that date and are available for viewing in the Cadastral Records Viewer (CRV) and Spatial Information Exchange (SIX) portal.

12.7 Symbols and Notations

There are various Symbols and Notations shown on reference maps and charting plans which are used in the Office.

The symbols used on CMA sheets are self explanatory and are always shown in the map key area on the right hand side (urban CMA sheets) or the bottom (rural CMA sheets) of these reference maps.

Colour was not used on CMA reference sheets. However, between edition soft eh CMA and on other reference maps coloured edgings was used to easily distinguish boundaries as follows:

- | | |
|--|----------------------------------|
| ▪ RP Act land boundaries | Green line |
| ▪ Portion boundaries | Red line (Portion number in red) |
| ▪ Primary Application boundaries
sometimes in purple. | Blue line (PA number in blue), |

Other uses of colour:

- | | |
|-------------------------------------|---------------------------------|
| ▪ Charting reference maps
number | Brown line above and below the |
| ▪ Defence Areas | Yellow shading |
| ▪ Surrenders | Yellow shading |
| ▪ Closed Road | Blue shading |
| ▪ New road | Pink Shading |
| ▪ Dedicated Road | Brown shading |
| ▪ Severed Land | Blue shading with red hatching. |

Extent of new charting DPs:

- | | |
|-------------------------------|----------------|
| ▪ As shown on charting maps | Pink wash |
| ▪ Boundaries of a DP | Blue wash |
| ▪ Shire names | Blue bar below |
| ▪ Municipality and City names | Pink bar below |

12.8 Pyramidal Mapping System

This was the original charting plan system, where successive plans lodged in this Office in turn became "current" charting maps for the area they covered.

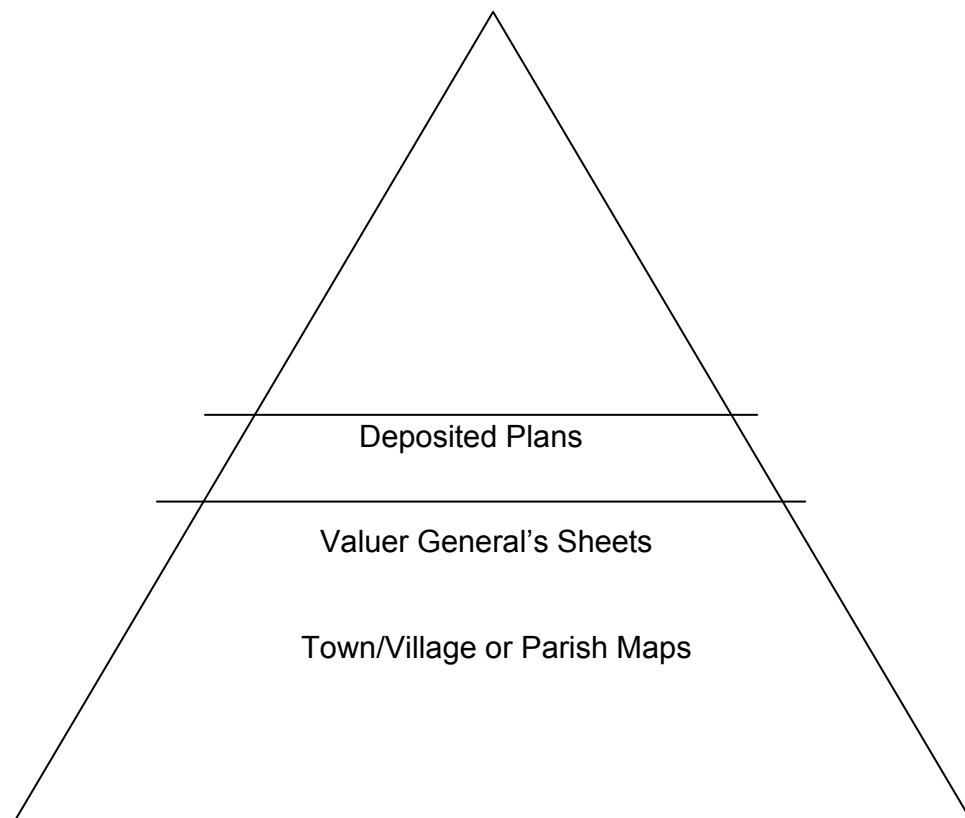
This occurred in the following manner:

Congested village or parish maps were divided into larger scale plans prepared by the Valuer General's Department (VG Sheets). These were used for charting purposes in the Office and named according to the Local Government area in which they were situated eg Hornsby Sh. 3, Sydney Sh. 103 etc. (Sh. stands for sheet).

Deposited Plans containing five or more lots became the charting map for subdivided areas on VG Sheets, Town or Parish Maps if. Deposited Plans with less than five lots were not usually charting maps.

Inspection of the VG Sheet may reveal a subdivision represented, in say, an early Litho or Roll Plan, which may be further subdivided, by a plan in the 200,000 series. At the time of each subdivision, the plan representing it may have become the next charting map.

The Pyramidal System may be graphically represented as:



13. Legal Concept of "Land"

The term "land" includes not only the surface, but the soil beneath it to the centre of the earth and the column of air above, also all things growing on or affixed to the soil, such as crops, trees and buildings. It includes also all minerals in the soil, excepting those, which by law, belong to the Crown.⁷

Land includes any incorporeal hereditament (easements, rights of way etc.) attached thereto.¹⁰

14. Estates in Land

In New South Wales, only four kinds of freehold estates were imported, namely:

- An estate in fee simple
- An estate tail¹¹
- AN estate for life
- AN estate in remainder

14.1 Estate in Fee Simple

The Estate in Fee Simple is the largest estate known to the law. It is the most absolute in respect of the rights it confers. Ownership of an estate in fee simple is the nearest approach to owning the land itself.

A fee simple at the present day confers an absolute right, both of alienation (*sale*) inter vivos (*during life*) and of devise under a will.¹²

An estate in fee simple is the greatest estate to be held against the Crown; one that lasts until no successor in title is available, at which moment the Crown is vested as reversioner by reason of *escheat*, that is, the land reverts to the Crown, if the tenancy comes to an end. A person who "owns" land is properly described as "holding" the land of the Crown.¹⁰

In effect if there are no other claims the Crown becomes the owner. See also Probate and Administration Act 1898 S61B (71) regarding forfeiture to the Crown.

The tenant in fee holds only subject to such conditions as were lawfully imposed by the Crown Grant or have been imposed by subsequent dealing.¹⁰

14.2 Estates Tail

These estates were commonly used in England to confine the succession in real property to the direct lineal descendants of the one family. The grant was made to a person and the heirs of his body, instead of to that person and his heirs (and assigns) as in the case of a fee simple disposition.¹⁰

The effect was to pass the property on the death of that person to his eldest son, or if no son, equally among his daughters. Where however, the entailed owner died childless there was a reversion in fee to the original grantor (creation) of the entail. A

¹⁰ Butt, P., Land Law *ibid* para 801

¹¹ Hallman LABS 8.3

¹² WH Challis "the Law of Real Property" 2nd edition p 191

grant could be specifically limited to a male succession by designating the estate as a fee tail male.¹⁰

Estates Tail are now of little more than historical interest, being virtually abolished by the Conveyancing Act, 1919 s.19. Ways and means had been devised, by the legal profession long before this, to bar the entail by disentailing deed, but the Statutory effect of s.19, was to convert the estate held by a tenant in tail, (with specified exception) to a fee simple.¹⁰

14.3 Life Estates

It is possible for a person, from their freehold fee simple estate, to create an estate or estates of lesser duration. These are known as Life Estates.¹³

The life estate occurs predominantly as the creation of a will, where the testator wishes to provide for a spouse for life.

For example:

“A” may grant to “B” an estate for “B’s” life.

“B” may convey this estate to “C” who will hold for the duration of “B’s” life only.

“C” will hold an *estate pur autre vie*, that is, for the life of another.¹³

14.4 Estates in Remainder

Regardless of the number of lesser estates created, there must always be an owner in fee, that is, a holder of the reversion or Estate in Remainder. This estate may be created by the deed granting the lesser interest or by separate disposition; and it may be either vested or contingent remainder.¹³

Where the grant is to “A” for life with remainder to “B”, a living person, “B” is vested in possession on the death of “A”.

Where however, “X” conveys (grants) a life estate to “A” with remainder to “B”, when he attains the age of 21 years, the contingency arises that “B” may not live so long, in which event, the reversion in fee would be to “X” the original grantor.

¹⁰ Butt, P., Land Law ibid para 801

¹³ Hallmann’s ibid para 8.22

15. Co-ownership

An estate or interest in land, may be held in co-ownership, the owners holding either, as Joint Tenants or Tenants In Common, according to the expressed intention in the disposition, or in the absence of such expression, according to legal interpretation, to the Conveyancing Act 1919, s.26. Where there was no expression, the law deemed the holders, to be joint tenants.¹²

However, in respect of instruments coming into operation after the commencement of that Act, s.26 directed that in the absence of expression, the holding of Co-owners was to be construed, as a Tenancy In Common, except in the case of executors, administrators, trustees or mortgagees.¹⁴

15.1 Survivorship

The principal feature of a joint tenancy is Survivorship, that is, on the death of a tenant, their interest cannot be passed by will, but accrues to the surviving tenant(s). During life however, a tenant is free to dispose of their interest, the disposition fracturing the joint tenancy (to the extent of the interest severed) and creating a tenancy in common.¹⁴

Where "A", "B", "C" and "D" hold as joint tenants and "A" conveys to "B", the result is a tenancy in common, with "B" holding an undivided one fourth share (the severed interest) and "B", "C" and "D" the remaining three-fourths as joint tenants. Note that "B's" unsevered share does not combine with the interest he took from "A".

The interests of joint tenants are equal and are created by the one instrument. Each tenant is held to the others in this partnership featuring survivorship, the number of partners diminishing as death or dealing intervenes, till one is vested in total possession - or becomes a remaining tenant in common.¹⁴

15.2 Share in Entirety

In a tenancy in common, each tenant has a Share in the Entirety which does not accrue to partners on death, but may be disposed of during life or transmitted on death, either by will or according to the laws governing distribution. The shares may be equal or unequal and may be created separately.¹⁴

¹⁴ Hallmann's ibid para 8.19

16. Possessory Title

In contrast to the indefeasibility afforded the Torrens registered proprietor, at Common law it is a matter of quality. The Title is good, only if a better one cannot be established. The Common Law has always regarded possession, as prima facie evidence of ownership in fee, and a trespasser (or adverse occupier) if allowed to run an unmolested course of possession, will, in time, effectively bar the rights of the documentary owner to recover this land.

The quality of the possession is a matter for lawyers and courts to consider in particular circumstances, but a general concept is that the activity must be sufficiently notorious, to establish the occupier as owner, in the eyes of the neighbourhood or of those whose concern it may be. It should be such that the dispossessed owner could, on any occasion, readily assess, in passing, that he was being displaced in title. It would not be sufficient for instance, that the parcel was fenced off.

A documentary owner does not lose title in any number of years, merely by leaving his land idle; it requires another to exercise, as against and to the exclusion of the owner, acts of ownership, in keeping with the general use of the area. Title can be made against the Crown in this fashion, as well as, against private ownership.

At the first moment of Adverse Possession, a right of action to sue for recovery arises in the dispossessed owner and continues until, in the absence of his positive action or of acknowledgment of his title by the intruder, his right is statute barred by the passage of time according to law. At that time the intruder has established himself as owner in fee and no future action by the documentary owner or any attempt at acknowledgment of that owner's title by the intruder, can reverse the legal position.

Time will run in favour of a trespasser, his heirs and assigns as long as there is continuous possession. A term of years by X is available to a stranger Y, provided there is no break of any degree in the continuity. If there is a distinct break in time, Y takes nothing from X and time will begin to run afresh against the dispossessed owner, as though X had never intervened.

A claim of possession may be made over the whole of an existing Torrens parcel by the lodgment of a Possessory Application 04YA. It may be made over any Old System parcel or part thereof and over any Qualified and or Limited title or part thereof by lodgment of a Primary Application 00PA.

The evidence required to support the claim are similar in both applications. Statutory declarations by the applicant and corroborating witness, rate notices etc.

An applicant for a folio of the Register on these grounds must necessarily support his claim. In the case of a claim over Torrens land a survey certificate re the definition of the affected land is required (See RG's Directions 04YA). In the case of a Primary Application a full plan of survey is required. The plan should establish the area of enclosure, and the statutory declarations from several uninterested persons, testify to the extent and nature of the occupancy relied on. The applicant should demonstrate whom, but for his possession, would be entitled, and this is taken to include a scheduling of the documentary title.

17. Old System Searching

Under Old System title, a single conveyance on its own, does not automatically give the purchaser in that deed, good title to a parcel of land. The title depends upon the soundness, of the chain of title that has preceded it.

Old System Searches are commenced in the Vendors Index, against the Purchaser's name, in the deed that was selected, as providing a Good Root of Title, from the execution date of that deed, until a conveyance of the subject land is found.

The search, is then continued, against the next purchaser, in the same manner, until, the title is traced to the present owner. Finally, the search is continued against, the last purchaser, to the present date.

During the course of the search, Entries are substantially recorded, in the manner in which they appear in the Vendors Index, subject to the following qualifications:

- Abbreviations are not used when writing the report
- Type of deed is expanded
- Names of parties are written in full
- Land descriptions are expanded
- Initials are not used for first or middle names
- Surnames are added, in the case of entries, for subsidiary parties (e.g. executors)

The searcher inspects every deed that affects subject land and records the execution and registration dates of each deed.

All entries affecting subject land are noted. If the search discloses a mortgage, the Mortgagee is searched up to a discharge or reconveyance of the mortgage or another deed by the mortgagee, affecting subject land, or to date.

Deeds by Mortgagees are noted under the original mortgage entry in the Vendors Index. For example, discharge of mortgage numbers are recorded under the original mortgage entry in the Vendors Index.

Note

Due to the volume of entries, mortgages by banks and other large financial institutions are not searched in the Vendors Index.

Where a Lease is disclosed that affects subject land and the term has not expired, a search is made against the lessee. If the lease is expired, the entry is shown and the word "Expired" is added under the entry. The lessee is not searched, if the lease is expired.

Section 184(G) of the Conveyancing Act, confers priority according to registration. Therefore, the search should be continued to the date of registration and not to the execution date of a deed.

18. Deeds

Governor Macquarie issued a proclamation on 18 January 1817 which provided for the registration of all deeds and conveyances made and executed from and after 25 March 1817. Governor Macquarie ordered that all Deeds of property were to be registered and that any deed not registered after that date, would be adjudged void.

Deed particulars were registered by entering a memorandum in a large book kept for the purpose, the first book commencing with Book A. The deeds were numbered serially, so that A-257 or Book A No. 257, would represent the registration number of the deed. The register was collectively referred to as the General Register of Deeds.

¹⁵

Later, registration was to be effected by way of filing a sworn copy of the deed itself. Originally books were comprised in five sections, with 200 deeds to a section, commencing with Book 1; so that the numbers 456-789 or Book 456 No. 789, refer to the 789th deed bound in Book 456. Books were later bound to contain sections of 100 deeds.¹⁵

Deed references were recorded on maps and plans with the deed No. coming first, rather than the Book number, for example 789-456 or No. 789 Book 456. Older deeds were numbered as No. and Book. When searching it is suggested to search both variations of deed references found on early maps and plans.¹⁵

Each time a land transaction occurred, a separate deed was drawn, so that establishing proof of title required the tedious examination of a series of deeds, known as a Chain of Title.

The Conveyancing system was cumbersome, expensive, uncertain and not guaranteed by the State, particularly as there was no statutory requirement to register deeds nor was it mandatory to register plans of subdivision of Old System land prior to 1961.

Interpreting and understanding deeds has been a problem since the early registrations.

Lord Westbury said of early deeds:

“they are difficult to read, disgusting to touch and impossible to understand”¹⁶

In 1847 a proposal to change the complexity of conveyancing was attempted with the introduction of a Bill, called the Conveyance of Real Property Bill. The Bill proposed to adopt a short form of conveyance.

The proponent of the Bill, Mr Brewster, in the course of introducing the Bill lamented:

“It might....have been expected that here, where....no old titles.....or feudal encumbrances existed, that a simple and inexpensive formula for the transfer of property would have been adopted.....the founders of the colony, however (have) thought proper, either in carelessness or ignorance, to import wholesale that indigested (sic) mass of prolixity, the English system of conveyancing.....From these

¹⁵ Hallmann's *ibid* para 9.53

¹⁶ Butt, P., *Land Law* 1996 3rd Edition, *ibid* para 1904

causes, numerous evils have resulted; we have now no recognised forms, or uniformity in conveyancing....”¹⁷

The Bill did not become law.

The Sydney Morning Herald 31 July 1847. Another speaker (Lowe) asserted that “from his own experience.....it was perfectly astonishing how few good titles existed in the colony” and that the fault lay in “the mass of complicated confusion in which the law relating to real property was involved”¹⁷

18.1 Conveyances

Conveyances are the most common deed used to transfer land under old system title. The same type of conveyance was treated differently by each person who prepared one. The length and complexity of the Recitals, entered was left up to the clerk who prepared the deed. This total lack of standardization of form is one of the main drawbacks of old system conveyancing.

Although there are no standard forms used, most conveyances contain the following:

- The parties to a deed are described as the Vendors (or executors of a deceased vendor) and the Purchasers. Although, some deeds, describe the parties as being; “of the first part” and “of the second part”.
- The amount of money paid by the Purchaser to the Vendor for the sale of the land.
- The tenancy of the Purchasers is stated, where applicable.
- A metes and bounds description of the land being conveyed.

All deeds contain a statement indicating the intention of the deed, commonly called the operative words. In a conveyance these words may for example be “conveying as beneficial owner in fee simple “ Schedule 2 of the Conveyancing Act 1919 has set wording “doth thereby convey unto said C.D. in fee simple”.S43 of the Act states that if used this wording “shall be effectual to pass any land”.

Conveyances were prepared, usually, by the Vendor’s solicitor. People preparing deeds often made use of the wording in previous conveyances in the chain of title. This practice often led to errors being passed on from one conveyance to the next.

Conveyances have to be read thoroughly, to ensure, amongst other things, that the vendor’s entire interest in subject land is being conveyed to the purchaser and not just a share.

18.2 Lease and Release

A "Lease and Release" is in effect a Conveyance. The freehold vesting in the "purchaser" was achieved by putting him into legal possession by a short term lease (usually 12 months) and by "Release" dated the day following the execution of the lease, vesting him with the reversion.

¹⁷ Butt, P., Land Law ibid para 1929

18.3 Confirmatory Conveyances

Confirmatory Conveyances are used to rectify errors in previous deeds. These conveyances state what the error was, in which conveyance it occurred and what the correct wording should have been.

18.4 Conveyance of the Equity of Redemption

A Conveyance of the Equity of Redemption is used when a vendor sells a parcel of land that remains subject to an existing mortgage. The new owner becomes the mortgagor as regards the outstanding debt that remains in the previous mortgage. The mortgagor's right to redeem title to land at any time is called the mortgagor's "equity of redemption".

18.5 Mortgages

At Common Law, a Mortgage is a conveyance of the legal estate, in land to secure a debt. The transaction is subject to the right in the mortgagor, to redeem his land by demanding a reconveyance on discharge of the debt. This interest is known as his equity of redemption and this may be transferred the same as any other property.

The method at Common Law of signifying the Discharge of a Mortgage debt is a Reconveyance, the conveyee being the original mortgagor or his sequels in title. Where the mortgagee releases only part of the land from the debt, he reconveys that part, without prejudice, to his rights under the original covenant as regards the balance.

The usual manner of effecting a revesting of land is by statutory discharge. This applies to either a total or a final discharge; any partial discharges (up to the final) are still effected by Deed of Reconveyance). It should be noted particularly that this statutory form of discharge, must be registered to be effective.

18.6 Leases

At Common Law a Leasehold Interest in land is classified as personal, not real estate. It is merely a right of exclusive tenancy of land or premises for a particular period of days or years (which must be stated with certainty), subject to and with the benefit of numerous covenants and conditions (embodied in the instrument creating the term), including covenants covering payments of rent.

Unless expressly forbidden by the instrument, a lessee may transfer this interest in whole or part of the land and for the whole remainder or some lesser term. The transaction is called an assignment and if for a sub-term, is known as an Under-Lease or Sub-Lease.

18.7 Acknowledgements

A gift of real estate by a will, is called a Devise and the beneficiary is called the Devisee. To give effect to a gift of real estate under a will, an executor or administrator is required to execute a conveyance or sign an Acknowledgement, that the devisee of the will of a testator is entitled to the estate or interest devised to them.

18

18 Hallmann's ibid para 8.142

Before it can have legal effect, an Acknowledgement must be registered in the General Register of Deeds.

19. Interpreting Deeds

There is no easy way to explain how to interpret the language used in old system deeds. Deeds appear to be written in what could be called “Legalese”.

The following extract is from a conveyance that was registered in 1998, yet the language used in the deed was the style used in 1898.

Extract from Conveyance Book 4229 No. 496:

“This Deed made the 29 day of October One thousand nine hundred and ninety eight BETWEEN OLIVE MAY MADDEN of Bellevue Hill in the State of New South Wales, Widow (hereinafter called the “Vendor”) of the one part AND MALCOLM DAVID FULLER and SUSAN JANE FULLER both of.....in the State of New South Wales, Company Director and Architect respectively (hereinafter called the “Purchasers”) of the other part, as joint tenants.”

“Whereas the Vendor being seised for an estate in fee simple free from encumbrances in the lands and hereditaments hereinafter described has agreed to sell the same to the Purchaser for the sum of One Million Three Hundred and Five Thousand Dollars (\$1,305,000.00)”

“NOW THIS DEED WITNESSETH that in consideration of the sum of One Million Three Hundred and Five Thousand Dollars (\$1,305,000.00) paid by the said Purchaser to the Vendor, (the receipt whereof is hereby acknowledged) the said Vendor as beneficial owner doth hereby convey unto the said Purchaser in fee simple”

“All That parcel of land situate in the Parish of Alexandria County of Cumberland in the State of New South Wales.....being Lot eleven Section one of the Bellevue Hill Estate Number two commencing.....to the point of commencement subject to the restrictive covenant in the said Conveyance Registered Number 329 Book 1138.”

The date used on the first line, is the date the conveyance was signed by the parties to the deed. This is the, the Execution Date of the conveyance.

Olive May Madden is selling the land described in the deed to Malcolm David Fuller and Susan Jane Fuller. The use of the words “of the one part” and “of the other part”, appear to be superfluous, as both parties, were already described as vendor and purchaser.

Often the words “Vendor” and “Purchaser” are not used to describe the parties and instead the words “of the one part” and “of the other part” are substituted. The capacities of these parties, to each of the parts, are usually defined in the sentence, which begins with the words “Now this Deed Witnesseth”.

All deeds have operative words that indicate the intention of the deed. The words “the said Vendor as beneficial owner doth hereby convey unto the said Purchaser in fee simple” are the operative or key words to look for, to ensure that the Vendor is conveying the documentary title to the Purchaser and not a possessory title. The phrasing of these words may be slightly different in each deed.

Following the metes and bounds ([see Section 24](#)) description of the land being conveyed in Book 4229 No. 496, are the words “subject to the restrictive covenant in the said Conveyance Registered Number 329 Book 1138.”

The land in Book 4229 No. 496, was being sold, subject to a restrictive covenant that was described, in a previous deed in the Chain of Title. In order to find out the terms of the restrictive covenant, Book 1138 No. 329 must be inspected.

The inconsistency in which conveyances were drawn has always been a problem. It depended on who prepared a deed, as to how much historical information was included. Some deeds, contain references to the prior conveyances in the chain of title, others contain none.

Vendors Index entries often contain the wording “Also to Produce”, this means that the deed contains a Covenant to Produce, which is a list of the previous deeds in the chain of title.

19.1 Old Deeds

Much of the wording contained in Old System deeds appears to be superfluous. A searcher must decipher the relevant facts from the myriad of other information contained in a deed’s recitals.

As mentioned before all deeds have operative words that indicate the intention of the deed. In old conveyances and other deeds the operative clause usually started with “this deed / indenture hereby witness”

A conveyance may for example “grant bargain sell alienate release and confirm” and then indicate that the purchaser was “to have and to hold unto the use of (the purchaser) his heir and assigns forever.”

In a mortgage the owner also conveys the fee simple to the mortgagee using a similar form of words with the added clause “subject nevertheless to the proviso of redemption” this gave the owner the right to redeem his property on payment of the mortgage. These are not the only forms of wording used to determine the actions a deed is undertaking and the entire deed should be read to determine any possible other effect the deed may have intended. Covenants and easements for example are usually recited at the end of the deed.

Unfortunately, the Early Deeds were hand written, which makes reading some of them very difficult. The form of the old ‘s’ resembled the modern ‘f’ and was more likely to be used as one of a pair of ‘s’s’ or as both ‘s’s’ rather than a single “s”. The way in which some words were written, in early deeds, can be confusing, for example, in some words, the letter “f” sometimes appears to be substituted for the letter “s”. The word “assured”, in Conveyance Book 264 No. 437, appears to be written as “afsured”.

Several parcels of land can be conveyed in a single deed. Conveyance Book 702 No. 807 conveyed three parcels of land. The deed contained two schedules of land descriptions.

The Vendor sold the documentary title to the two parcels contained in the First Schedule to the Purchaser. However, the Vendor only sold a Possessory Title, to the Purchaser of the parcel contained in the Second Schedule.

Recitals in Conveyance Book 702 No. 807 stated:

"Whereas the said Vendor hath contracted....with the....Purchaser for thesale to him of the lands....described in the first schedule hereto....in fee simple in possession....and also his right title and interest in and to the lands....described in the second schedule hereto...."

The use of the words "In Fee Simple in Possession" can be confusing, but they actually indicate the conveyance of the documentary title. Even though phrase used the word "possession" the intention was to convey the documentary title.

The use of the words "right title and interest" was the indicator of the conveyance of a Possessory Title.

However, there are circumstances where the use of the words "right title and interest" may not necessarily mean that a possessory title is being conveyed. Each deed must be read thoroughly, in order to ascertain the intention of the parties.

The fact that there were no standard forms used in the preparation of deeds, led to the multitude of variances in the recitals used in old system deeds. It is not possible to list the many and varied recitals that appear in deeds. Suffice to say that only with experience, will a searcher become reasonably familiar with the peculiar language used in deeds.

Conveyances by Executors of a deceased owner require particularly careful reading. A parcel of land may have changed ownership, through the will of a deceased owner, on several occasions, without the registration of any intervening deeds.

Example

- John Citizen purchased a parcel of land in 1880.
- John Citizen died in 1920, leaving his wife a life estate and then following her death the parcel should go to his executor Bill Brown.
- Bill Brown died in 1925, without registering any deeds. He left the parcel to his children, Peter Brown and Harry Brown, in equal shares.
- Peter Brown and Harry Brown register a deed, which gives them ownership of the parcel.

The deed by Peter Brown and Harry Brown must recite how the ownership of the parcel has devolved from the estate of John Citizen onwards.

19.2 Dry Trustees

A conveyance known as a "limitation to user" was developed by the legal profession, to enable persons disqualified by the Common Law from owning land, to nevertheless enjoy the benefits of a vicarious ownership, through the intervention of a legal intermediary (trustee), as nominal legal owner.

In time, (and except where some administrative responsibility continued in the trustee), the courts came to accept the beneficiaries' interest, as a legal estate, with the nominal (or "dry") trustee passing from further title consideration.

Because dry trustees' were only nominal owners, their names are not searched. Often it is unclear if a person mentioned in a deed, is a Dry Trustee. The phrase "to

have and to hold unto (X) for the use of (Y) may precede the name of a dry trustee in a deed". In this form (X) may be well be a "dry" trustee as the use of the estate is held for another person (Y).

19.3 Deposited Deeds

Section 53(2)(e) or Section 64 of the Conveyancing Act 1919 allows for the permanent depositing of documents (Deposited Deeds (DD's) by the public with the Registrar General.

Section 53(2)(e) of the Conveyancing Act 1919 provides that on the completion of a contract for the purchase of land, and subject to any stipulation to the contrary in the contract, where the vendor does not retain any part of an estate to which any documents of title relate and if the documents are the subject of any covenant to produce or of any right in any person to their production, he shall deposit such documents with the Registrar General.

Section 64 of the Conveyancing Act 1919 states "a covenant or undertaking expressed or implied to produce any document relating to land shall be satisfied by a deposit of the document permanently in the office of the Registrar General."

The first Deposited Deed was received by the Registrar General on 17 December 1858 and a Deposited Deed Index was created. A vendor type entry was made with the addition of the date of the instrument and the packet number. Originally all documents deposited were indexed but only unregistered instruments have been indexed since March 1957 until the commencement of the Automated Deeds Indexing System (ADIS) on 2 November 1992.

Deposited Deeds presently exist only in a hardcopy form. The documents are usually produced to the Registrar General as they are an accepted deed or document in a chain of old system title and likely to be in demand in the future from multiple parties for land development, Primary Applications or subdivision.

The deeds and associated papers typically including both registered and unregistered deeds, Wills, Probates etc are lodged with the Supervisor Off-line Property Information Branch in basement 1, West wing.

The collection is lodged in ITS in the Deposited Deeds Lodgment screen and each document is stamped with the DD packet. The packet number is recorded in the upper margin of the registration copy of the affected instruments. Manual registered instruments are not indexed but the corresponding registration copy of the registered deed is marked with a reference to the DD packet number, ie if numbered below Book 4000.

All deeds registered pre ADIS, ie before Book 4000, must be manually stamped with the Deposited Deed packet number. All deeds registered post ADIS, ie after Book 4000, will be automatically indexed in ITS. All lodged original registered deeds and associated documents are initially filed in LPI in basement 2, records wing in the DD packet.

A search under the Deposited Deed number can be made in ITS, however under ITS only the following instruments are listed

- Deeds above 4000
- Unregistered deeds,

- Probates and Notice of death.

On lodgement of a Deposited Deed Packet a copy of the Receipt of Documents is bound in the Deposited Deed Index and can be viewed in the Old System Search area in Basement 1 of the LPI Office.

This receipt lists all the documents being lodged including those not shown in ITS such as Statutory Declarations, Birth, Deaths and Marriage Certificates, solicitors abstracts of title etc.

20. Official Searches

Official Searches are conducted, pursuant to the provisions of Section 197 of the Conveyancing Act 1919.

The Registrar General is directed in the paragraphs of the section to:

- Conduct the search as requested.
- Prepare and file a certificate specifying the correct particulars of the result of the search.
- Issue an Office Copy of that certificate to the lodging party of the request.

Unlike searches compiled by private sector searching companies, Official Searches are legal documents, which may be used as evidence in a court of law.

Generally an Official Search can be requested in writing or on the form provided for the following reasons:

- a. Ownership
- b. Search back to a good root of title.
- c. Search commencing from Book & Number or set date.
- d. Continuation of an existing Official Search.
- e. Status of a road etc
- f. Search of the Register of Causes Writs and Order.

Removal of a Qualification or Creation of an unqualified title

The major use made of an official search now is for either the removal of a qualification or, the creation of a non qualified folio of the Torrens Register. A special application for that purpose is attached to the Fact Sheet "Old System conversion or removal of a caution via an official search". It includes the application, a statutory declaration and the consent of the mortgagee

Both requests contain an undertaking to pay all search fees, which must be signed by the lodging party. The prescribed fees must be paid before delivery of the Office Copy of the Official Search.

If a request is withdrawn after the commencement of the search, but before the completion of the search, the customer must pay the fees, for the work done up to the date of the withdrawal.

Requests for Official Searches are subject to the following provisions:

- The search should not prove impracticable to complete.
- An interim payment of fees may be required before the completion of the search.
- Where a search is requested, by a party who is not a regular client, the payment of a substantial initial fee, may be required.
- Each request should be restricted to only one chain of title.

Note

A request for any Official Search must contain a good description of the land to be searched.

If the deed description or land details do not readily identify the land then a locality sketch of parcel should be lodged.

Where the application is for a removal of a caution on an unlimited title, a survey report and identification survey prepared by a surveyor that specifies the age and nature of all buildings, fences and occupations existing on the land and their relationship to the parcel boundaries should also be lodged.

20.1 The Limitation in an Official Search

Creation

Any folio created by an Official Search will normally be limited unless the land is defined in a modern plan of survey. Using the Epitome prepared by the Title Examiner the Survey Examiner will prepare a departmental deposited plan, based on the deed description. The use of an existing plan such as a parish portion, a town allotment or a lot in a registered plan will be at the discretion of the Survey Examiner.

Removal

The Limitation can only be removed by the lodgement of a plan of delimitation or subdivision. It is not uncommon for a plan to accompany an application, if so on completion of the search and title examination the Official Search and Epitome are forwarded with the plan to the Survey Examiner for plan processing prior to final action on the official search.

Survey Report required for removal of Qualified but Unlimited Titles

A survey report and identification survey prepared by a surveyor that specifies the age and nature of all buildings, fences and occupations existing on the land and their relationship to the parcel boundaries.

Exemptions from new plans of survey.

Subject to the written approval of the Manager, Old System Plans Section, a new plan of survey is not required where the subject parcel is a lot in:

- a registered deposited plan of survey made within 12 years of the date of lodgement or the land is surrounded by registered deposited plans of survey made within 12 years of the date of lodgement. There must be no conflict between the surveys represented in these plans
- a registered deposited plan of survey more than 12 years old and evidence is furnished that the land and adjoining lands are vacant and unfenced
- a registered deposited plan of survey more than 12 years old, the land is fenced and the consents of all adjoining owners to the plan and the position of the occupations/fencing shown thereon are furnished
- a registered compiled deposited plan based on a prior registered deposited plan of survey made within 12 years from the date of lodgement
- a registered compiled deposited plan and is surrounded by registered deposited plans of survey made within 12 years of the date of lodgement. There must be no conflict between the surveys represented in these plans.

If the applicant chooses to lodge a plan of survey to allow the issue free from limitation, the usual lodgement fees will be payable.

20.2 Official Search to Create a Non Qualified Folio of the Register

This method of title conversion provides an alternative to conversion by Primary Application. LPI will consider the use of an official search provided the search extends to a good root of title or the Title Examiner is satisfied that the commencing point of the search is suitable.

On completion of the search, the case is passed on the Title Examiner, who inspects the copies of the deeds in the chain of the title in order to determine if the search is suitable for the issue of an unqualified title.

The search cannot be used where ownership is based on possession, the official search raises doubts about the owner's title or the any plan indicates that the land may be adversely occupied.

If it is suitable, the Title Examiner will prepare an epitome which the Survey Examiner will use to determine if:

- a. a departmental plan should be prepared or
- b. a suitable registered plan can be used as the title diagram.

If the title and survey investigations are satisfactory then a letter is prepared to the client setting out the fees and other requestions to be satisfied.

20.3 Official Search to Remove a Caution from a Qualified Title

Section 28M of the Real Property Act, 1900 sub-sections (3b) and (4c) enable the Registrar General to remove a Caution under Section 28J (1) and 28J (1a) from an existing Qualified Folio by consider the use of an official search.

The official search should extend to a good root of title or the Title Examiner should be satisfied that the commencing point of the search is suitable.

The application for removal is attached to the Fact Sheet "Old System conversion or removal of a caution via an official search". It includes the application, a statutory declaration and the consent of the mortgagee.

On completion of the search, the case is passed to the Title Examiner, who inspects the copies of the deeds in the chain of the title in order to determine if the search is suitable for the removal of the qualification from the subject title.

If it is suitable, the Title Examiner will prepare an epitome, determine the fees and then prepare a letter to the client setting out the fees and other requestions to be satisfied.

If suitable the applicant will be required to lodge an RPA Form 17cc Cancellation of Caution at Document Registration Division (A lodgment fee is payable).

It must be completed by filling in Clause (c) of the Statutory Declaration at marginal note (E) using this Official Search No as the reference. If you use the interactive form you should select "28MC [based on an Official Search]" and enter this Official Search No.

See "[Section 20.1](#) Limitations in an Official Search" for information on the removal of the limitation from the title.

Qualifications under 28J(1b) Possession.

The search cannot be used where ownership is based on possession eg the qualification is a 28J (1) (1b), the official search raises doubts about the owner's title or the any plan indicates that the land may be adversely occupied.

A 28J(1b) can only be removed by the lodgement of a Primary Application.

20.4 Official Search Pursuant to Section 700 of the Local Government Act 1993

These are Official Searches requested by Councils prior to the sale of a property for unpaid rates.

The Registrar General is required to provide a Certificate, which sets out the current owner of a property, together with details of all encumbrances, which affect the title. An Official Search is prepared in similar manner to other Officials, except the search is made pursuant to Section 700 of the Local Government Act 1993.

The seal of the Registrar General is placed after the last entry on each page. On the final page the Signature and Seal of the Registrar General must be affixed.

20.5 Official Search pursuant to Section 151 of the Environmental Planning and Assessment Act 1979

The Registrar General is required to provide a Certificate, which sets out the current owner of a property, together with details of all encumbrances, which affect the title.

22. Good Root of Title

Originally in England ownership of old system land could only be proved with absolute certainty, by tracing, in an unbroken chain, all events and documents that affected the land all the way back to the Crown Grant. This type of search was usually impossible to investigate, as the first grants were issued in 1066 or shortly afterwards.¹⁴

The English courts adopted a rule requiring an owner wishing to sell land, to trace the title back in an unbroken chain, to an acceptable documentary starting point generally of 60 years.

This documentary starting point for an old system search is called a Good Root of Title. If such a starting point is found and if the title is able, to be traced, in an unbroken chain to the present, the purchaser of a parcel of land could be reasonably confident that the title was sound.¹⁵

The starting point of the good root of title has varied over the years. Courts generally accepted 60 years. In 1789 that period was accepted to claim against the crown. (Crown Suits Act 1769 or Nullum Tempus Act) (BUTT 2204).

In 1837 under the Real Estate (Limitation of Actions) Act (8 Will 4, No 3) NSW adopted the English act of 1833 which generally required 20 years possession to bar the title of persons other than the Crown. (BUTT 2204)

By the Conveyancing Act 1919, Section 53 (1) the period was set at 40 years. This was dropped to 30 years by the Conveyancing Act (Amendment) Act 1930 (BUTT 1907).¹⁶

In practice, it is unlikely that the good root of title will be exactly 30 years old. A vendors search may have to go well beyond the 30 year period to find the first Suitable Deed.¹⁶

Limitation Period

This 30 year period which is used to establish "a good title" should not be confused with the Limitation period. If claiming possession the period from which a person in possession may have established a bar against the documentary owner is 30 years against the Crown and 12 years against all others. See Section 27 Limitations Act 1969 -

22.1 Criteria for Selecting a Commencement Point for a Good Root of Title Search

Methods of finding the commencement point

Usually the information disclosed on the search will indicate the probable commencing point.

If this information is not available the Valuer Generals details of the site should indicate the current owner, this name and the antecedents are then searched backward in the Purchases Index to locate the commencing point.

It is possible to search the Purchasers Index back to 1896 and not be unable to locate a suitable deed for the start of a good root of title. If this occurs, images of the paper reference map needs to be inspected. Use the CRV and view LTO Charting/Reference maps. The reference maps are also available in SIX see; Spatial Services, Cadastral Records, Ref Map Search.

The number of any primary application, Conversion Action or Official Search noted on subject land or in the vicinity of subject land should be noted and the documents examined for any deeds, which may include the land being searched.

Any deed in the chain may contain a list of the deeds in the chain usually in reference to the Covenant to Produce [See Section 30.1](#). This list may assist in determining a commencing point.

The documentary title may need to be traced forward from the original Crown grant to establish the commencing point.

A Suitable Commencement Point for a Good Root of Title search is established by finding a deed that meets one or more of the following criteria:

- (a)** A conveyance of the fee simple or a first mortgage, by way of conveyance of the fee simple, which:
 - is at least 30 years old
 - deals with the whole of the legal and equitable estate
 - contains a metes and bounds description which clearly defines the land
 - requires no extrinsic evidence to justify it
 - is for valuable consideration
 - discloses nothing in the recitals to cast doubt on the title of the disposing party
- (b)** A conveyance by a Council or the Public Trustee for non-payment of rates pursuant to the provisions of the Local Government Act.
- (c)** A conveyance by a resuming authority of land vested in it by notification of resumption or notice of taking.

14 Butt, P., Land Law *ibid* para 1905

15 Butt, P., Land Law *ibid* para 1906

16 Butt, P., Land Law *ibid* para 1907

- (d) A deed, regardless of its date, which has been accepted in a Primary Application and which:
- included the subject land in the same metes and bounds description
 - was part of the land in the same Crown Grant
 - followed, without deviation, the same chain of title from that Crown Grant
- (e) If all other options are unacceptable, the Crown Grant is always a suitable commencing point.

Note

If using a commencing point from a previous Primary Application, the following wording should be added at the end of the search;

“The early title was accepted in Primary Application No.”

23. Official Search Report

23.1 The Format

An Official Search can be hand written in pencil or prepared using a word processor. Each Official receives a unique Official Search number, which is allocated from TRIM under Official Search record.

The Official Search number is written at the top right hand corner of each page of the report.

A statement saying that the search relates to the Conveyancing Act 1919 is written on the first page:

“Certificate of Result of Official Search Conveyancing Act, 1919”

Then the following preamble is written:

“This is to certify that the list following contains particulars of all entries in the Indexes respectively referred to against the names and for the periods respectively indicated appearing to affect the title of the land described as:”

The land description follows the preamble. Use the Metes and Bounds description from the latest conveyance. If the land is described as a lot in a deposited plan then a full metes and bounds description does not need to be written, just the lot in deposited plan and location details are written. From then on this land description is known as “Subject Land”.

On the next page of the report the heading, Vendors Index is centred at the top of the page. The entries found in the index are entered, commencing with the Vendor's name in the deed chosen as the start of the Good Root of Title. This deed is known as the Paper Deed.

Each entry in the report will show:

- registration number of the deed
- nature of the deed
- execution date
- registration date
- parties and tenancy
- land description
- any other relevant information noted in the index

Parties acquiring an interest in the subject land are searched from the Execution Date of the deed when the interest is acquired, until the Registration Date of the deed when the interest ceases.

Parties acquiring an interest, under a deceased estate, are searched, from the date of death of the deceased, to the registration date of the next conveyance or deed disposing of the interest.

Lines are ruled after entries to indicate when the search against a name is finished.

Previous Primary Application searches are referred to, if the land in that search historically follows the same chain of title of the subject land. The present search may be continued, from the last deed which affected subject land, as disclosed in the primary application search, to date. In similar manner, use is made of previous Official Searches.

Only indexed entries, specifically relating to the subject land and to the parties searched, are recorded. However, entries which cannot be positively eliminated in the light of the information disclosed, as the title devolves, may be recorded (but not pursued) and these entries in the search are marked as follows:

"This entry cannot definitely be related to the title of subject land."

23.2 Mortgage entries

Mortgage Entries are shown in order of registration in the Vendors Index. The search report shows the mortgagee being searched from the execution date of the mortgage, until the registration date of a discharge or reconveyance of the mortgage or other dealing by the mortgagee with the land.

Discharges, reconveyances or other deeds by mortgagees are noted immediately under the original mortgage entry in the Vendor's Index.

If a discharge or reconveyance, is not found, the search against the mortgagee is shown as being continued to date.

Please Note: A search is not actually conducted against mortgagees, which are banks or large financial institutions due to the vast number of entries in the index. If there is no reference to a discharge or reconveyance noted under the original mortgage entry, it is presumed that the mortgage is still current.

23.3 ADIS Entries

Entries in ADIS were abbreviated by comparison to paper Vendors Index entries. Land descriptions in ADIS tended to be shortened to include a brief description of the land being conveyed and the locality.

After searching the paper records, an Old System search is now continued to the present date, using ITS Access Vendors Index searching via, the Integrated Titling System (ITS).

In ITS, click Searches and Inquiries and then click Deeds. The options under Deeds is Deed Name Search

LPI NSW - Integrated Titling System

Deed Name Search

Family Name *At least 2 characters*

Given Name *At least 1 character*

☒ Exact Order ☐ Any Given Name

OR

Name

*Corporation names - do not include Pty Ltd. Co. etc.
Private names - use when the Family Name / Given Name is not apparent.
Select the Any Order option.*

☐ Exact Order ☐ Any Order

Register

- ☒ Vendor/Purchaser
- ☐ Security Interests (SIGA)
 - Bill of Sale
 - Stock
 - Winn
 - Crop
- ☐ CWO
- ☐ Resumption
- ☐ Unreg Deposited Deed

Name 1 of 20

DAVID ANDREW JONES
DAVID CHRISTOPHER JONES
DAVID CONGRAVE JONES
DAVID EDWARD JONES
DAVID ELGAN JONES
DAVID ERROL JONES

Help Clear Cancel OK

View results

LPI NSW - Integrated Titling System

Deed Details

Searched:

BK 4536 NO 127	Registered 22/1/2008 11:44:45 AM
	Deed Type POWER OF ATTORNEY
	Vendor DAVID ANDREW JONES
	*** END OF SEARCH ***

Print Cancel OK

Select deed to display

The search report should reflect what is written in the Vendors Index, therefore, land descriptions are written as shown and the appropriate wording for subject land added, such as "includes subject land" or "subject land otherwise described".

23.4 Mortgagee Power of Attorney entries

If a discharge of mortgage is signed by an attorney acting on behalf of a mortgagee, a Power of Attorney entry must be shown in the search, if the power of attorney was registered, between the execution date of the mortgage and the registration date of the discharge.

23.5 Entries Involving Executors

Conveyances by Executors are indexed under the deceased's name. The executors are searched from the date of death of the deceased, until the registration date of a Conveyance or Acknowledgement by the executors.

When showing the executors being searched, the words "From Say", are used to show that the executors have only been searched, from the date of death of the deceased and not from the date of execution of the previous conveyance.

If a private mortgagee dies whilst a mortgage remains undischarged, the executors of the mortgagee are searched, "From Say", the date of death of the mortgagee, until the registration date of the discharge or reconveyance.

24. Land Descriptions

A searcher must be able to read and understand the land description contained in a deed. Most deeds do not contain a diagram of the parcel being conveyed. Often, the only way to know what a parcel of land looks like is to draw a scale diagram, based on the land description contained in the deed.

This is known as a Deed Sketch.

Deed Descriptions are written using either imperial or metric measurements. The imperial measurements may be either in feet and inches or chains and links.

Land may be described in a deed as the whole or part of a:

- portion in a parish
- lot in a plan
- allotment in a section of a town
- lot in an Estate

Some descriptions do not contain any lot or portion numbers. They are just a sequence of bearings and distances or just distances in a general direction.

“Metes and Bounds”

Conveyances generally contain “Metes and Bounds” descriptions of parcels of land eg in a description “bearing NW 30 feet”. The bound is NW, the mete is 30 feet or “bound on the NE by the NW side of lot X” the bound is NW.

The description may give general details of where the land is located, ie County and Parish and/or locality information. The area of the land is also usually given.

The Metes and Bounds together set the limits for the land described.

Metes are an expression of distance in a direction.

Bounds set the limit to the sideways extent of a property line in some particular direction.

24.1 Subject Land

In the search report the words “Subject Land” are used when the description in a deed matches that of the land being searched.

24.2 Subject Land Otherwise Described

Subject land otherwise described, is used when the way subject land is described in a deed, differs in some way, but the land is still only subject land.

Example

- Subject land, may be referred to as an allotment in a section, in older deeds and in more recent, deeds it is referred to as a lot in a DP.
- A deed may describe subject land in feet and inches and a more recent deed may use metric measurements.

24.3 Includes Subject Land

Includes subject land is used if the land being searched forms part of the land description in a deed. The complete land description in the Vendors Index is written in search report, followed by the words "Includes Subject Land". All abbreviations are expanded.

24.4 Inter Alia Subject Land

The term, Inter Alia subject land is used when a deed contains more than one land description, one of which is subject land. A vendor may convey one or more parcels to a purchaser using the same deed. The land description in the Vendors Index is written in the search report, followed by the words "Inter Alia Subject Land". All abbreviations are expanded.

24.5 Inter Alia Subject Land, includes Subject Land

This term is used when a deed contains more than one land description and subject land forms part of one of those descriptions.

25 Official Search Report

Example 1

Certificate of Result of Official Search
Conveyancing Act, 1919

Official Search No. 35723

Search Fees	
Minimum fee	\$00.00
Extra fee	\$00.00
Total	\$00.00
Less Fee Paid	\$00.00
Fee Payable	\$00.00

General Registry of Deeds

This is to certify that the list following contains particulars of all entries in the Indexes respectively referred to against the names and for the periods respectively indicated appearing to affect the title of the land described as:

ALL THAT piece or parcel of land situated in the Parish of Maitland and County of Northumberland in the State of New South Wales containing by admeasurement Forty Six acres One rood Nine and a quarter perches or thereabouts commencing at the South West corner of Portion Number Twenty Four bearing North 0 degrees twenty seven minutes West one hundred links from the North West corner of Portion Number Twenty Three (R P Application 11199) and bounded thence by the North side of a Road one chain wide bearing North eighty nine degrees forty two minutes one thousand six hundred and four point four-tenths links thence North eighty nine degrees four minutes East nine hundred and four point five-tenths links thence by a partly fenced line bearing North 0 degrees fifty one minutes West seven hundred and sixty three links thence by the South West side of the land resumed by the Crown for Water and Sewerage purposes bearing North forty six degrees twenty two minutes West two thousand three hundred and thirty nine point three-tenths links thence by a line bearing South eighty nine degrees and thirty two minutes West eight hundred and twenty three links thence by the East side of a Road one chain wide bearing South 0 degrees twenty seven minutes East two thousand three hundred and ninety three links to the point of commencement being part of Portion Twenty Four.

RG
Seal

The following is the first entry in the Search Report: (Note: After the land description is written a new page is usually started, headed Vendors Index.)

Official Search No. 35723

Vendors Index

Ball & Wilson Proprietary Limited

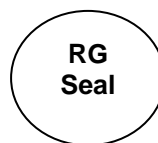
From: 22-12-1953

To: 13-1-1954

Book 2275 No. 274
Conveyance
Dated 22-12-1953
Registered 13-1-1954

The Shell Company of
Australia Limited

Subject Land



Notes - Example 1

Ball & Wilson Proprietary Limited is selling subject land. The company is the Vendor, it is shown being searched from the execution date (the "dated" date) of Conveyance Book 2275 No 274 to the registration date of that deed. The registered date is the date when the document was registered in this Office.

The Execution Date is the date usually located at the top of the first page of a deed. This date is when the document was signed by the parties to the deed. The Registration Date of a deed is usually located on the last page of a deed. However, in more recent deeds, the Book and Number and the registration date are located on the first page.

Entries are separated into 3 distinctive columns.

The first column contains:

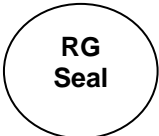
- Book and No.
- Type of deed
- Execution date
- Registration date
- Other information mentioned in the index, such as executors names

The second column shows the names of the parties acquiring an interest in Subject Land. In this case, The Shell Company of Australia Limited is the Purchaser.

The third column is used for the land description. The whole of subject land is being conveyed in this deed, so the words "Subject Land" are sufficient.

Entries are written as they appear in the Vendors Index. Abbreviations are expanded. For example, the abbreviation "Psh" is written as Parish.

If no entries are found when searching a name, the entry is written as follows:

<u>The Shell Company of Australia Limited</u>	From 22-12-1953 To Date
Nil	
Dated to 4 December 2002	
	

LINK:- Conveyance Book 2275 No. 274 at Maitland

The Shell Company of Australia Limited was searched in the Vendors Index from 22 December 1953 to 4 December 2002 and no entries were found which affected subject land. Some entries were found under the company's name, but none of those entries related to subject land.

If there are no entries recorded in the Vendors Index that affect subject land then the word "Nil" is written, as shown above.

This example is of a simple search, which is intended to show the order in which an Official Search Report is written. The more entries found, the longer and more complex, the writing of the report becomes.

25.1 Link Conveyance

The Link Conveyance links the manual Vendors Index with ITS. The last registered conveyance prior, to 2 November 1992 is the Link Conveyance. The number of the link conveyance will always be in the pre Book 4000 series.

Enter the Link Conveyance details together with the locality of Subject Land, after the Seal of the Registrar General on the last page of the search.

Example 2

Subject land is Lot 2 in Deposited Plan 1016772. Subject land was originally described as part of Lot 11 Section 1 Bellevue Hill Estate number 2 (part Cooper and Levey's 1130 acre grant) north west by Roslyn Street. Lot 2 DP1016772 only forms part of the former Lot 11 Section 1.

The Vendors Index entries describe subject land as it was originally known. When an entry is shown which uses the original description, the entire description as shown in the index is written with the words "Includes Subject Land" added in the report to show that subject land once formed part of that land.

This search contains a wider variety of entries, such as mortgages and entries involving executors.

Certificate of Result of Official Search Conveyancing Act, 1919

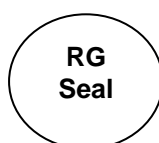
Official Search No. 35749

Search Fees	
Minimum fee	\$00.00
Extra fee	\$00.00
Total	\$00.00
Less Fee Paid	\$00.00
Fee Payable	\$00.00

General Registry of Deeds

This is to certify that the list following contains particulars of all entries in the Indexes respectively referred to against the names and for the periods respectively indicated appearing to affect the title of the land described as:-

ALL THAT piece or parcel of land being Lot 2 in Deposited Plan 1016772 at Bellevue Hill in the Municipality of Woollahra Parish of Alexandria and County of Cumberland and being the whole of the land in Qualified Certificate of Title 2/1016772.



Note

Because subject land is comprised in a Lot and DP there is no need to write a full metes and bounds land description.

Vendors Index

Clive Molesworth Ascelles

From: 14-9-1918

To: 8-10-1918

Book 1138 No. 329
Conveyance
Dated 14-9-1918
Registered 8-10-1918

Albert Frees

Parish Alexandria Lot 11
Section 1 Bellevue Hill
Estate number 2 (part
Cooper and Levey's
1130 acre grant) north
west by Roslyn Street
(Includes subject land)

Albert Frees or
Albert James Frees

From: 14-9-1918

To: 12-4-1951

Book 1157 No. 724
Power of Attorney
Dated 17-12-1918
Registered 17-7-1919

Annie Elizabeth Searl
(attorney)

Power of Attorney

Book 1157 No. 725
Mortgage
Dated 5-6-1919
Registered 17-7-1919
(by attorney)

Edith Mary Hoyles

Parish Alexandria Lot 11
Section 1 of the Bellevue
Hill Estate number 2
(part Cooper and Levey's
1130 acre grant)
bounded by Roslyn
Street (Includes subject
land)

Discharge Reg'd Book 1178 No.720

Book 1299 No. 379
Mortgage
Dated 10-4-1923
Registered 18-4-1923
(by attorney)

Frederick Colwell

Parish Alexandria Lot 11
Section 1 Bellevue Hill
Estate number 2 (part
Cooper and Levey's
1130 acre grant) north
west by Roslyn Street
(Includes subject land)

Reconveyance Registered Book 1381 No. 979

RG
Seal

Albert Frees or
Albert James Frees (continued)

Book 2165 No. 311
Conveyance
Dated 12-1-1951
Registered 12-4-1951
by Amelia Frees
(widow) and Doris Ida
Frees (executrices)

Delia Teresa Madden

Parish Alexandria Lot 11
Section 1 of the Bellevue
Hill Estate number 2 and
being part Cooper and
another's 1130 acre
grant north west by
Roslyn Street (Includes
subject land)

Amelia Frees
Doris Ida Frees
(Executrices of the will of Albert James Frees)

From Say: 7-9-1938
To 12-4-1951

Book 2165 No. 311 see entry under Albert James Frees
Conveyance

RG
Seal

Official Search No. 35749

Edith Mary Hoyles
(Re Mortgage Book 1157 No. 725)

From: 5-6-1919
To: 5-3-1920

Book 1178 No. 720
Discharge of Mortgage
Dated 4-3-1920
Registered 5-3-1920

Albert Frees

Discharge of Mortgage
Book 1157 No. 725

Frederick Colwell
(Re Mortgage Book 1299 No. 379)

From: 10-4-1923
To: 20-4-1925

Book 1381 No. 979
Reconveyance
Dated 20-4-1925
Registered 20-4-1925
by Susannah Mary
Colwell (widow) and
Arthur Stanley Colwell
(executors)

Albert Frees

Reconveyance of
Mortgage Book 1299 No.
379

Annie Elizabeth Searl
(Attorney)

From: 17-12-1918
To: 12-4-1951

NIL

RG
Seal

Official Search No. 35749

Arthur Stanley Colwell
Susannah Mary Colwell
(Executors of the will of Frederick Colwell)
(Re Mortgage Book 1299 No. 379)

From Say: 7-4-1924
To: 20-4-1925

Book 1381 No. 979 see entry under Frederick Colwell
Reconveyance

Delia Teresa Madden

From: 12-1-1951
To: 4-5-1962

Book 2608 No. 199
Conveyance
Dated 27-12-1961
Registered 4-5-1962

Brian Desmond Madden

Parish Alexandria Lot 11
Section 1 Bellevue Hill
Estate number 2 and
being part Cooper and
Levey's 1130 acre grant
bounded by Roslyn
Street
(Includes subject land)

Brian Desmond Madden

From: 27-12-1961
To: Date

Book 3325 No. 173
Acknowledgement
Dated 31-5-1978
Registered 11-7-1978
by Olive May Madden
(executrix)

Olive May Madden

All real estate of said
Brian Desmond Madden
(deceased)

The above entry, cannot definitely be related to the title of subject land

RG
Seal

Official Search No. 35749

Olive May Madden

From Say: 4-7-1977
To: 12-3-1999

Book 3325 No. 173 see entry under Brian Desmond Madden
Acknowledgement

Book 4229 No. 496 Malcolm David Fuller and At Bellevue Hill (Includes
Conveyance Susan Jane Fuller subject land)
Dated 29-10-1998 as joint tenants
Registered 12-3-1999

See CA76144

Malcolm David Fuller
Susan Jane Fuller

From: 29-10-1998
To: 14-12-2001

Book 4229 No. 497 Westpac Banking Corporation At Bellevue Hill (Includes
Mortgage subject land)
Dated 21-10-1998
Registered 12-3-1999

CA76144

Discharge by dealing number 6062250

Westpac Banking Corporation
(Re Mortgage Book 4229 No. 497)

From: 21-10-1998
To: Date

NIL

RG
Seal

Index to Register of Causes, Writs and Orders
(Excepting Bankruptcy Entries)

Albert Frees)		
Albert James Frees)	From: 1-7-1920	To: 12-4-1952
Annie Elizabeth Searl	From: 1-7-1920	To: 12-4-1952
Edith Mary Hoyles	From: 1-7-1920	To: 5-3-1921
Frederick Colwell	From: 10-4-1923	To: 20-4-1926
Arthur Stanley Colwell	From: 7-4-1924	To: 20-4-1926
Susannah Mary Colwell	From: 7-4-1924	To: 20-4-1926
Amelia Frees	From: 7-9-1938	To: 12-4-1952
Doris Ida Frees	From: 7-9-1938	To: 12-4-1952
Delia Teresa Madden	From: 12-1-1951	To: 4-5-1963
Brian Desmond Madden	From: 27-12-1961	To: Date
Olive May Madden	From: 4-7-1977	To: 12-3-2000
Malcolm David Fuller	From: 29-10-1998	To: Date
Susan Jane Fuller	From: 29-10-1998	To: Date
Westpac Banking Corporation	From: 21-10-1998	To: Date

NIL

Dated 8:30 a.m. 17 September 2002

RG
Seal

LINK:- Conveyance Book 3325 No. 173 at Bellevue Hill

Notes - Example 2

The first entry written in the report is known as, the "Paper Deed". It is the deed that is the commencement point for the Good Root of Title.

The good root of title commenced with Book 1138 No. 329. Clive Molesworth Ascelles, the Vendor, sold the whole of lot 11 Section 1 Bellevue Hill Estate, to Albert Frees, the Purchaser. Subject land only formed part of the land sold in that deed.

Clive Molesworth Ascelles is only searched from the execution date to the registration date of Book 1138 No. 329. A line is drawn under the conveyance entry to signify that the search against the last mentioned owner is complete.

Albert Frees, also known as, Albert James Frees, is searched, from the execution date of Conveyance Book 1138 No. 329, to the registration date of Conveyance Book 2165 No. 311 Both names are shown as being searched, because during the course of the search, it was found that in some entries, Albert Frees is shown as having the middle name, James.

General Power of Attorney Book 1157 No. 724 to Anne Elizabeth Searl, was found, under Albert Frees. This deed did not specifically refer to any land. However, Anne Elizabeth Searl signed mortgages Book 1157 No. 725 and Book 1299 No. 379, as attorney for Albert Frees.

Following the Power of Attorney entry, are two Mortgage entries, Book 1157 No. 725 and Book 1299 No. 379. After the registration date of each mortgage, the words "by attorney" are written, to indicate, that an attorney signed the mortgages, on behalf of Albert Frees.

When a mortgage is discharged, the original mortgage entry in the Vendors Index is noted with the reference to the Book and No. of the discharge or reconveyance of that mortgage. Therefore, when looking at a mortgage entry, it is relatively straightforward to establish if a mortgage has been discharged. In the same manner, other deeds by the mortgagee, are also noted under the original mortgage entry.

Note

Both of the above mentioned mortgagees were private parties. Therefore, a search was conducted in the Vendors Index against the mortgagee names from the execution date of the mortgage to the registration date of the discharge of mortgage.

Following the two mortgage entries is Conveyance Book 2165 No. 311, which is a conveyance of the whole of lot 11 Section 1 Bellevue Hill Estate to Delia Teresa Madden.

The wording below the registration date of Book 2165 No. 311 signifies that Albert James Frees died and that subject land was sold by Amelia Frees and Doris Ida Frees, as the executrices, of his estate.

Before searching the new purchasers, the report must show the entries of the parties, who had an interest in the land, prior, to the last mentioned conveyance, such as executors and mortgagees.

The executrices of Albert James Frees are shown as being searched, "From Say" his date of death, to the registration date of Conveyance Book 2165 No. 311.

Edith Mary Hoyles, the Mortgagee in Book 1157 No. 725 is searched from the execution date of the mortgage to the registered date of Discharge of Mortgage Book 1178 No. 720.

Frederick Colwell the Mortgagee in Book 1299 No. 379 is searched from the execution date of the mortgage to the registration date of Reconveyance Book 1381 No. 979.

Because Frederick Colwell died prior to the mortgage being reconveyed, his executors must be searched. The executors are searched, "From Say" the date of death of Frederick Colwell to the registration date of Reconveyance Book 1381 No. 979.

Annie Elizabeth Searl is shown searched from the execution date of Power of Attorney Book 1157 No. 724 to the registration date of Conveyance Book 2165 No. 311. No entries were found.

Note

The date of death of a deceased owner or mortgagee may be found, by reading the recitals in the deed when the executors deal with the land or mortgage.

If the same entry that appeared under a deceased owner's name was repeated under the executor's name, there is no need to show the entire entry again when searching the executor. A briefer entry is sufficient, such as, See entry under Frederick Colwell.

Once all outstanding entries concerning the previous owner are shown, the search is continued against the next purchaser.

Delia Teresa Madden was searched from the execution date of Conveyance Book 2165 No. 311 to the registration date of Conveyance Book 2608 No. 199. Conveyance Book 2608 No. 199, was found in favour of Brian Desmond Madden.

Brian Desmond Madden was searched from, the execution date of Conveyance Book 2608 No. 199 to Date and Acknowledgement Book 3325 No. 173 was found.

Acknowledgement Book 3325 No. 173 did not specifically state, that subject land was being conveyed. The entry, cannot be ruled out completely, so it is shown in the report and the following Disclaimer is added underneath the entry:

"The above entry cannot definitely be related to the title of subject land"

It is prudent to include an entry with the disclaimer, rather than to omit it.

The entry found under Brian Desmond Madden states, that Olive May Madden is the executrix of his will.

A search is conducted against Olive May Madden "From Say" the date of death of Brian Desmond Madden to the registration date of Conveyance Book 4229 No. 496 in favour of Malcolm David Fuller and Susan Jane Fuller. This conveyance included subject land.

Reference to CA76144 was made under the entry for Book 4229 No.496. This refers to Conversion Action 76144, which converted the land in that deed to qualified and

limited Torrens title Folio Identifier 1/137451. Subject land formed part of the land in this title.

An ITS search disclosed that Folio Identifier 1/137451 was cancelled and Folio Identifiers 1-2/726799 issued.

Subsequently, Folio Identifiers 1-2/726799 were cancelled and Folio Identifiers 1-2/1016672 issued.

Lot 2 DP1016772 is subject land.

Malcolm David Fuller and Susan Jane Fuller were searched from the execution date of Conveyance Book 4229 No. 496 to the date of the first Torrens title Transfer, being 8205145, which was for subject land.

Mortgage Book 4229 No. 497 to Westpac Banking Corporation was the only entry found under Malcolm David Fuller and Susan Jane Fuller. Torrens title Discharge of Mortgage 6062250 is noted under the mortgage entry. Because subject land was converted to Torrens title, only a Torrens Discharge of Mortgage could be used to discharge Mortgage Book 4229 No. 497.

Westpac Banking Corporation is searched from the execution date of Mortgage Book 4229 No. 497 "To Date". The reason it is shown as being searched to date is because no old system discharge of mortgage was registered in the Vendors Index. The mortgage was discharged by Torrens title dealing 6062250.

25.2 Index to the Register of Causes, Writs and Orders (excepting Bankruptcy Entries)

The Register of Causes Writs and Orders was established under Part XX111, Section 185 of the Conveyancing Act 1919 and commenced on 1 July 1920 for the purpose of registering:

- (i) Any Writ or Order affecting land, issued or made by a court
- (ii) Any claim to an interest in the land which is the subject of a law suit that is pending or incomplete.
- (iii) Any Order affecting the title to land, or restricting the right of dealing with or the user of land or any buildings thereon or creating a charge over land, made by the court.
- (iv) Any Charge upon land (not being in respect of a rate or tax) imposed by or under the provisions of any Act of Parliament
- (v) Any Order, Award, Determination or Notification.....made under the provisions of any Act of Parliament of the State or Commonwealth.....restricting the right of dealing with land or the user of land.

A cause is any grounds or legal proceeding before a court.

The register contains entries of writs, court orders and other interests affecting a parcel of land.

The alphabetical index of the Register of Causes Writs and Orders affecting land is the Register itself (See item 72 Conveyancing Act Regulations 1961 – now repealed). Entries are made in the name of the person whose land is affected, or where no land owner's name is disclosed, under a short title of the Act under which

the charge was imposed, together with the addition of the name of the Local Government Area, or the Parish and County in which the land is situated, or of such of those particulars as are applicable. This Register contains entries of writs, court orders and other interests affecting a parcel of land. All CWOs have been redundant against Torrens Title land since 1972 that is must be registered as a Torrens instrument against the nominated computer folio(s).

Since July 1970 bankruptcy orders are no longer entered in the Register of Causes, Writs and Orders. Bankruptcy items, previously entered in the Register of Causes, Writs and Orders, were separated from other entries in the Register of Causes, Writs and Orders and are no longer available for inspection. Searches are made at the Federal Magistrates Court or the Federal Court of Australia who have concurrent jurisdiction under the Bankruptcy Act 1966.

Causes, Writs and Orders are now registered under Section 186 of the Conveyancing Act 1919.

Official Searches compiled for the removal of a caution or creation of a title must show the parties in the search, as being searched in the Register of Causes, Writs and Orders. Parties are searched from when they obtained an interest in the subject land, until one year after they disposed of their interest. In this case no entries were found under any of the subject names.

The date the search is completed is entered under the last entry on the page of the search.

The Link Conveyance details together with the locality of the Subject Land are entered on the last page.

All Causes, Writs and Orders vacated between 1920 and November 1992 were not carried forward and indexed in ADIS. All reference to non vacated Causes, Writs and Orders were firstly loaded to ADIS and subsequently to ITS as a searchable item.

Any Causes, Writs and Order vacated since November 2002 presently remains as a searchable item in ITS. All references to Causes, Writs and Orders registered after November 1992 are indexed in ITS and accessed through ticking the Causes, Writs and Orders box in the Deed Name Search in ITS.

Copies of CWOs registered pre November 1992 are available on microfilm. Copies of CWOs registered after November 1992 are available electrically from DIIMS.

Customers can request to have parties in an Official Search searched in the Register of Causes Writs and Orders. The Register is searched through the Deeds Name search in ITS.

The CWO search is available internally but not viewable from the Public Search Screens at Queen Square. Copies of Causes, Writs and Order searches can be obtained from the Property Information Delivery Service, Ground Floor, Records Wing, Queen Square, Sydney for the schedule fee or as a paid search from the LPMA website, www.lpma.nsw.gov.au

Example 3

Certificate of Result of Official Search Conveyancing Act, 1919

Official Search No. 35671

Search Fees	
Minimum fee	\$00.00
Extra fee	\$00.00
Total	\$00.00
Less Fee Paid	\$00.00
Fee Payable	\$00.00

General Registry of Deeds

This is to certify that the list following contains particulars of all entries in the Indexes respectively referred to against the names and for the periods respectively indicated appearing to affect the title of the land described as:-

ALL THAT piece or parcel of land containing twenty-five and nine tenth perches being Lot B in DP154991 at Albury Parish of Albury and County of Goulburn.

Vendors Index

Kathleen Nolan

From: 30-11-1948
To: 1-2-1949

Book 2074 No. 604
Conveyance
Dated 30-11-1948
Registered 1-2-1949

Catherine Daly and
William Percy Daly
as joint tenants

Subject Land otherwise
described

William Percy Daly
Catherine Daly

From: 30-11-1948
To: 23-10-1964

Book 2719 No. 791
Conveyance
Dated 1-9-1964
Registered 23-10-1964
William Percy Daly by
Stanley William Redcliffe
Jackling (executor)

Mary Patricia Goonan

Subject Land otherwise
described

RG
Seal

Stanley William Redcliffe Jackling
(Executor of the will of William Percy Daly)

From Say: 20-6-1963
To: 23-10-1964

Book 2719 No. 791
Conveyance

see entry under William Percy Daly

Mary Patricia Goonan

From: 1-9-1964

To: Date

NIL

**RG
Seal**

Index to Register of Causes, Writs and Orders
(Excepting Bankruptcy Entries)

Kathleen Nolan	From: 30-11-1948	To: 1-2-1950
William Percy Daly}	From: 30-11-1948	To: 23-10-1965
Catherine Daly }		
Stanley William Redcliffe Jackling	From: 20-6-1963	To: 23-10-1965
Mary Patricia Goonan	From: 1-9-1964	To: Date

NIL

Dated 8:30 a.m. 4 March 2002

RG
Seal

LINK:- Conveyance Book 2719 No. 791 at Albury

NOTE:- *The documentary title devolved through the estate of William Percy Daly as surviving joint tenant, after the death of Catherine Daley.*

Conveyance Book 2719 No. 791 states that Catherine Daly died 26 April 1960. and that William Percy Daly died 20 June 1963.

Notes - Example 3

The deed chosen as the good root of title is Conveyance Book 2074 No. 604. Catherine Daly and William Percy Daly purchased subject land as joint tenants. Prior to the next conveyance of subject land Catherine Daly died, which left William Percy Daly as sole owner of subject land, as surviving joint tenant.

Stanley William Redcliffe Jackling sold subject land, in his capacity as executor of the will of William Percy Daly, to Mary Patricia Goonan.

Conveyance Book 2719 No. 791 recited that Catherine Daly died on 26 April 1960 and William Percy Daly died on 20 June 1963.

Example 4

Certificate of Result of Official Search Conveyancing Act, 1919

Official Search No. 35703

Search Fees	
Minimum fee	\$00.00
Extra fee	\$00.00
Total	\$00.00
Less Fee Paid	\$00.00
Fee Payable	\$00.00

General Registry of Deeds

This is to certify that the list following contains particulars of all entries in the Indexes respectively referred to against the names and for the periods respectively indicated appearing to affect the title of the land described as:-

ALL THAT piece or parcel of land being Lot 15 in Deposited Plan 609650 at Jamberoo in the Municipality of Kiama Parish of Jamberoo and County of Camden

Vendors Index

Mary Graham Ewin
Robert Walter Ewin
Ronald Clive Ewin

From: 18-7-1968
To: 1-4-1981

Book 2893 No. 670
Mortgage
Dated 18-7-1968
Registered 26-7-1968

Bank of New South Wales

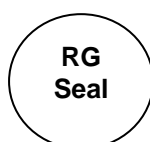
Land in certain deeds
(inter alia Subject Land)

Discharge Registered Book 3294 No. 11

Book 3455 No. 893
Conveyance
Dated 23-3-1981
Registered 1-4-1981
(also to produce)

Donald Michael Grieve and
June Margaret Grieve
as joint tenants

Subject Land



Official Search No. 35703

Bank of New South Wales
(Re Mortgage Book 2893 No. 670)

From: 13-9-1960
To: 18-10-1977

Miscellaneous 64793
Power of Attorney
Dated 13-9-1960
Registered 22-9-1960

(inter alia)
Assistant Chief Security
Officer

Power of attorney

Book 3294 No. 11
Discharge of Mortgage
Dated 5-10-1977
Registered 18-10-1977
(by attorney)

Mary Graham Ewin.
Robert Walter Ewin and
Ronald Clive Ewin

Discharge of Mortgage
Book 2893 No. 670

Donald Michael Grieve and
June Margaret Grieve

From: 23-3-1981
To: Date

NIL

RG
Seal

Index to Register of Causes, Writs and Orders
(Excepting Bankruptcy Entries)

Mary Graham Ewin }		
Robert Walter Ewin }	From: 18-7-1968	To: 1-4-1982
Ronald Clive Ewin }		
Bank of New South Wales	From: 18-7-1968	To: 18-10-1978
Donald Michael Grieve }	From: 23-3-1981	To: Date
June Margaret Grieve }		

NIL

Dated 8:30 a.m. 27 May 2002

RG
Seal

LINK:- Conveyance Book 3455 No. 893 at Jamberoo

Please Note:- The Title of Mary Graham Ewin and Robert Walter Ewin and Ronald Clive Ewin was accepted in Primary Application 62625 down to and past Mortgage Book 2893 No. 670. This deed is being used as the accepted commencing point

Please Note:- Easement for transmission line resumed by notification in Government Gazette of 24 February 1939 Folios 924 and 925 vide Crown Plan number 10201-3000.

Notes - Example 4

Mortgage Book 2893 No. 670 is used as the commencement point for the search because that deed, which included subject land, was accepted in Primary Application 62625.

Mary Graham Ewin, Robert Walter Ewin and Ronald Clive Ewin are only searched from the execution date of Mortgage Book 2893 No. 670 because the mortgage was used as the commencing point for the search.

Example 5

Certificate of Result of Official Search
Conveyancing Act, 1919

Official Search No. 35557

Search Fees	
Minimum Fee	\$ 00.00
Extra Fee	\$ 00.00
Total	\$ 00.00
Less Fee Paid	\$ 00.00
Fees Payable	\$ 00.00

General Registry of Deeds

This is to certify that the list following contains particulars of all entries in the Indexes respectively referred to against the names and for the periods respectively indicated appearing to affect the title of the land described as:-

ALL THAT piece or parcel of land being, Lot 1 in Deposited Plan 996612 in the City of Parramatta, Parish of St John and County of Cumberland.

Vendors Index

Lily May Metcalfe

From: 11-4-1967
To: 13-4-1967

Book 2831 No. 586
Conveyance
Dated 11-4-1967
Registered 13-4-1967

Karim Kisrwan

Subject Land

RG
Seal

Official Search No. 35557

Karim Kisrwani

From: 11-4-1967
To: 28-4-1972

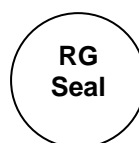
Book 2831 No. 587 Catherine Stewart Kiss Subject Land
Mortgage
Dated 11-4-1967
Registered 13-4-1967
Discharge Registered Book 2983 No. 761

Book 2868 No. 725 Bank of New South Wales Subject Land
Mortgage
Dated 16-11-1967
Registered 2-1-1968
Discharge Registered Book 2986 No. 937

Book 2983 No. 762 Myles Kenneth Magnay Subject Land
Mortgage
Dated 14-8-1970
Registered 8-9-1970
Discharge Registered Book 3054 No. 400

Book 2988 No. 404 Bank of New South Wales Subject Land
Mortgage
Dated 23-9-1970
Registered 21-10-1970
Discharge Registered Book 3054 No. 399

Book 3054 No. 401 Bolos Frangie and Subject Land
Conveyance Antoniette Frangie
Dated 14-4-1972 as joint tenants
Registered 28-4-1972



Official Search No. 35557

Catherine Stewart Kiss
(Re Mortgage Book 2831 No. 587)

From: 11-4-1967
To: 8-9-1970

Book 2983 No. 761
Discharge of Mortgage
Dated 18-8-1970
Registered 8-9-1970

Karim Kisrwni

Discharge of Mortgage
Book 2831 No. 587

Bank of New South Wales

From: 13-11-1960
To: 28-6-1972

Miscellaneous 64793
Power of Attorney
Dated 13-9-1960
Registered 22-9-1960

(inter alia)
Assistant Chief Security
Officer

Power of attorney

Book 2986 No. 937
Discharge of Mortgage
Dated 2-9-1970
Registered 7-10-1970
(by attorney)

Karim Kisrwni

Discharge of Mortgage
Book 2868 No. 725

Book 3054 No. 399
Discharge of Mortgage
Dated 15-3-1972
Registered 28-6-1972
(by attorney)

Karim Kisrwni

Discharge of Mortgage
Book 2988 No. 404

RG
Seal

Official Search No. 35557

Myles Kenneth Magnay
(Re Mortgage Book 2983 No. 762)

From: 14-8-1970
To: 28-6-1972

Book 3054 No 400
Discharge of Mortgage
Dated 14-4-1972
Registered 28-6-1972

Karim Kisrwani

Discharge of
Mortgage
Book 2983 No. 762

Antionette Frangie
Bolos Frangie or
Boulos Frangie

From: 14-4-1972
To: 8-6-1978

Book 3054 No. 402
Mortgage
Dated 14-4-1972
Registered 28-6-1972

Australia and New Zealand
Banking Group Limited

Subject Land

Discharge Reistered Book 3109 No. 176

Book 3121 No. 659
Mortgage
Dated 9-7-1973
Registered 1-11-1973

Australia and New Zealand
Savings Bank Limited

Subject Land

Book 3220 No. 194
Mortgage
Dated 10-2-1976
Registered 25-2-1976
and Costi Yammine

Rural Bank of New South
Wales

Subject Land

Discharge Registered Book 3289 Number 817

Book 3321 No. 164
Conveyance
Dated 28-2-1978
Registered 8-6-1978

Chahid Akle and Julia Akle
as joint tenants

Subject Land

RG
Seal

Official Search No. 35557

Australia and New Zealand Banking Group Limited
(Re Mortgage Book 3054 No. 402)

From: 6-7-1970
To: 15-8-1973

Miscellaneous 115854 (inter alia) Managing Director Power of attorney
Power of Attorney
Dated 6-7-1970
Registered 28-7-1970

Miscellaneous 117183 (inter alia) Chief Managers Substitutionary
Substitutionary Power of Investments power of attorney
Attorney re power of
Dated 15-9-1970 attorney dated 6-7-
Registered 30-9-1970 1970
(? registered
115854)

Book 3109 No. 176 Bolos Frangie and Discharge of
Discharge of Mortgage Antoniette Frangie Mortgage
Dated 13-8-1973 Book 3054 No. 402
Registered 15-8-1973
(by attorney)

Australia and New Zealand Savings Bank Limited
(Re Mortgage Book 3121 No. 659)

From: 9-7-1973
To: Date

Nil

RG
Seal

Official Search No. 35557

Rural Bank of New South Wales
(Re Mortgage Book 3220 No. 194)

From: 10-2-1973
To: 9-9-1977

Book 3276 No. 286 (inter alia) Clement Matthias Power of attorney
Power of Attorney Cunneen
Dated 9-5-1977
Registered 26-5-1977

Book 3289 No. 817 Costi Yammine and Discharge of
Discharge of Mortgage Boulos Frangie Mortgage
Dated 27-6-1977 Book 3220 No. 194
Registered 9-9-1977
(by attorney)

Costi Yammine

From: 10-2-1973
To: 9-9-1977

Book 3220 No. 194 see entry under Boulos Frangie and others
Mortgage

RG
Seal

Official Search No. 35557

Chahid Akle
Julis Akle or Joulia Akle

From: 28-2-1978
To: Date

Book 3328 No. 594
Mortgage
Dated 4-7-1978
Registered 4-8-1978

Rural Bank of
New South Wales

Subject Land

Discharge Registered Book 4086 No. 617

State Bank of New South Wales Limited, formerly
Rural Bank of New South Wales
(Re Mortgage Book 3328 No. 594)

From: 4-7-1978
To: 10-2-1995

Book 3869 No. 430
Power of Attorney
Dated 31-3-1992
Registered 13-4-1992

(inter alia) Manager Securities
,Legal Division

Power of attorney

Book 4086 No. 617
Discharge of Mortgage
Dated 6-2-1995
Registered 10-2-1995
(by attorney)

Chahid Akle and
Joulia Akle

Discharge of
Mortgage
Book 3328 No. 594

RG
Seal

Index to Register of Causes, Writs and Orders
(Excepting Bankruptcy Entries)

Lily May Metcalfe	From: 11-4-1967	To: 13-4-1968
Karim Kisrwan	From: 11-4-1967	To: 28-4-1973
Catherine Stewart Kiss	From: 11-4-1967	To: 8-9-1971
Bank of New South Wales	From: 16-11-1967	To: 28-6-1973
Myles Kenneth Magnay	From: 14-8-1970	To: 28-6-1973
Antionette Frangie}	From: 14-4-1972	To: 8-6-1979
Bolos Frangie }		
Boulos Frangie }		
Australia and New Zealand Banking Group Limited	From: 14-4-1972	To: 15-8-1974
Australia and New Zealand Savings Bank Limited	From: 9-7-1973	To: Date
Rural Bank of New South Wales	From: 10-2-1973	To: 9-9-1978
Costi Yammine	From: 10-2-1973	To: 9-9-1978
Chahid Akle }	From: 28-2-1978	To: Date
Julia Akle }		
Joulia Akle }		
Rural Bank of New South Wales }	From: 4-7-1978	To: 10-2-1996
State Bank of New South Wales }		

Nil

Dated 8:30 a.m. 28 May 2001

RG
Seal

LINK:- Conveyance Book 3321 No. 164 at Parramatta

Notes – Example 5

Bolos Frangie or Boulous Frangie and Julis Akle or Joulia Akle were searched because where there are slight variations to names from one deed to the next, the search report must show all variations of the name, as being searched.

No discharge was found of Mortgage Book 3121 No. 659 to Australia and New Zealand Savings Bank Limited. Therefore, the mortgagee, is shown as being searched, to date.

Example 6

Certificate of Result of Official Search Conveyancing Act, 1919

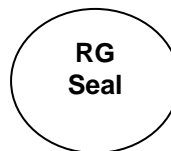
Official Search No. 35478

Search Fees	
Minimum Fee	\$ 00.00
Extra Fee	\$ 00.00
Total	\$ 00.00
Less Fee Paid	\$ 00.00
Fees Payable	\$ 00.00

General Registry of Deeds

This is to certify that the list following contains particulars of all entries in the Indexes respectively referred to against the names and for the periods respectively indicated appearing to affect the title of the land described as:-

ALL THAT piece or parcel of land being Lot 1 in Deposited Plan 135272 at Darlinghurst in the City of South Sydney Parish of Alexandria and County of Cumberland.



Vendors Index

Aakura Investments Pty Limited

From: 17-10-1969
To: 21-10-1969

Book 2946 No. 822
Conveyance
Dated 17-10-1969
Registered 21-10-1969

Dawn Irwin

Subject Land otherwise
described

Dawn Irwin

From: 17-10-1969
To: 13-8-1971

Book 2947 No. 217
Mortgage
Dated 22-10-1969
Registered 23-10-1969

Sarah Edith Smith

Subject Land otherwise
described

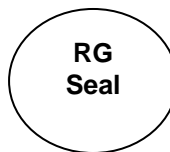
Discharge Registered Book 2965 No. 602

Book 2965 No. 603
Mortgage
Dated 1-4-1970
Registered 6-4-1970

Eurella Pty Limited

Subject Land
otherwise described

Discharge Registered Book 3020 No. 31



Dawn Irwin (continued)

Book 3020 No. 33
Conveyance
Dated 11-8-1971
Registered 13-8-1971

Peter Michael Zenon
Franelli

Subject Land
otherwise described

Sarah Edith Smith
(Re Mortgage Book 2947 No. 217)

From: 22-10-1969
To: 6-4-1970

Book 2965 No. 602
Discharge of Mortgage
Dated 31-3-1970
Registered 6-4-1970

Dawn Irwin

Discharge of Mortgage
Book 2947 No. 217

Eurella Pty Limited
(Re Mortgage Book 2965 No. 603)

From: 1-4-1970
To: 13-8-1971

Book 3020 No. 31
Discharge of Mortgage
Dated 30-7-1971
Registered 13-8-1971

Dawn Irwin

Discharge of Mortgage
Book 2965 No. 603

RG
Seal

Official Search No. 35478

Peter Michael Zenon Franelli

From: 11-8-1971
To: 13-8-1971

Book 3020 No. 32
Conveyance
Dated 11-8-1971
Registered 13-8-1971

Eric Robert Oldfield

Subject Land
otherwise described

Eric Robert Oldfield

From: 11-8-1971
To: 9-2-1973

Book 3020 No. 34
Mortgage
Dated 11-8-1971
Registered 13-8-1971

Associated Securities
Limited

Subject Land
otherwise described

Discharge Registered Book 3082 No. 195

Miscellaneous No. 136419
Power of Attorney
Dated 19-7-1972
Registered 24-1-1973

Alexander John
Comino

Power of Attorney

Book 3082 No. 196
Conveyance
Dated 26-1-1973
Registered 9-2-1973
(by attorney)

Alan John Walker

Subject Land
otherwise described

RG
Seal

Official Search No. 35478

Associated Securities Limited
(Re Mortgage Book 3020 No. 34)

From: 10-8-1971
To: 9-2-1973

Miscellaneous No. 124759
Power of Attorney
Dated 10-8-1971
Registered 13-9-1971

(inter alia)
Arthur Ronald Perks

Power of attorney

Book 3082 No. 195
Discharge of Mortgage
Dated 26-1-1973
Registered 9-2-1973
(by attorney)

Eric Robert Oldfield

Discharge of Mortgage
Book 3020 No. 34

Alexander John Comino

From: 19-7-1972
To: 9-2-1973

NIL

RG
Seal

Official Search No. 35478

Alan John Walker

From: 26-1-1973

To: 4-4-1977

Book 3082 No. 197
Mortgage
Dated 26-1-1973
Registered 9-2-1973

Rural Bank of
New South Wales

Subject Land
otherwise described

Discharge Registered Book 3270 No. 85

Book 3270 No. 86
Conveyance
Dated 13-3-1977
Registered 4-4-1977

William Edward Scarlett

Subject Land
otherwise described

Rural Bank of New South Wales
(Re Mortgage Book 3082 No. 197)

From: 26-1-1973

To: 4-4-1977

Miscellaneous No. 140957
Power of Attorney
Dated 14-6-1973
Registered 18-6-1973

(inter alia)
Branch Manager

Power of attorney

Book 3270 No. 85
Discharge of Mortgage
Dated 18-3-1977
Registered 4-4-1977
(by attorney)

Alan John Walker

Discharge of Mortgage
Book 3082 No. 197

RG
Seal

Official Search No. 35478

William Edward Scarlett

From: 13-3-1977
To: 7-11-1989

Book 3270 No. 87
Mortgage
Dated 18-3-1977
Registered 4-4-1977

Finance Corporation of Australia
Limited

Subject Land
otherwise
described

Discharge Registered Book 3791 No. 79
CA43148

Book 3791 No. 80
Conveyance
Dated 27-9-1989
Registered 7-11-1989

Hubert St Lawrence Webb and
Joanna Parkes

Subject Land
otherwise
described

CA43148

Finance Corporation of Australia Limited
(Re Mortgage Book 3270 No. 87)

From: 18-3-1977
To: 7-11-1989

Book 3688 No. 524
Power of Attorney
Dated 24-11-1986
Registered 6-1-1987

(inter alia)
Manager Collections

Power of attorney

Book 3791 No. 79
Discharge of Mortgage
Dated 20-9-1989
Registered 7-11-1989
(by attorney)

William Edward Scarlett

Discharge of
Mortgage
Book 3270 No. 87

CA43148

RG
Seal

Official Search No. 35478

Hubert St Lawrence Webb
Joanna Parkes

From: 27-9-1989
To: Date

Book 3791 No. 81
Mortgage
Dated 27-9-1989
Registered 7-11-1989

National Australia
Savings Bank Limited

Subject Land
otherwise described

CA43148

National Australia Savings Bank Limited
(Re Mortgage Book 3791 No. 81)

From: 27-9-1989
To: Date

NIL

RG
Seal

Limited Search of Lot 1 DP996431 as regards Party Walls

Hubert St Lawrence Webb
Joanna Parkes

From: 20-12-1994
To: Date

NIL

RG
Seal

Limited Search of Lot 1 DP 713264 as regards Party Walls

Jane Kerrigan

From: 22-10-1923
To: 31-10-1923

Book 1323 No. 333
Conveyance
Dated 22-10-1923
Registered 31-10-1923

Adeline Galvin

Sydney Parish
Alexandria 5 ¼ perches
part Block C8 of part
Riley Estate known as
Woolloomooloo Estate
bounded by Crown
Street

Adeline Galvin

From: 22-10-1923
To: 2-11-1937

Book 1680 No. 110
Mortgage
Dated 11-1-1934
Registered 22-1-1934

Alexander Thompson

Sydney Parish
Alexandria 5 ¼ perches
part Block C8 of part
Riley Estate
(Woolloomooloo Estate)
west by Crown Street

Alexander Thompson or
Alexander Thomson
(Re Mortgage Book 1680 No. 110)

From: 11-1-1934
To: 2-11-1937

Book 1796 No. 149
Conveyance
Dated 20-10-1937
Registered 2-11-1937
(re Galvin's mortgage)

Sara Anne Taylor

City Sydney Parish
Alexandria 5 ¼
perches part Block
C8 Woolloomooloo
Estate part Riley
Estate west by
Crown Street

RG
Seal

Official Search No. 35478

Sara Ann Taylor or
Sara Anne Taylor

From: 20-10-1937
To: 14-12-1937

Book 1800 No. 429
Conveyance
Dated 2-11-1937
Registered 14-12-1937

Ernest Charles Mitchell

Sydney Parish
Alexandria parcel
bounded by Crown
Street and Woods Lane
(otherwise described as
5 ¼ perches part Block
C8 of part Riley Estate)
Woolloomooloo Estate

Ernest Charles Mitchell

From: 2-11-1937
To: 1-2-1938

Book 1804 No. 85
Conveyance
Dated 24-1-1938
Registered 1-2-1938

Nikilas Economos

Sydney Parish
Alexandria parcel
bounded by Crown
Street and Woods Lane
(otherwise described as:
5 ¼ perches part Block
C8 of Woolloomooloo
Estate part Riley Estate)

RG
Seal

Official Search No. 35478

Nikilas Economos or
Nickitas Economos

From: 24-1-1938
To: 8-4-1974

Book 3145 No. 991
Conveyance
Dated 28-3-1974
Registered 8-4-1974

Tonique Investments
Pty Limited

Sydney Parish
Alexandria 5 ¼ perches
part Block C8
Woolloomooloo Estate
part Riley Estate
bounded by Crown
Street and Woods Lane
(otherwise described)

Tonique Investments Pty Limited

From: 28-3-1974
To: 27-2-1981

Book 3451 No. 133
Conveyance
Dated 14-1-1981
Registered 27-2-1981

Archibald Forrest Bayvel and
Robin Gillian Bayvel

Sydney Parish
Alexandria 5 ¼ perches
bounded by Crown
Street

Archibald Forrest Bayvel
Robin Gillian Bayvel

From: 14-1-1981
To: 19-2-1986

Book 3620 No. 431
Mortgage
Dated 15-1-1985
Registered 2-4-1985

Commonwealth Bank
of Australia

At East Sydney being
land in conveyance
Book 1804 No. 85

Discharged by dealing W203051

CA4215 (see F.I. 1/713264 created 2-5-1985)

Douglas John Boatwright
Maxine Boatwright

From: 19-2-1986
To: Date

NIL

RG
Seal

Limited Search of Lot 1 DP135270 as regards Party Walls

Alexander William Riley

From: 31-3-1853
To: 19-4-1853

Book 26 No. 79
Conveyance
Dated 31-3-1853
Registered 19-4-1853
(see Deposited Deeds
Packet No. 18629)

Thomas Younger

Alexandria part of Block
C8 west by Crown Street

Thomas Younger

From: 31-3-1853
To: 2-3-1854

Book 30 No. 881
Conveyance
Dated 28-2-1854
Registered 2-3-1854
(see Deposited Deeds
Packet No. 18629)

Henry Cohen

Part of Block C8
Woolloomooloo (sic)
Estate west by Crown
Street

RG
Seal

Official Search No. 35478

Henry Cohen

From: 28-2-1854
To: 7-10-1868

Book 110 No. 550
Conveyance
Dated 21-9-1868
Registered 7-10-1868
by Abraham Cohen and
Sigmond Hoffnung and
David Lawrence Levy (re
will of)
(see Deposited Deeds
Packet number 18629)

David Pettit

Sydney Parish
Alexandria part Block C8
Woolloomooloo Estate,
west by Crown Street

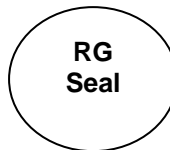
See Book 400 No. 692

Abraham Cohen
David Lawrence Levy
(Re the will of Henry Cohen)

From say: 1-8-1867
To: 7-10-1868

Book 110 No. 550
Conveyance

see entry under Henry Cohen



Official Search No. 35478

David Pettit

From: 21-9-1868
To: 7-10-1887

Book 372 No. 385
Conveyance
Dated 6-10-1887
Registered 7-10-1887
by Ann Elizabeth Pettit
widow administratrix re
estate of David Pettit
(see Deposited Deeds
Packet No. 18629)

John Sheedy

City Sydney Parish
Alexandria part Block C8
of the Woolloomooloo
Estate 4 ½ perches west
by Crown Street

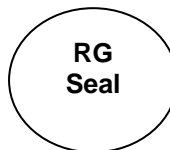
see Book 400 No. 692

Ann Elizabeth Pettit
(Administratrix re estate of David Pettit)

From say: 30-12-1874
To: 7-10-1887

Book 372 No. 385
Conveyance

see entry under David Pettit



Official Search No. 35478

Sigmond Hoffnung
(Re the will of Henry Cohen)

From say: 1-8-1867
To: 31-10-1888

Book 110 No. 550 see entry under Henry Cohen
Conveyance

Book 400 No. 692
Deed of Confirmation
Dated 24-7-1888
Registered 31-10-1888
Trustee re will of Henry
Cohen
(see Deposited Deeds
Packet No. 18629)

John Sheedy

Confirmation of deed
Registered Book 110 No.
550 and Book 372 No.
385
Sydney Parish
Alexandria 4 ½ perches
part of Block C8 of the
Woolloomooloo Estate

John Sheedy

From: 6-10-1887
To: 9-8-1921

Book 1230 No. 563
Conveyance
Dated 9-2-1921
Registered 9-8-1920
(sic)
By Francis Joseph
Sheedy and Mary Rigney
and Bridie Read
(executors)
(see Deposited Deeds
Packet No. 18629)

Jane Kerrigan

Sydney Parish
Alexandria 4 ½ perches
part Block C8,
Woolloomooloo Estate,
west by Crown Street

**RG
Seal**

NOTE:- An inspection of the surrounding deeds indicates that the registration date of conveyance Book 1230 No. 563 is in fact 9 August 1921.

Official Search No. 35478

Francis Joseph Sheedy
Mary Rigney Bridie Read
(Executors re the will of John Sheedy)

From say: 22-12-1910
To: 9-8-1921

Book 1230 No. 563 see entry under John Sheedy
Conveyance

Jane Kerrigan

From: 9-2-1921
To: 6-6-1951

Book 1747 No. 246
Appointment
Dated 10-10-1934
Registered 23-4-1936
(re will of) by Paul
Timotheus Fowler
(trustee)

Mary Glennice Scott and
Violet Mary Eileen Daldry
(new trustees)

Appointment of said new
trustees re said will (vice
said Fowler retiring)
Sydney Parish
Alexandria parcel 194
Crown Street and 23
Woods Lane (land
described in conveyance
Book 1230 No. 563) and
parcel 14 Little Burton
Street
(land described in
conveyance registered
Book 396 No. 486) also
Real Property Act lands
also moneys

Book 1748 No. 336
Conveyance
Dated 10-10-1934
Registered 5-5-1936
(re will of) by Paul
Timotheus Fowler
(retiring trustee)
(see Deposited Deeds
Packet number 18629)

Mary Glennice Scott and
Violet Mary Eileen Daldry

Sydney Parish
Alexandria 4 ½ perches
part Block C8,
Woolloomooloo Estate,
west by Crown Street

RG
Seal

Jane Kerrigan (continued)

Book 2173 No. 151
Conveyance
Dated 25-5-1951
Registered 6-6-1951
(re will of) by Mary
Glennice Hanson
(formerly Scott) and
Violet Mary Eileen
Anderson (formerly
Daldry) (trustees)
(also to produce)
(see Deposited Deeds
Packet No. 18629)

Ethel Philomena Pettit

Sydney Parish
Alexandria 4 ½ perches
part Block C8
Woolloomooloo Estate
bounded by Crown
Street and Wood's Lane
(otherwise described)

Paul Timotheus Fowler
(Trustee re the will of Jane Kerrigan)

From say: 20-7-1933
To: 5-5-1936

Book 1747 No. 246 see entry under Jane Kerrigan
Appointment

Book 1748 No. 336 see entry under Jane Kerrigan
Conveyance

Violet Mary Eileen Daldry
Mary Glenice Scott
Mary Glenice Cummins
Violet Mary Eileen Anderson (formerly Daldry)
Mary Glenice Hanson

From: 10-10-1934

From: 7-9-1935
From: 31-8-1938
From: 5-3-1948
To: 6-6-1951

Book 2173 No. 151 see entry under Jane Kerrigan
Conveyance

RG
Seal

Official Search No. 35478

Ethel Philomena Pettit

From: 25-5-1951
To: 10-2-1958

Book 2433 No. 539
Conveyance
Dated 10-1-1956
Registered 10-2-1958
(re will of) by Myrtle
Caroline Jackson and
Penelope Clerys
(administrators)
(also to produce)

Beatrix Rogers

Sydney Parish
Alexandria 2 perches
part Block C8 Riley
Estate south east by
Woods Lane

Penelope Clerys

From say: 30-11-1956

Myrtle Caroline Jackson

To: 10-2-1958

(Administrators re the will of Ethel Philomena Pettit)

Book 2433 No. 539
Conveyance

see entry under Ethel Philomena Pettit

Alice Bell formerly, Beatrix Rogers
now Alice Taylor

From: 10-1-1956
To: 21-6-1963

Book 2656 No. 792
Conveyance
Dated 10-5-1963
Registered 21-6-1963

Maria Manzini

Sydney Parish
Alexandria at East
Sydney parcel land in
conveyance
Book 2433 No. 539

RG
Seal

Official Search No. 35478

Maria Manzini

From: 10-5-1963

To: 2-8-1963

Book 2662 No. 456
Conveyance
Dated 27-6-1963
Registered 2-8-1963

Anne Borg

Sydney Parish
Alexandria at East
Sydney parcel land in
conveyance Book 2433
No. 539

Anne Borg

From: 27-6-1963

To: 2-8-1963

Book 2662 No. 458
Conveyance
Dated 5-7-1963
Registered 2-8-1963

Anne Williams

Sydney Parish
Alexandria at East
Sydney parcel land in
conveyance
Book 2433 No. 539

Anne Williams

From: 5-7-1963

To: 18-8-1969

Book 2938 No. 846
Conveyance
Dated 12-8-1969
Registered 18-8-1969
(re will of) by Perpetual
Trustee Company
Limited (by attorney)
(administrator)

Terrace Rentals Pty Limited

Sydney Parish
Alexandria 2 perches
part Block C8 Riley
Estate bounded by
Woods Lane

**RG
Seal**

Official Search No. 35478

Perpetual Trustee Company Limited
(Administrator re the will of Anne Williams)

From Say: 11-2-1960
To: 18-8-1969

Miscellaneous No. 62467 (inter alia) Managing
Power of Attorney Director
Dated 11-2-1960
Registered 19-2-1960

Power of attorney

Book 2938 No. 846 see entry under Anne Williams
Conveyance

Terrace Rentals Pty Limited

From: 12-8-1969
To: 18-8-1969

Book 2938 No. 847 Christopher Richard Jamieson
Conveyance
Dated 12-8-1969
Registered 18-8-1969

Sydney Parish
Alexandria 2
perches part Block
C8 Riley Estate
bounded by Woods
Lane

Christopher Richard Jamieson

From: 12-8-1969
To: 24-3-1971

Book 3004 No. 637 Upton and Mills Pty Limited
Conveyance
Dated 22-3-1971
Registered 24-3-1971

Sydney Parish
Alexandria 2
perches part Block
C8 Riley Estate
bounded by Woods
Lane

**RG
Seal**

Official Search No. 35478

Upton and Mills Pty Limited

From: 22-3-1971
To: 15-12-1976

Book 3256 No. 409
Conveyance
Dated 20-10-1976
Registered 15-12-1976

Nijole Maria Bizys

Sydney Parish
Alexandria 2 perches
part Block C8 Riley
Estate bounded by
Woods Lane

Nijole Maria Bizys

From: 20-10-1976
To: Date

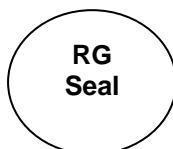
NIL

RG
Seal

NOTE:- Discharged mortgages not shown as regards limited search of party walls.

Index to Register of Causes, Writs and Orders
(Excepting Bankruptcy Entries)

Aakura Investments Pty Limited	From: 17-10-1969	To: 21-10-1970
Dawn Irwin	From: 17-10-1969	To: 13-8-1972
Sarah Edith Smith	From: 22-10-1969	To: 6-4-1971
Eurella Pty Limited	From: 1-4-1971	To: 13-8-1972
Peter Michael Zenon Franelli	From: 11-8-1971	To: 13-8-1972
Eric Robert Oldfield	From: 11-8-1971	To: 9-2-1974
Alexander John John Comino	From: 19-7-1972	To: 9-2-1974
Associated Securities Limited	From: 10-8-1971	To: 9-2-1974
Alan John Walker	From: 26-1-1973	To: 4-4-1978
Rural Bank of New South Wales		
William Edward Scarlett	From: 13-3-1977	To: 7-11-1990
Finance Corporation of Australia Limited	From: 18-3-1977	To: 7-11-1990
Joanna Parkes	From: 27-9-1989	To: Date
Hubert St Lawrence Webb		
National Australia Savings Bank Limited	From: 9-2-1921	To: 6-6-1952
	From: 11-1-1934	To: 2-11-1938
Jane Kerrigan		
Alexander Thompson }	From: 20-10-1937	To: 14-12-1938
Alexander Thomson }		
Sara Ann Taylor	From: 2-11-1937	To: 1-2-1939
Sara Anne Taylor	From: 24-1-1938	To: 8-4-1975
Ernest Charles Mitchell		
Nikilas Economos	From: 28-3-1974	To: 27-2-1981
Nickitas Economos	From: 14-1-1981	To: 19-2-1987
Tonique Investments Pty Limited		
Archibald Forrest Bayvel	From: 19-2-1986	To: Date
Robin Gillian Bayvel		
Douglas John Boatwright		
Maxine Boatwright	From: 1-7-1920	To: 9-8-1922
John Sheedy		
Francis Joseph Sheedy		
Mary Rigney	From: 20-7-1933	To: 5-5-1937
Bridie Read		
Paul Timotheus Fowler		



Index to Register of Causes, Writs and Orders (continued)

Violet Mary Daldry	From: 10-10-1934	To: 6-6-1952
Mary Glennice Scott		
Mary Glennice CUMMINS	From: 7-9-1935	To: 6-6-1952
Violet Mary ANDERSON	From: 31-8-1938	To: 6-6-1952
Mary Glennice HANSON	From: 5-3-1948	To: 6-6-1952
Ethel Philomena PETTIT	From: 25-5-1951	To: 10-2-1959
Penelope CLERYS	From: 30-11-1956	To: 10-2-1959
Myrtle Caroline JACKSON		
Alice BELL		
Beatrix ROGERS	From: 10-1-1956	To: 21-2-1964
Alice TAYLOR		
Maria MANZINI	From: 10-5-1963	To: 2-8-1964
Annie BORG	From: 27-6-1963	To: 2-8-1964
Anne WILLIAMS	From: 5-7-1963	To: 18-8-1970
Perpetual Trustee Company Limited	From: 11-2-1960	To: 18-8-1970
Terrace Rentals Pty Limited	From: 12-8-1969	To: 18-8-1970
Christopher Richard JAMIESON	From: 12-8-1969	To: 24-3-1972
Upton and Mills Pty Limited	From: 22-3-1971	To: 15-12-1977
Nijole Maria BIZYS	From: 20-10-1976	To: Date

NIL

Dated 8:30 a.m. 10 October 2000

RG
Seal

LINK:- Conveyance Book 3791 No. 80 at Darlinghurst

Notes- Example 6

This Official was lodged for the removal of a caution from a qualified title. Subject land shared common walls with adjoining properties.

Because of the existence of Party Walls, a search had to be conducted on the adjoining properties, to establish whether the easement for party walls, had ever been extinguished through the union of tenement.

25.3 Deposited Deed Numbers

Some entries in this search contain a reference to a Deposited Deed packet (DD). If a deed has a DD number noted in the top margin, then the entry in the report is amplified to include the DD number.

26. Delivery of an Official Search

On completion of the Official Search Report, the Seal of the Registrar General is placed after the last entry on each page of the search. The pages of the search are numbered from 1 onwards. Centre the page number at the bottom of each page. If the report is being prepared using a word processor, place the page number in the Footer.

Enter the Link Conveyance details together with the locality of subject land, after the Seal of the Registrar General, on the last page of the search. The Link Conveyance links the manual Vendors Index with ADIS through ITS. The last registered conveyance prior, to 2 November 1992 is the Link Conveyance. The number of the link conveyance will always be in the pre Book 4000 series.

The search fees are calculated and entered into the fees box on the first page of the search report. A copy is made of the search report. The copy is the document that is delivered to the customer. This copy is known as, the "Office Copy".

A stamp with the words "Office Copy" is positioned at the top of the first page of the office copy.

The Registrar General's seal is placed underneath the Office Copy stamp. The date of the search and the initials of the searcher are written next to the seal.

The Office Copy is attached to an Official Search presentation cover, ready for delivery to the customer.

The original Official Search is has to be kept in the Office for a minimum of 6 years as set out under Section 197 Conveyancing Act 1919. In reality all Official Searches are kept permanently. The Official Search number is added to the notations list on the CRD, for subject land. A small number of Official Searches were damaged or destroyed in April 2003, as a result of water flooding the storage area.

26.1 Registrar General's facsimile signature

In the case of Official Searches pursuant to Section 700 of the Local Government Act 1993, the facsimile Signature of the Registrar General should be affixed on the last page of the search to the left of the seal of the Registrar General.

It is a specific requirement of Section 700 of the Local Government Act 1993 that the "Certificates" must be signed by the Registrar General.

27. Continuation of an Official Search

Requests for the Continuation of an Official Search do not receive a new number. The original Official Search number is used.

The customer must lodge the original Office Copy of the search, to enable both the original and office copy to be updated. A request for a continuation of an Official Search, as regards part, will be accepted (and dealt with under the original number) where such part has been separately described in the original subject land description.

In all other cases, the request will be processed as a new Official Search and it will be allocated a new number. The new search can be commenced from the completion date of the original search. The Official Search envelope for the original search is noted with the current search number.

28. Copies of Official Searches

Customers may purchase copies of completed Official Searches. The Conveyancing (General) Amendment (Fees) Regulation 2002 sets out the prescribed fee for a copy of an Official Search.

The copy that is prepared is not an Office Copy. The copy is not stamped with the seal of the Registrar General.

29. Other records used in Old System searching

29.1 Primary Application Searches (PA)

Early Primary Applications (PA's) were subject to intense investigation by Examiners of Title. The searches prepared for these applications often commenced with the Crown Grant and showed every entry listed in the Vendors Index against a name, regardless of where the land was situated. Because every entry found under a name was shown in the PA search, the names were said to have been "Searched Generally".

Not all primary applications show parties being searched generally. Some were stamped "Limited Search". These searches were restricted to only the land the subject of the application. This remains the current practice.

Primary Application Searches were written in pencil and contained many abbreviations. Reading a primary application search can be tedious, as the order in which parties are searched may not be easily followed.

Primary Application searches contain details of the Crown Grants of the land the subject of the application.

In 1970 and again in 1982 reviews of the Primary Application process were made. These reviews lead to a streamlining of the title examination process.

The Primary Application search now contained the epitome of title and searches were limited to the land subject of the application.

The Six Year rule was introduced by a decision of the committee on conversion practice. See M file 70M47.

The six year rule does not replace the good root of title; it is a searching convention designed to eliminate excessive searching. Once the Title Examiner has inspected the chain of deeds presented in the application the Examiner may apply the six year rule.

The Six year Rule is:

"Where there have been two conveyances for value or a conveyance and a mortgage for value at least six years apart a search may start from the date of the earlier deed to the present date."

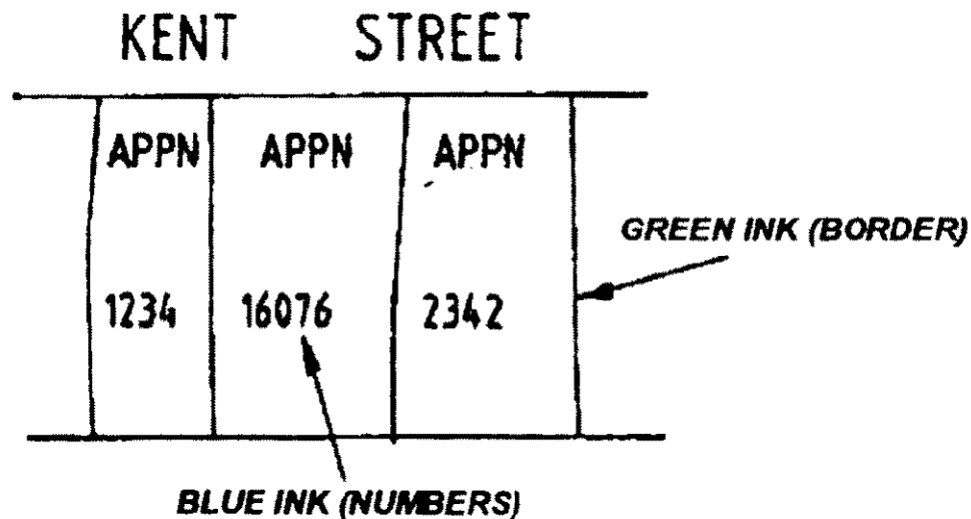
PA searches are bound and filed in the Old System Records area. Over the years Primary Application numbers have been noted on reference maps in various ways. For example PA 34567 can be noted on a map as PA34567, A34567, 84567(H) or 84567.

The number 84567(H) is the reference to the plan that was lodged with an early Primary Application. 50,000 was added to the original Primary Application number to form the Deposited Plan number. The addition of 50,000 only applied for primary applications lodged between numbers 1 and 41,948. Plans in Primary Applications after number 41,948 were allocated a new number in the current Deposited Plan series of the time.

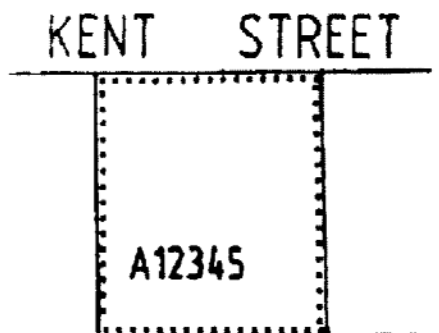
Titles issuing off PA's is available from both ITS and the Lands webpage in Document Search.

Examples of charting of earlier Primary Applications

Pyramidal charting system

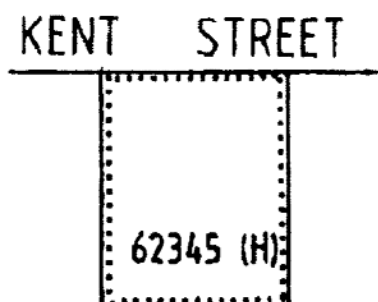


CMA charting maps



Some early Applications have no plan available.

Note: May also be shown as PA or APPN



Re-catalogued plan, lodged with Application 12345 (50 000 added to Primary Application number). The letter "H" signifies an historical plan of survey.

29.2 Primary Application packets

When Primary Applications are lodged the application and all the associated documents are kept in a special packet.

In early PAs the examiners of title and chief draftsman prepared detailed reports, which were kept with the Primary Application Packet.

Old packets are filed at the Government Records Repository (GRR) and are being progressively transferred to State Records as State archives. They can be obtained by lodging a request with the Off-Line Property Information Section. The information contained in the reports can be very useful in searches, especially searches of lanes, roads and passageways. The examiner's reports are summaries of any relevant matters that were found during the investigation of the land the application.

Modern Primary Applications contain the following:

- The application
- A working copy of the plan
- Any evidence retained by the Office eg statutory declarations and the Primary Application Report.

The front page of the report is the folio creation page which is prepared by the Title Examiner and the Plan Examiner giving detailed title creation instructions for the folio creation clerk, a separate draft is prepared for each lot in the application.

The inside contains a detailed report on all matters that affect the title of the application. While it can be as simple as "Title devolves satisfactorily to the applicant." The Title Examiners report will detail such matters as the documentary owner in a possessory case, rights of way or other easements created by deeds or draw the attention of the Legal Office to any anomalies that affect the title eg a conveyance by a beneficiary without the consent of the executor of the will. The Title Examiner will also call the attention of the Plan Examiner to any excess over deed in the plan lodged with the application or any other survey anomaly.

The Plan Examiner will then add a detailed report on any matters affecting the plan such as occupations adverse to the claim in the application.

29.3 Primary Application document

The Primary Application document contains a schedule of the deeds that form the chain of title to the land the subject of the application. Copies of the Applications are held on microfilm or been imaged and stored in DIIMS

29.4 Search Sketches

In early Primary Applications hand drawn sketches were prepared, in colour, from the metes and bounds descriptions contained in deeds. The sketches were in the most cases drawn to scale. The sketches contain a list of the deeds in the chain of title, dating back to the crown grant, of the land being searched in the primary application.

These sketches often contain significant historical information on adjoining land, as well as, the land being searched in the primary application. sketches were prepared up until applications in the late 50000s series. The sketches are shown as SS on

charting maps and are held in presses on the second floor south wing under the number of the application.

The Search Sketches are filed loosely in unbound covers. Each cover contains 100 sketches. Because the sketches were loosely filed, over the years, some have been misplaced or lost.

Search Sketches can be a useful short cut to use in finding a starting point for a search. The sketch itself illustrates, in full detail, the land description in each successive deed, commencing with the Crown Grant, accepted title or selected deed.

The importance of the Search Sketches cannot be understated. Search Sketches contain a snapshot of how early subdivisions evolved. Often the sketch is the only historical plan of an early subdivision. They may show boundaries such as, rivers, creeks, roads and lanes in positions that may have changed over the years.

29.5 Previous Official searches

All Official Searches are noted on the paper mapping system prior to September 2002 and in the CRE/CRV after this date. If an Official Search has already been prepared for a parcel of land, a searcher can rely on the information contained in the previous search.

29.6 Old System Estates Plans

Registration of plans for subdivision of Old System land was not compulsory until 1961. Over time the Office collected many but not all Old System plans. These subdivisions were usually only known by their estate name, however in time they were re-filed and given plan numbers. Often an estate may have several plans covering the estate. A card index was established to track these plans. These cards are now in excel spreadsheets listed alphabetically. A book containing all the estate cards is held in B1 Off Line Property Information.

The spreadsheets or the book can be referred to find if there is any plan number or numbers for the estate named in the deed reference.

Descriptions in deeds often refer to a parcel being in a particular Estate. It is very useful to be able to obtain a map, which shows the layout of the estate. Early estate plans often contain the references to old deeds. The deed references are often written using the No. first then the Book.

29.7 Conversion Actions and IVA's

Information contained in Conversion Actions and IVAs may assist in finding a commencement point for a search. References to the last conveyance prior to the conversion action are noted in the minute papers. Both ITS and the Lands webpage allow a Document search whereby both last deed and issuing title information is displayed for IVA's and CA's. Often the Qualification will indicate the book and number of the last conveyance

30. Gaps in the Continuity of a Chain of Title

The Documentary chain of title to a parcel sometimes does not devolve in a logical sequence. A gap or Break in the Chain of Title can occur when the way in which a vendor gained title to a parcel cannot be readily established by searching the Purchasers Index back under their name. The Purchasers Index can only be searched back to 1896 the point of commencement of the index.

The break may indicate that the title to the land is based on possession. Conveyances in the chain of title should be inspected to see if the recitals in the deed indicate Possessory Title.

If a deed mentions that the vendor is selling "All their Right Title and Interest" in a parcel, this phrase is a good indicator that only the possessory title to the property is being sold.

The documentary title may need to be traced forward from the original crown grant to establish the last documentary owner.

The sale of land by council for unpaid rates may also create a problem as the proprietor being sold up may not be noted in the conveyance.

A person, to whom the land was conveyed, may have died and the devisee or a relative of that person, may have dealt with the land, without reciting the will or intestacy of that person. In such a case, a search of the records of the Probate Office may prove useful.

A single woman, who acquired subject land and subsequently married, may deal with the land under her married name, without reciting her marriage. It may be possible to bridge the gap, by searching back, from the name of the present owner in the Purchasers Index.

Reasonable spelling variations of names should also be searched to help solve breaks in the chain of title.

30.1 Covenant to Produce

Some deeds contain a list of the documents that were to be produced and handed over by the Vendor at settlement. This list is known as a Covenant to Produce. The list in effect is an abstract or recital of the previous title.

31. Department of Lands Searching Service

The Office has conducted searches on behalf of clients since 1920. The Search Bureau was established on 10 December 1934 to conduct searches. The name Search Bureau was later changed to Search Branch, presently the section is called Searching Services.

The duties of Searching Services, as its name implies, are associated with the conduct of searches, required to be made, for various purposes in the many registers and indexes kept in this Office.

Section 197 Division 4 of the Conveyancing Act, 1919, contains the statutory provisions relating to Old System Title Official Searches.

Extreme care must be taken by Search Officers, as any error or omission may result in the payment of compensation to persons misled by the search or of damages to persons deprived of their land.

Searching Services conducts searches for both external and internal clients. External searches attract fees that are set out in the regulations attached to the Real Property Act 1900 and Conveyancing Act 1919 and are reviewed annually. Internal clients can be any branch within the Queens Square Office or any other Crown Lands Office within NSW.

Major external clients are:

- Crown Solicitor's Office
- NSW Police Service
- Local Councils
- Environmental Searching companies.
- Salvation Army

Internal Clients:

- Legal Division
- Other Lands Offices such as, Dubbo, Orange, Wollongong, Grafton and Goulburn

32. Abbreviations

The use of abbreviations is common in the maps and indexes used in the Office. The following is a list of the less common abbreviations:

A	Assignment
A A CO	Australian Agricultural Company
Ac	Acres
Ackgt	Acknowledgement
Admix	Administratrix
Agrmt	Agreement
A L	Assignment of Lease
Allot	Allotment
Also To Produce	Covenant to Produce
A. M.	Assignment of Mortgage
A. N. T.	Appointment of New Trustee
Atty	Attorney
Bg	Being
Bk	Book
Blk	Block
C or Cve	Conveyance
C of E of R	Conveyance of the Equity of Redemption
Chge	Charge
Cnr	Corner
Co	County or Company
Covt	Covenant
D of Ptn	Deed of Partition
Est	Estate
Exor	Executor
Extrices	Executrices
Extrix	Executrix
F C	Further Charge
Feof	Feoffment (Conveyance)
Fmly	Formerly
Grt	Grant
Ha	Hectare
Hldg	Holding

Abbreviations (continued)

Indre	Indenture
Inst	Instrument or Interest
JT	Joint Tenants
L A	Letters of Administration
L & R	Lease and Release
Mtge	Mortgage
Mtgee	Mortgagee
Mtgr	Mortgagor
Offl	Official
Optn	Option
Ors	Others
Orwse	Otherwise
OS	Old System or Official Search
Per	Perch
P. A.	Power of Attorney or Primary Application
Partn	Partition
Pcl	Parcel
Pdce	Produce
Por	Portion
Ppty	Property
Psh	Parish
Pt	Part
Pub. Tree	Public Trustee
Rd	Rood or Road
Rec	Reconveyance
Reg'd	Registered
Rel	Release
Renl	Renewal
Res	Resumption
Re-Subdn	Re-Subdivision
Revocn	Revocation
Rly	Railway
Rsvg	Reserving
Sec	Section
Settlmt	Settlement

Sq	Square
Svgs	Savings
Subdn	Subdivision
Subj	Subject
Tn	Town
Tree	Trustee
Ux	Wife
Vill	Village

Bibliography

Historical Records of New South Wales (HRNSW).IV.255; Historical Records of Australia (HRA).I.III.38, 761.

HRNSW.IV.696; HRA.I.III.473-474, 761.

Butt, P., Land Law 1996 3rd Edition,

LBC Information Services

Hallmann's., Legal Aspects of Surveying as apply in New South Wales, Second Edition by Ticehurst F. K.,

The Institute of Surveyors, Australia INC New South Wales Division, 1994

The Law of Real property Second Edition W H Challis

Registrar General's Directions for Plans

A	
Acknowledgements.....	39
ADIS	3, 12, 13, 14, 51, 110
Adverse Possession	35
Also to Produce	42

C	
Cadastral Records Enquiry.....	26
Cadastral Records Viewer.....	24
Central Mapping Authority Maps	28
Chain of Title.....	37, 42
City Sections.....	27
Common Law.....	5, 35, 39, 43
Confirmatory Conveyances	39
Conveyance.....	5
Conveyance of the Equity of Redemption	39
Conveyances	3, 38, 54, 55, 116
Conveyances by Executors	43
Covenant to Produce	42
Crown Grant Search	10
Crown Grants.....	9, 27

D	
Deed Descriptions	55
Deed Name Search	15
Deed Register.....	6
Deed Sketch	55
Deeds	6, 37, 41
Deposited Deeds	43
Deposited Plans.....	30
Discharge of a Mortgage	39
Dry Trustees	43

E	
Early Deeds	42
Early transactions	6
Entries.....	36
Estate in Fee Simple.....	2, 32
Estates in Remainder	33
Estates Tail	32
Execution Date	50

G	
General Register of Deeds	37, 40
Good Root of Title.....	36, 48, 50
Grant Index	9

H	
High Water Mark.....	2, 8

I	
In Fee Simple in Possession	42
Inter Alia.....	56

J	
James Ruse	7
Joint Tenants	34

L	
Land	31
Land Descriptions	55
Lease	36
Lease and Release	38
Leasehold Interest	39
Life Estates	32
Local Government Act, 1993	5
Lord Westbury.....	37

M	
Mapping System	23
Metes and Bounds	50, 55
Miscellaneous Register.....	22
Mortgage	5
Mortgage entries	51
Mortgagee.....	36
Mortgages	39

N	
New Grants	27
Notations	23

O	
Office Copy	44
Official Search Application Form	46
Official Search Report.....	57
Official Search	59, 60
Official Searches... ..	3, 4, 23, 44, 45, 46, 50, 51, 69, 110, 112, 114, 117
Old Deeds	42
Old Register	6
Old System . ..	1, 2, 3, 4, 5, 7, 20, 22, 23, 36, 37, 42, 45, 113, 117, 119

P	
Paper Deed.....	50
Paper maps.....	23
Parish Maps	27
Possessory Title.....	35, 42
Power of Attorney	54
Primary Application	29, 45, 49, 51
Purchasers.....	38
Pyramidal Mapping system.....	30

Q	
Qualified Folio	46
Quit Rents	7

R	
recitals	43
Recitals	38
reconveyance	51
Reconveyance	39
Reference Sheets	28
Register of Causes, Writs and Orders.2, 3, 21, 66, 69, 73, 76, 84, 107, 108	
Register of Resumptions	22
Registration Date	50
Reservations and Conditions.....	7
Reservations of Coal	8
right title and interest	43

S	
Security Interests in Goods Act	16
Serial and Page	10
Share in the Entirety	34
Subject Land	50, 55
Sub-Lease	39

Suitable Commencement Point	48
Suitable Deed	48
Supplementary Index	10
Survivorship	34
Symbols and Notations	29

T	
Tenants In Common	34
Town maps	27

U	
Under-Lease	39

V	
V.G. Sheet	30
Vendors.....	38
Vendors Index. 2, 6, 12, 20, 36, 42, 50, 51, 52, 56, 58, 59, 60, 61, 67, 69, 71, 74, 77, 86, 110, 113	

Glossary

Terms common to conveyancing

Abstract of Title: A listing of documents comprising the chain of evidence to a person's estate or interest in land.

Accretion: The acquisition of extra land from the sea or its inlets, or from a stream, by natural, gradual and imperceptible means.

Ad Medium Filum: The "middle thread" of a non-tidal stream or road - there is a rebuttable rule of construction (not applicable to a public road) that the title to land abutting a non-tidal stream or road extends to the middle thread of the stream or road unless the rule of construction has been rebutted - known as the "ad medium filum rule".

Ad Medium Filum Aquae: The "middle thread" of a non-tidal stream - there is a rebuttable rule of construction that the title to land abutting a non-tidal stream extends to the middle thread of the stream unless the rule of construction has been rebutted - known as the "ad medium filum aquae rule".

ADIS: Automated Deed Indexing System. The computerised index of the General Register of Deeds currently in use in Land and Property Information, Land and Property Management Authority

ALTS: The Automated Land Titles System based on the computerised Real Property Act Register. Now superseded by the Integrated Titling System (ITS).

Appropriation: In relation to land, the taking of Crown land by a Crown authority for the purpose of a public work, not effective against land or an easement held by the Commonwealth of Australia.

Association Property: The communal property created in a community, precinct or neighbourhood plan.

Attestation: The witnessing of the signature or execution of a document.

Bankrupt: A financially depleted person, ie. a person: against whose estate a sequestration (seizure) order has been made, or who has become bankrupt by virtue of the presentation of a debtor's petition.

Beneficiary: A person acquiring land or other forms of property under a will.

Bill of Sale: A mortgage of goods and chattels (personal property) given in security for money borrowed - does not affect land.

Cause: Any current grounds or any current legal proceeding.

DCDB: Digital Cadastral Database - the legal parcel fabric (current subdivisional pattern) of the State supplied by Land and Property Management Authority.

Dealing: Any instrument which is registrable or capable of being made registrable under the Real Property Act 1900, in respect of which a recording in the Register is required or permitted to be made. This includes plans. When used generally, refers to a transaction affecting land under the Real Property Act 1900 evidenced by a transfer, mortgage, lease etc.

Deceased Estate: Property belonging to a deceased person or persons.

Deed: Any legal document prepared for some purpose in relation to land which has been signed and executed. It may or may not be registered in the general register of deeds in Land and Property Information, Land and Property Management Authority.

Delivery Box: A Land and Property Information, Land and Property Management Authorities client document delivery reference system whereby a numbered "pigeon hole" is provided in which certificate of title, duplicate dealings and other documents are placed for an entitled party to accept delivery.

Delivery Direction: An instruction given on a dealing, or draft, to issue (or not to issue) a certificate of title for a folio of the Register and to deliver it and any other documentation, eg duplicate lease to a particular party or delivery box.

Deposited Plan: A plan of land deposited in Land and Property Information, Land and Property Management Authority, which was not attached to a dealing or deed nor lodged for the purposes of a strata scheme. The Registrar General may, for convenience, number or re-number other plans as Deposited Plans or prepare Deposited Plans of his own motion.

Development Contract: Instruments, plans and drawings which are registered with a strata or community scheme and described the manner in which the developer intends to further develop the land in the scheme.

Development Lots: A term used to specifically identify strata lots created in staged development Strata Plan specifically for further subdivision development.

Devisee: A person acquiring land under a will.

Devolution of Law: The passing of title to land by the operation of law eg by a will or by the laws of distribution out of an intestate estate.

Discharge of Mortgage: An acknowledgement in writing by the mortgagee that the principal and interest secured by a mortgage have been repaid in full.

Dominant Tenement: Any land to which the benefit of an easement is appurtenant, also being the land which benefits from the use of the easement.

Draft: Hand written instruction, arising from a dealing, from which the information for a new manual folio of the Register (Vol. Fol.) is taken.

Easement: A right, attached to land (the dominant tenement), to use other land (the servient tenement) for a specified non-exclusive purpose known to the law, eg right of carriageway, easement to drain water - however the law recognises an easement in favour of a statutory authority without a dominant tenement, described as an "easement in gross".

Encumbrance: Any charge of land created for the purpose of securing the payment of an annuity or sum or money other than a debt.

Epitome of Title: A summary of title, listing the documents comprising a Common Law chain of title.

Equity of Redemption: The right of a mortgagor at Common Law to redeem the land conveyed by way of mortgage and so obtain a re-conveyance.

Estate: An interest in land, eg an Estate in Fee Simple or Leasehold Estate.

Estate in Fee Simple: The most extensive estate in land a person can have under the Crown. Fee simple has the capacity for inheritance, ie. it can pass to persons through a deceased estate.

Estate in Remainder: An estate limited to take effect and be enjoyed after another estate has been determined.

Execution: The act of signing and sealing a document or instrument in the presence of witnesses.

Executor: Person appointed by the testator to carry out the provisions of the will.

Fee Simple: The greatest estate in land that can be held against the Crown. It is characterised by its inheritability, ie it is capable of being passed to heirs and/or assigns for ever or for so long as an owner can be found. The estate may be passed by a Grant from the Crown, a deed, a transfer or by will or devolution of law etc.

Fiduciary: A person who is under an obligation to act in another person's interest, e.g. a trustee, executor or administrator.

First Schedule: The part of a Torrens folio which sets out the ownership details (names of the registered proprietors, shares etc.)

Folio of the Register: The record of title and interests in respect of a parcel of land, kept by the Registrar General as part of the Register - it may be either a "manual" folio or a "computer" folio.

Folio Instruction: A direction from Crown Lands NSW, Land and Property Management Authority on how a new Torrens Title for land held by the Crown will issue - replaced the traditional Crown Grant.

Freehold: The status of land held under an estate in fee simple following alienation from the Crown.

Good Root of Title: The starting point from which title to Old System land may be considered acceptable. It is usually a conveyance or mortgage for valuable consideration which is at least 30 years old at the time of the search.

Grant: Any Crown Grant of land by the Crown to private ownership. The land is said to be "alienated from the Crown in fee".

Heirs and Assigns: Persons who succeed by bloodlines in possession of real property and/or to whom property is transferred.

Hiatus: An unintended gap left between two adjoining current deeds.

Indefeasibility: The accepted premise that a Torrens Title cannot be set aside because of some defect in the history of the title prior to the registration of an interest. A third party cannot be disadvantaged because of the fraud of a second party. The guarantee given to Torrens Title by the State Government of NSW.

Instrument: Any grant, certificate of title, conveyance, assurance, deed, map, will, probate, or any other document in writing relating to the disposition, devolution or acquisition of land or evidencing title thereto.

Intestate: A situation where the deceased has not left a valid will. Dying intestate.

Inter Alia (i.a.): Among other things.

ITS: Integrated Titling System (automated business system developed in Land and Property Information, Land and Property Management Authority).

Joint Tenancy: A form of equal joint ownership of a parcel of land by two or more persons. The interest of a deceased proprietor automatically vests in the survivors.

Land: Land is separately defined in various statutes. Where these definitions are not applicable, or there is nothing evident in rebuttal, the Common Law definition applies, ie land extends from the centre of the earth to the sky, including not only the surface but also the soil beneath it and the air above it and all things growing on it or attached to it, but does not include minerals belonging to the Crown. For the

definition of land in a strata scheme see Registrar General's Directions for Strata Schemes.

Land Board: An independent panel set up to rule on disputes in relation to land and water management including floodplain management.

Land Titles: Those documents/deeds purporting to prove the ownership of either Torrens or Old System land.

Lease: An instrument creating an interest in land for a fixed term, usually in consideration of a payment of rent.

Leasehold Estate: The interest in land or premises held under a lease by a lessee.

Lessee: The person to whom land or premises is leased.

Lessor: The person, usually the registered proprietor, who leases land or premises in return for payment of rent.

Letters of Administration: An authorisation granted by the Court to persons to administrate the estate of a deceased person who has died without leaving a Will or a valid Will.

Lien: In relation to a document, a right to retain the document until a debt is satisfied.

Life Estate: An estate of freehold land held during the life of the tenant or for the duration of another's life.

Limitation: A recording in a folio of the Register to the effect that the description of the land in the folio has not been investigated by the Registrar General and the boundaries of which are not guaranteed until defined in a new plan of survey.

Limited Title: A certificate of title issued for land converted from Old System title whereby the boundaries have not been adequately defined in a plan of survey and/or have not been investigated in Land and Property Information, Land and Property Management Authority. A limitation is recorded in the second schedule.

Local Council: The Council for a city, municipality or shire elected by property owners for the purpose of local government.

Lodgment: The acceptance by Land and Property Information, Land and Property Management Authority of dealings, plans and other documents, either by hand or electronically, for processing and registration within that Office.

Loose Leaf Register: Hard copy "New Form" title (after Vol.8497 Fol.198 - last Register Book) filed singularly in a Security Area in Land and Property Information, Land and Property Management Authority.

LPI: Land and Property Information, Land and Property Management Authority. The authority responsible for all plans and records relating to the ownership of land throughout the State.

Management Statement: A statement lodged with a community scheme and some strata schemes which sets out the by-laws and other particulars governing the participation in the development.

Memorial:

Torrens: The most common is a notation entered on a folio of the Register to record details of the registration of a dealing or plan.

Old System: Various Acts specify that certain memorials and documents shall be lodged and/or recorded in the Registrar General's Office. Generally these things used to be lodged with the Supreme Court but custody was transferred to this Department

pursuant to the Transfer of Records Act 1923. Memorials in this case are usually in the form of an affidavit and will be recorded in the General Register of Deeds.

Metes and Bounds: Is a traditional method of land surveying in which the boundaries of land parcels are recorded in terms of direction and distance.

MHWM: Mean High Water Mark. The line defining the mean between the high tides at ordinary spring and neap tides.

Minor: A person under the age of 18 years. A minor does not have full legal capacity and cannot make a will.

Moiety: An archaic term used in law to mean "half".

Monument: In surveying it means a natural or artificial object or point thereon or mark, which object, point or mark is used for the purpose of locating a boundary or a point thereon.

Mortgage: In relation to land held under Common Law, a conveyance of land subject to an equity of redemption. In relation to Real Property Act land, a charge on the land created merely for securing payment of a debt.

Mortgagee: The proprietor of a mortgage, ie. the party lending the money.

Mortgagor: The proprietor of land, or any estate or interest in land, pledged as security for a debt.

MPS: Miscellaneous Plan of Subdivision (Old System - OS) and (Torrens Title - RP). These plans were discontinued in 1961. Existing plans were renumbered in the DP300,000 (RP) and DP150,000 (OS) series.

Neap tide: A tide that shows the least range between high and low and occurs twice a month between the first and third quarters of the moon.

Notice of Death: An application which declares the death of a joint tenant and by which the survivors automatically acquire the interest of the deceased pursuant to the Real Property Act 1900.

Notification: A recording or other entry made in the Second Schedule of a folio of the Register.

Occupational Boundary: As applied to adverse possession of Real Property Act land, an occupation that represents or replaces an original boundary of a whole parcel.

Occupations: Physical features such as walls and fences associated with boundaries limiting the extent to which a parcel of land is occupied.

Old System Land: Land alienated from the Crown prior to 1863 and not yet brought under the provisions of the Real Property Act 1900 - see also Common Law Title.

Ordinary Folio: A folio of the Register that is not a qualified folio or a limited folio.

Orientation: The alignment of directions in relation to a specified origin - see also Azimuth.

Overlap of Deeds: The situation arising where the metes and bounds descriptions of two parcels of land which nominally adjoin are in conflict, so that the deed for each includes land comprised in the other.

Owners Corporation: Comprises all proprietors of the lots from time to time in a strata scheme. It is responsible for the upkeep and maintenance of the building and other common property and the general finance and management of the scheme.

Parcel: A parcel of land defined by measurement as a lot in a Deposited Plan or as a Crown portion or allotment.

Parish: One of 7515 areas formed by the division of 141 counties (which see). Counties and parishes are administrative divisions of the state and are not separately disposable land parcels. Parishes are divided into separately disposable parcels called "portions", these being the common basic units of land disposed of by the Crown. Other basic units are allotments in Government Towns and Villages.

Permanent Mark: A mark of a permanent nature (usually identified by a combination of letters and numbers) which provides the means for all surveys to be related to the State Survey Control common co-ordinate system. See also Established Permanent Mark And SCIMS.

Perpetual (Lease): A lease forever, unlimited in time.

Personal Representative: The executor or administrator of an estate.

Portion: When referring to a parcel of land means the basic land unit capable of separate disposition created by the Crown within the boundaries of a parish. A typical description of such a land unit would be Portion 6, Parish of Sutherland, County of Cumberland. A portion may be further subdivided after alienation from the Crown, in which case that portion ceases to be a separately disposable parcel.

Power of Attorney: A legal document made by one person, who is called the 'principal', that allows another person to do things with the principal's money, bank accounts, shares, real estate and other assets. This can include spending and managing the principal's money, buying or selling shares for the principal, or buying, selling, leasing or mortgaging the principal's house or other real estate. The person who does these things for the principal is called the 'attorney'. A principal is sometimes called the 'donor' and an attorney is sometimes called the 'donee'.

There are two types of powers of attorney: General Power of Attorney (also called an ordinary power of attorney) and Enduring Power of Attorney.

Prescribed Authority: A government, semi-government or corporate body authorised under any Act with the power to act as the dominant tenement of an easement, positive covenant or restriction on the use of land. Authorisation for any body benefited by a profit à prendre is not required as no dominant tenement is created.

Prescribed Diagram: A diagram attached to a community management statement showing the position of any existing or proposed service lines.

Prescribed Functionary: A person who has an official appointment before whom a statutory declaration or other official document may be executed. Their authority to attest an execution is provided for in the laws of the state or country in which the document is executed. If executed in the State of New South Wales, the document must be attested to by a justice of the peace, a solicitor, a notary public or a commissioner for taking affidavits.

If executed outside the State of New South Wales, strike out reference to the Oaths Act 1900 and insert reference to the equivalent local law. The document must then be signed in accordance with the local law.

Prescription: The acquisition of an easement by immemorial use (taken to be at least 12 years). While recognised by the Courts such easements are not certifiable under the Real Property Act 1900.

Primary Application: An application to bring Old System land under the provisions of the Real Property Act 1900.

Prior Title Reference: The reference number of the title from which a new folio was derived.

Produced: Means produced in the Office of the Registrar General, and production has a corresponding meaning.

Profit à Prendre: A right to enter land you do not own and take or remove the produce or part of the soil of that land, eg. rights of common, of pasture, of vesture and herbage, cropping, gravel or timber.

Prothonotary: lawyer or the chief clerk in some courts of law.

Public Authority: Includes the Council of a local government area and any corporation prescribed as such by the regulations.

Public Road: A road opened or dedicated for the free right of passage of the public - on foot, in a vehicle etc and declared as such under the Roads Act 1993.

Qualified Title: A folio of the Register in which is recorded a "caution" that has not been cancelled. A caution warns persons dealing with the registered proprietor that the land is held subject to any "subsisting interests" that may exist under Old System.

Quit rent: A levy paid to the Government (Crown) for the use of the land. Mostly a small ceremonial amount (a peppercorn).

Receiver: A person authorised to manage the affairs of a bankrupt, or a person appointed by a mortgagee to manage the financial affairs of the mortgagor. This applies to both individuals and companies.

Register: The Register required by the Real Property Act 1900 to be kept for the purposes of that Act.

Registered Plan: A category of plan of subdivision being a plan of survey containing 5 or more lots of land held under Common Law title, and registered by the Registrar General. This plan series was discontinued in 1961. Existing plans were renumbered in the DP37,000 series.

Registered Proprietor: The person(s) seized or possessed of the freehold or other estate or interest in land and recorded on the title as being the owner.

Registration:

Dealings: the recording of the effect of a dealing against the relevant folio of the Register. Such recording usually results in a change of ownership or entry/removal of a second schedule notification.

Plans: upon registration the pattern of subdivision is given a legal identity and lots in the plan may be sold as such at this point.

Re-lodgment: The subsequent lodgment of a dealing, plan or other document following uplifting and compliance with a Land and Property Information, Land and Property Management Authority requisition.

Requisition: A form or letter requiring that certain action be taken, done, given, amended, furnished, etc to allow a dealing, plan or other document to be registered.

Residue: Land remaining in an otherwise cancelled folio of the Register, eg sites of roads remaining after the folio has been cancelled by subdivision.

Restrictive Covenant: Originally a covenant by the purchaser with the vendor not to use the land for a specified purpose or in a specified manner. To be enforceable against the purchaser and successors in title it must be restrictive in nature and may not impose a duty to do any positive act, whether or not it involves spending money.

Now called a "restriction on the use of land", it is usually created by Section 88B Instrument.

Resumption: The compulsory taking of land or an easement by the State of NSW or a statutory authority under an Act of the State by a notification in the NSW Government Gazette. For the purposes of bringing land under the Real Property Act 1900 includes a compulsory acquisition by the Commonwealth of Australia.

Resumption Application: An application to the Registrar General by a resuming authority to be recorded as the registered proprietor of land.

Reversion: The interest in an estate that reverts to the grantor or his/her heirs at the end of a period.

Riparian: Relating to rivers, streams or any other natural watercourse.

Riparian Rights: The rights of the proprietor of a parcel of land abutting a stream to use the water flowing through it.

Scheme: A community scheme, a precinct scheme, a neighbourhood scheme or strata scheme.

SCIMS: Survey Control Information Management System. The computer database of the State Control Survey network which allows access to survey control information - permanent marks, co-ordinates etc.

Search: To search is the act of inspecting the Register for title information required to prepare documents or to satisfy inquiries on Reference Sheets, maps or plans for survey information required for the investigation Deposited Plans or Strata Plans.

Search Sketch: A diagrammatic record of the documents forming the chain of title. It illustrates the land description in each successive deed.

Second Schedule: That part of a folio which lists exceptions, restrictions, easements and other interests or notifications affecting the land.

Section 88B Instrument: An instrument under the Conveyancing Act 1919 lodged with a Deposited Plan to create easements, restrictions on the use of land and positive covenants upon registration of the plan.

Spring tide: a tide that occurs near the time of the new moon and full moon and has a greater than average range.

Strata (stratum): The concept of layer upon layer - lots, stacked one on top of the other.

Stratum Lot: A parcel of land restricted in height and/or depth by reference to Australian Height Datum (AHD) or other datum approved by the Surveyor General.

Strata Lot: A lot defined in a plan lodged under strata scheme legislation. Includes lots wholly or partially inside building, external lots that maybe wholly or partially covered and "open space lots".

Strata Plan: A plan lodged with and approved by Land and Property Information, Department of Lands defining lots by cubic space(s) with the facility to provide common areas, subdivision, consolidation, etc.

Strata Scheme: A plan lodged under the Strata Schemes (Freehold Development) Act 1973 and related Acts, creating strata lots and common property.

Stratum Subdivision: The division of land which at least one boundary between the lots in the subdivision is defined by a plane that is not vertical ie horizontal or inclined planes. This type of boundary results in the creation of lots on top of each other.

Sub-lease: A lease of a lease.

Subdivision: The division of land into parts for separate occupation and/or disposition. The land may be subdivided either vertically or by stratum.

Subdivision Certificate: The consent of the required authority, Local Council, accredited certifier or the Crown to the subdivision of land. Endorsed in the panel on the plan.

Survey (Plan): A representation or drawing of land surveyed, prepared from particulars recorded in a field book of a surveyor.

Tenancy in Common: A form of co-ownership of a parcel of land by two or more persons in unity of possession but each as to an undivided share, whether equal or unequal, each undivided share being capable of separate disposition. This form of ownership differs from joint tenancy in that the share of a deceased tenant in common passes to the beneficiary/devisee under the will.

Tenure: The mode of holding or occupying unalienated Crown land eg conditional purchase, perpetual lease etc.

Terra nullus: land with no owners, - uninhabited

Testator/Testatrix: Person who has died and left a will.

The Register: The Registrar General's Office record of ownership, restrictions and encumbrances affecting Real Property Act land.

Title Conversion: The action taken within Land and Property Information, Department of Lands to convert parcels of Old System land to Torrens Title. It includes actions under Part IVA Real Property Act 1900 and the more recent Conversion Actions (CAs).

Title Diagram: A diagram or plan endorsed on or referred to in a folio of the Register, illustrating the land in that folio.

Torrens Title: A term used to describe the system of title (or land) registration devised by Robert Richard Torrens, expressed in NSW in the Real Property Act 1900.

Transfer: The passing of any estate or interest in land under the Real Property Act 1900, whether for valuable consideration or otherwise.

Transferee: The person to which the estate or interest is being transferred.

Transferor: The person transferring the estate or interest.

Transmission: The acquirement of title to or interest in land consequent on the death, will, intestacy or bankruptcy of a proprietor.

Transmission Application: An application which entitles executors, beneficiaries, etc. to be registered as proprietors through the will or estate of a deceased person, pursuant to the Real Property Act 1900.

Trustee: The person who holds property on trust for another. The prime duty of a trustee is to carry out the terms of the trust and preserve safely the trust property.

Trustee in Bankruptcy: An official appointed to manage the affairs of a bankrupt (as regards a person).

Unalienated Crown Land: Crown land under the care and control of the Minister Administering the Crown lands Act 1989 which is not subject of any tenure or resumption by a Government Gazetteal.

Unregistered: A term applied to dealings or plans which have not been registered in Land and Property Information, Department of Lands or put on public record.

WAL: Water Access Licence.

Will: A disposition or declaration by which the person making it (the testator) provides for the distribution or administration of property after his death.

Writ: In these directions means a Writ of Execution emanating from a Court, which when registered in the Register of Causes, Writs and Orders creates a charge on the property of the Execution Debtor where the land is held under Common Law title. Where the land is held under the Real Property Act 1900 the writ must be registered under that Act to have effect - it does not create an interest in land but generally operates to prevent the registration of dealings for a period of three months. However, there are exceptions and this area of law is complex requiring detailed study.

Products and Services schedule

The information provided in the table below is a brief guide to searches available from Land and Property Information (LPI).

For more comprehensive information regarding available records and their access, please refer to the User Guide - Searching the Records of the Registrar General and the LPMA website, www.lpma.nsw.gov.au

Product and Services	User Guide reference	Available on-line	Over the counter.	Approved Information Brokers	Fee payable	Free access for viewing
Old Form Bound Register (Torrens Title land)	Section 3.1	√*	√	√*	√	√
New Form Register (Torrens Title land)	Section 3.2	√*	√	√*	√	
Computer Titles (Torrens Title land)	Section 3.3	√	√	√	√	
Torrens Purchasers Index 1863-1971	Section 3.4		√			√
Owner Inquiry from 1971 to date (Torrens Title land)	Section 3.5		√	√	√	
Street Address Inquiry	Section 7	√	√	√		√
Lease Premises Index Search (Torrens Title land)	Section 3.6	√	√	√		√
Sub Folio Inquiry (Torrens Title land)	Section 3.7	√	√	√		√
Torrens dealings	Section 6	√**	√	√**	√	√
Primary Applications	Section 8	√**	√	√**		

Old System Records eg Vendors and Purchasers Index, Grants Index, Miscellaneous Register, Changes of Name 1875-1967	Sections 2.1 to 2.7 inclusive		√			√
Deeds pertaining to Old System Records prior to November 1992	Section 1		√			√

Product and Services	User Guide reference	Available on-line	Over the counter.	Approved Information Brokers	Fee payable	Free access for viewing
ADIS Deeds Book 4000 to Book 4191 (inclusive) Series	Section 2.8		√**		√	
ADIS Deeds Book 4192 Series to date	Sections 2.8 to 2.8.3 inclusive	√	√	√	√	
ADIS Deeds Index Search	Sections 2.9.1 to 2.9.3 inclusive	√	√	√		√
SIGA searches	Section 2.9	√	√	√	√	
Causes, Writs and Orders	Section 9.6	√	√	√	√	
Plan Images	Sections 4.7 to 4.8 inclusive	√	√	√	√	
Crown Plans		√	√	√	√	
Cadastral Records Enquiry (CRE)	Section 4.2 See also Section 5.6	√	√	√		√
County, Parish and Town Maps	Sections 4.3 to 4.4 inclusive	√	√	√		√
Deposited Plan Cross Reference Index	Section 4.9	√	√	√		√

* Conversion project for conversion to on-line data to be completed by 2009

** Conversion project for conversion to on-line date to commence in 2009

LPMA website links

SIX portal available at www.six.nsw.gov.au

LPMA online search information available at
www.lpma.nsw.gov.au/land_titles/property_search

Land and Property Information Authority
Head office
1 Prince Albert Road
Queens Square
Sydney NSW 2000

T 13000 LANDS
61 2 9228 6666
F 61 2 9233 4357

Updated A Cranney
October 2009