

Guide to Title by possession

Part IXB Division 5 Land Titles Act 1980

LAND TITLES OFFICE

NOVEMBER 2019

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INTRODUCTION

This guide sets out the process and basic requirements for preparing and lodging an Application for Vesting Order under section 138W(4) (the application) pursuant to Part IXB – Possessory Title of the *Land Titles Act 1980* (the Act).

Given the complex nature of such applications it is recommended the services of a legal practitioner be sought, firstly to determine whether or not an application can properly be made under this section and secondly, to prepare the same (as relevant), including all supporting evidence.

An application under section 138W of the Act only applies to registered land.

All of the following information is in respect of dealing with registered land.

I. ELEMENTS TO BE SATISFIED

Set out below are elements the Recorder of Titles requires to be satisfied for a typical application and should be reviewed before deciding whether or not an application should be made.

I.1 Period of possession – Section 138W(1) of the Act

The relevant periods for claiming title by possession are provided for by the *Limitation Act 1974* and in summary are as follows –

Crown land

- Should the land the subject of an application be registered Crown land, an applicant must substantiate a period of 30 years or more possession of such land: section 10(1) of the *Limitation Act 1974*.
- Circumstances in which a statutory corporation representing the Crown or a public corporation is the registered proprietor of the relevant land are also considered to be subject to this 30 years or more possession requirement.
- In certain circumstances, land held or set aside for a public purpose cannot be acquired by way of a claim of title by possession even in cases of 30 years or more possession (see sections 10(4) & (5) of the *Limitation Act 1974*).¹

¹ 10 (4) Any action brought by the Crown to recover any land, or brought by any other person to recover any land held by him for a public purpose, if the land sought to be recovered –

(a) has at any time been –

(i) reserved or set out as a road under any Act or in connection with the alienation of Crown land;

(ii) reserved from sale under any Act relating to Crown lands or dedicated under any Act for any public purpose; or

(iii) reserved in any Crown grant; or

(b) forms any part of the foreshore or the bed of the sea or of any water referred to in [subsection \(5\)](#) .

(5) For the purposes of [subsection \(4\)](#) **foreshore** means –

(a) the shore and bed of the sea or of any tidal water below the line of medium high tide between the spring tides and the neap tides; and

(b) where any Crown land has been reserved or excepted from sale as a reserve of any kind beside any lake, river, stream, or other water, any land lying between the reserve and that lake, river, stream, or other water.

Non-Crown land

- Should the land the subject of an application not be Crown land, then provided the [True Owner](#) of that land was not under a disability at the time that possession commenced, an applicant must substantiate a period of 12 years or more possession of such land: section 10(2) of the *Limitation Act 1974*.

The Recorder of Titles requires that an applicant:

- Verify that the [True Owner](#) of the land subject to the application was not under a disability at the time that possession commenced as part of the applicant's statutory declaration evidence in support of the application (which statutory declaration should explain the means of knowledge). If the applicant is unable to so substantiate that the [True Owner](#) was not under a disability at the time that possession commenced, a period of 30 years possession must be demonstrated (section 26(4) of the *Limitation Act 1974*); or
- If the [True Owner](#) was under a disability at the time that possession commenced then the requisite period of possession required will be extended in accordance with section 26(1) and 26(4) of the *Limitation Act 1974* (up to a maximum period of 30 years).

Such periods may also be impacted upon by the matters set out in section 1.3 of this guide.

See section 138G of the Act for the definition of when a person is under a disability.

1.2 Requirements for Title by Possession – Section 138V of the Act

Section 138V of the Act provides that the Recorder must consider all the circumstances of any title by possession claim and the conduct of the parties who are affected by such claim, before specifying certain criteria in particular that are to be considered in assessing an application for title by possession of land.

The Recorder requires the applicant's statutory declaration supporting any application for title by possession to address each of the criteria mentioned in section 138V (and which are set out below). Applicants should also take into account the comments made below in respect of each criteria in considering an application and preparing their statutory declaration as relevant.

- **Whether, during the relevant period, the applicant enjoyed possession of the land as of right**
This fundamentally means that an applicant is enjoying such control over the land that every person who comes to the land can see what he is possessing and assumes that the applicant is the owner.
- **Whether there is any reason to suppose that during the relevant period that enjoyment was by force or secretly or by written or oral agreement made before or during the relevant period**

The applicant's possession must have been open, peaceful and adverse i.e. not by a verbal or written agreement. If there was an agreement the applicant must prove that agreement terminated before the relevant period commenced.

Where an applicant has the benefit of an easement over the land the subject of an application, the applicant must show their actual possession was, in nature, adverse and that the acts of possession were to exclude the [True Owner](#) rather than protect the easement.

- **The nature and period of possession**

The acts which demonstrate a sufficient degree of possession will depend on the circumstances, in particular the nature of the land and the manner in which land of that nature is commonly used or enjoyed. The relevant periods required are set out in sections 1.1 and 1.3 of this guide.

- **The improvements on the land**

In particular, what improvements have been made on the land (if any), when (whether during the applicant's period of possession or earlier) and by whom. If improvements have only been made by or on behalf of the applicant (and no one else) during the period of possession, this will be of assistance to the applicant's claim.

- **Whether or not the land has been enclosed by the applicant**

The act of erecting and maintaining fences around the land and/or enclosure by walls and buildings may be strong evidence of occupation to the exclusion of the [True Owner](#) and the world at large. If the land is unfenced or only partly enclosed the application should indicate how exclusive possession was demonstrated.

- **Whether during the relevant period, the applicant acknowledged ownership, paid rent or made any other payment in respect to the land to another party**

The applicant should state specifically whether or not the applicant has done any of the above during the relevant period.

Where there has been a sequence of adverse possessors, a documentary assignment of their possessory rights must be furnished. Such assignment may be in the manner of a devise in a will.

In addition to evidence in the form of a statutory declaration by the applicant (and by previous adverse possessors (if any)) which covers the relevant period of possession and addresses the above criteria to support an application, a statutory declaration by one or more [Disinterested Person](#)(s) is required to cover the entirety of that same period of possession and should, among other criteria, specify how long the declarant has known the applicant, their means of knowledge of the possessory land and attach a survey plan or other plan or sketch to identify the possessory land.

If a [Disinterested Person](#) cannot be found to provide such a statutory declaration, evidence by way of a statutory declaration from a relative or a business associate is acceptable, but the weight of that evidence may be of minimal persuasiveness.

1.3 Payment of rates – Section 138U of the Act

Evidence should be obtained from the relevant council certifying who has paid rates on the subject land during the relevant period of possession. If during the relevant period of possession council rates have been or are paid by or on behalf of the owner, this period is to be disregarded in determining how long the applicant has been in possession (taking into account the matters set out in section 1.1 of this guide).

However, this section does not apply to an application if the relevant council certifies in writing that it is unclear who has paid, or is paying, the relevant council rates.

1.4 Avoidance of sub-minimum lot - Section 138Y of the Act

If the land subject to an application is only part of a folio of the Register, a certificate from the relevant council must be produced as part of the application that states either that the application will not result

in the continuation or creation of a sub-minimum lot or that council consents to the application. The certificate should refer to the relevant plans and section 138Y of the Act under which it is issued.

A sub-minimum lot is a lot that does not have the qualities of a minimum lot as provided by section 109 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

In some cases where the land for which title by possession is sought would create a sub-minimum lot, section 138Y may be satisfied by registration of an adhesion order made under section 110 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* adhering the land claimed with the applicant's adjoining land.

In the event such certificate or adhesion order is not produced allowing for satisfaction of section 138Y of the Act, the Recorder is not required to proceed with assessing an application in such circumstances.

Section 10(6), (7) of the *Limitation Act 1974* should be read together with section 138Y of the Act.

1.5 Notices – Section 138W(8) of the Act

If a person decides to proceed with an application under this section, then prior to lodgement of the application and all supporting evidence (including statutory declarations), notices must be given, posted and advertised as set out below.

The notices are available via the Tasmanian Online Land Dealings (TOLD) system (accessed via www.thelist.tas.gov.au)

The notices available on TOLD are in a form approved by the Recorder for the purposes of section 138W(8) of the Act and must not be altered. The only information to be inserted is the applicant(s) name(s), description of land which includes area, address, folio reference and registered proprietor of the land subject to the application and the solicitor's details.

The applicant must then (in respect of those notices):

- advertise the notice in the newspaper that is published and circulating generally in the locality in which the subject land is situated which will be either The Mercury, The Advocate or The Examiner (if any doubt you may ask the Recorder to instruct which newspaper is appropriate);
- give a copy of the relevant notice to any and all persons who, as endorsed on the folio of the Register relating to the land the subject of the proposed application, has an interest in that land or in any mortgage or encumbrance as recorded on the folio of the Register to that land;
- give a copy of the relevant notice to any person who has an unregistered interest in the land which may have been lodged with the Recorder; and
- cause a copy of the notice to be posted on the subject land in a conspicuous place and to be kept so posted for not less than one [Month](#).

As part of the above obligations, such notice of the application must be attempted to be served on the [True Owner](#) of the land subject to the application. Evidence/results of the appropriate searches made (which may include the Probate Registry and Tasmanian Archives and Heritage Office) by or on behalf of the applicant to determine and/or locate the [True Owner](#) must be provided as part of the applicant's statutory declaration in support of the application when made.

The notices used for advertising, giving and posting on the land approved by the Recorder are provided at [Annexure A](#) and [Annexure B](#) of this guide and are in the form approved as at the month this guide is published as stated on the cover.

1.6 Existing Easements, Profits a Prendre, Mortgages and Encumbrances – Section 138X of the Act

An order made under this section will only be freed from an existing:

- mortgage or encumbrance which could be discharged under section 91 of the Act if evidence satisfactory to the Recorder is produced as part of the application; and/or
- registered easement or *profit a prendre* if it has been proven to the Recorder's satisfaction to have been abandoned. Evidence of failure to use an easement or a *profit a prendre* for a period of not less than 20 years is taken to be conclusive evidence of abandonment.

An exception is an easement or a *profit a prendre* created by a sealed plan under Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* in which case would require a request to amend pursuant to section 103 of that Act to extinguish.

NB: An order made under section 138X of the Act when registered that completely disposes of the estate of the registered proprietor in the land to which a caveat relates, the caveat lapses and ceases to have any effect.

2. SUPPORTING EVIDENCE

2.1 Statutory Declarations

The applicant's statutory declaration in support of their application must be in accordance with Schedule 1 of the *Oaths Act 2001* and bear the heading: "*In the matter of an application by (applicant(s)) for Vesting Order pursuant to section 138W of the Land Titles Act 1980*"

See [Annexure E](#) for an example.

All statutory declarations should be initialled on each page then signed by the declarant and witnessed by a Justice of the Peace, Commissioner of Declarations or an authorised person before whom the declaration was made.

(Further information on the requirements for a statutory declaration in Tasmania can be located at www.justice.tas.gov.au/forms/statutory_declarations.)

The applicant and [Disinterested Person](#)(s) should address and provide for the following matters as may be applicable in their statutory declaration, and also refer to any other matters which are considered pertinent to the claim (noting in particular the matters set out in section 1.2 of this guide):

- age of declarant;
- relationship to applicant;
- their means of knowledge of the matters to which he/she is declaring;
- whether they understand the link of the land to be under a disability or not (and the means of how such knowledge was obtained);
- the circumstances under which and the time at which possession commenced to the best of the declarant's knowledge and belief;
- the manner and extent to which the land has been occupied and used;
- the manner and extent to which the land has been enclosed;
- what improvements (if any) exist on the subject land, when and by whom (or on whose behalf) they were constructed and who has maintained and repaired them during the relevant period;

- what fences (if any) exist on the subject land, when and by whom (or on whose behalf) they were constructed, where exactly they are located and who has maintained and repaired them during the relevant period;
- whether or not there was any acknowledgment of ownership, or payment of rent or of any other payment in respect of the land, to any person by the applicant (or the applicant's predecessors in possession if relevant) during the relevant period (which matters may be negated as relevant by the declaration);
- whether or not enjoyment of the land by the applicant was by force or secretly or by written or oral agreement made before or during the relevant period (which matters may be negated as relevant by the declaration);
- detail who has been paying council rates for the subject period (with documentation from the relevant council being annexed to the declaration); and
- provide exact details of the land being claimed (with an appropriate plan of the subject land to be annexed to the declaration) and as relevant evidence (and annexing of Council documentation) as to the matters set out in section 1.4 of this guide.

A statutory declaration from or on behalf of the applicant must be provided which declares when and by what means notices were given and include:

- the original of the full page of the newspaper containing the advertisement;
- a copy of the dated notice posted on the land; and
- copies of any other notices given.

Such statutory declaration may comprise a separate declaration from that referred to above or form part of an overall single statutory declaration by the applicant.

Note: the applicant's legal practitioner may provide a statutory declaration where they have made enquiries to Council or acted on behalf of the applicant in giving notices, advertising or searching for the True Owner.

2.2 Necessity for Plan of Survey – Section 138W(7) of the Act

A plan of survey of the subject land is required in support of an application. Cases where an application might be accepted without survey **are exceptional** and usually only occur in the following situations:

- when there is sufficient recent registered survey information to establish that the whole of an existing folio or existing surveyed lot is occupied by the applicant; or
- when the subject land is the whole of a folio or existing surveyed lot surrounded by registered land of which the applicant is registered proprietor; or
- when the subject land is surrounded by roads, railways or reserves of the Crown.

Applicants should be aware that the Recorder does not consider LISTmap extracts and aerial photography as sufficient evidence by itself of occupation, or as to the age and nature of any relevant fencing and improvements, nor are mapped cadastral boundaries taken as authoritative by themselves.

If the applicant's surveyor determines that the prospective applicant is in possession of the whole of the subject folio, then dependent upon the information provided in support of the application, the Land Titles Office may (at its discretion) be prepared to dispense with the need to lodge a plan of survey provided that a report is furnished from a registered land surveyor. The report must be in the form of Survey Information Only (SIO) Survey Notes based on field inspection, or as part of the report comprised in the survey notes of a plan of survey of any other parts of the land claimed, verifying that the land of which the

applicant claims to be in possession is in fact the whole of the land comprised in the relevant folio, providing information as to enclosure of the land, fencing or boundary demarcation along or in the vicinity of the boundaries of the land comprised in the folio, confirming that any such features do in fact define the boundaries of the land comprised in that folio, and that there is no evidence on the ground of use by others. It should also provide information as to the nature and location of any improvements on the land and the access to the subject land. Dispensation from the need to lodge a plan of survey in that instance would be subject to review as the facts of the case are established.

Where the application is for part of the land in a folio the new boundaries must be established by survey. The plan of survey evidences the boundaries of the land actually adversely occupied, defining the extent of the land to which the estate of the registered proprietor is claimed to be extinguished. The plan defines the land to which title will issue if the application is successful.

Where an application will result in a residue of registered land remaining, a balance plan must be lodged with a plan of survey.

Dispensation from the need to lodge a plan of survey may be requested by addressing a letter to the Section Manager, Plan Services, detailing the circumstances in which the applicant believes a survey is not required. **This should be done before the formal application is lodged.** Any advice received regarding dispensation is subject to review as the facts of the case are established throughout the entire application process.

3. PROCESS OF AN APPLICATION

3.1 Lodgement

The application must be made on the approved VO form (see [Annexure C](#) for form and [Annexure D](#) for form guide).

The VO form is available upon request from the Land Titles Office or via the Tasmanian Online Land Dealings (TOLD) system (accessed via www.thelist.tas.gov.au) and must not be tampered with including alteration. Annexure page(s) can be used if required.

The original application must be lodged **not later than 2 Months** after the date of the last notice given (see section 138W(9) of the Act) together with the supporting evidence, the plan of survey (unless dispensation granted), a completed Notice of Change to Ownership form and the **required fees**. Current Land Titles Office Fees can be located at www.dpipwe.tas.gov.au/land-tasmania/land-titles-office/forms-and-fees/land-titles-office-fees.

To assist in an efficient process for all parties it is suggested the [Checklist](#) annexed to this guide be completed and produced at time of lodgement. The application may be rejected if the examination process reveals significant deficiencies.

3.2 Examination

Once an application is lodged, the Recorder will examine the evidence presented to determine whether a claim for title by possession can proceed.

If dispensation from the need to lodge a plan of survey had been granted it will be reviewed in light of the updated cadastral search and the documentation lodged in support of the application. Where a plan of survey or Survey Information Only (SIO) Survey Notes have been lodged in support of the application they will be examined for compliance with plan and survey requirements including the basis of boundary determination and/or re-establishment and to interpret the evidence they provide. Any balance portions

of folios will be identified and the way they are to be dealt with will be considered. A report will be prepared for the Registration and Subdivision Services Section to inform its legal examination.

Note that even though an applicant may satisfy the formal requirements of an application, if the evidence is not sufficient the Recorder of Titles may reject the application or make such requisitions as he or she thinks fit. Failure to comply with any such requisitions within the period stipulated thereon may result in the application being refused.

The application and all documents lodged, deposited or filed in support are a public record and any information in a public record shall be made available at the prescribed times, in the prescribed manner, and upon payment of the prescribed fee (if any). See section 36 of the Act.

3.3 Objections (by way of Caveat)

Objections, by way of caveat forbidding the granting of an application (section 138Z of the Act) may be made on the approved form (CF2) available on TOLD by a person claiming an estate or interest in the land subject to an application at any time before a vesting order is made. Once a caveat is lodged the caveator has only 30 days to lodge the grounds in the approved form (NG2) available on TOLD or the caveat lapses. When the grounds for the objection are lodged they are forwarded to the applicant for a response. Once the response is provided a determination will be made by the Recorder of Titles on whether the application can proceed.

3.4 Making an Order – Section 138X of the Act

If all formal requirements are met and the Recorder of Titles determines from the evidence provided that the application should be successful, the Recorder of Titles will make an order to vest the land in the applicant's name.

Once the order has been made it will be forwarded to the lodging party for the assessment and payment of duty (if any) to the State Revenue Office.

Following the return of the stamped order to the Land Titles Office by the lodging party, title will issue in the applicant's name and be sent to the lodging party of the application.

GLOSSARY OF TERMS

Disinterested Person	is one who is impartial and unbiased towards an applicant or predecessor in possession and has no interest in the outcome of the application.
Month	One calendar month.
True Owner	not necessarily the registered proprietor, it is the person(s) entitled to the land at the time adverse possession commenced i.e. the person(s) who would, but for the adverse possession, be entitled to any estate, legal or equitable, in the land.

ANNEXURE A – Notice

**DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER &
ENVIRONMENT
LAND TITLES OFFICE
NOTICE OF INTENTION TO LODGE WITH
THE RECORDER OF TITLES AN APPLICATION UNDER SECTION
138W OF THE *LAND TITLES ACT 1980* FOR A VESTING ORDER**

NOTICE is hereby given of my intention to lodge with the Recorder of Titles an Application under section 138W for an order pursuant to section 138X of the *Land Titles Act 1980* vesting title to the land below mentioned in (*applicants*)

Pursuant to section 138Z of the *Land Titles Act 1980* a caveat may be lodged by a person claiming an estate or interest in the land subject to this application before the order under section 138X is made.

AN APPLICATION for title by possession is to be lodged with the Recorder of Titles not later than 2 months after the date of the last notice given as required under section 138W(8) of the *Land Titles Act 1980*.

LAND AFFECTED:

Address:

Title Reference:

Part of Land Description (if applicable):

Area of Land:

Registered Proprietor Name(s):

SOLICITORS FOR THE APPLICANT:

(*name and address*)

ANNEXURE B – Notice (Posting on Land)

**DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER &
ENVIRONMENT
LAND TITLES OFFICE
NOTICE OF INTENTION TO LODGE WITH
THE RECORDER OF TITLES AN APPLICATION UNDER SECTION
138W OF THE LAND TITLES ACT 1980 FOR A VESTING ORDER**

NOTICE is hereby given of my intention to lodge with the Recorder of Titles an Application under section 138W for an order pursuant to section 138X of the *Land Titles Act 1980* vesting title to the land below mentioned in (*applicants*)

Pursuant to section 138Z of the *Land Titles Act 1980* a caveat may be lodged by a person claiming an estate or interest in the land subject to this application before the order under section 138X is made.

AN APPLICATION for title by possession is to be lodged with the Recorder of Titles not later than 2 months after the date of the last notice given as required under section 138W(8) of the *Land Titles Act 1980*.

LAND AFFECTED:

Address:

Title Reference:

Part of Land Description (if applicable):

Area of Land:

Registered Proprietor Name(s):

AND BEING THE LAND UPON WHICH THIS NOTICE IS POSTED

This Notice was posted on the land onday of20.....

SOLICITORS FOR THE APPLICANT:

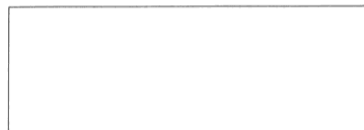
(*name and address*)

ANNEXURE C – VO Form

TASMANIAN LAND TITLES OFFICE

Application for Vesting Order (Title by Possession)

Section 138W(4) Land Titles Act 1980



DESCRIPTION OF LAND		
Folio of the Register		Lot & Plan of Survey Number
Volume	Folio	

I/We

apply for an order vesting in me/us an estate in fee simple, free from encumbrances (other than any special reservation, exception or condition in the Crown grant) in the land mentioned above and included in the above folio/s of the Register and I/we solemnly and sincerely declare that

.....
being the registered proprietors of that land hold the land in trust for me pursuant to section 138W(2) of the Land Titles Act 1980.

In support of my/our application I/we lodge herewith the following evidence:

Date:

Signed by the Applicant

Signed:

Witness:

.....

.....

.....
(signature, name & full postal address)

Land Titles Office Use Only

VO
Version 1 (TOLD)

THE BACK OF THIS FORM MUST NOT BE USED

Created 01-Oct-2019 10:30AM

ANNEXURE D – VO Form Guide

Granting of an application for Vesting Order is dependent on the applicant meeting all requirements and lodging all required evidence.

This guide outlines what information is required on the VO Form **only**, detailed information relating to requirements /evidence can be obtained from the Application for Vesting Order Based on Title by Possession Guide.

Provide the affected folio/s of the Register reference (Volume and Folio number).

Provide lot and plan of survey number (can be inserted after lodgement if plan lodged at same time as Application). Not Applicable if whole of land

Provide the full name/s and address(es) of the Applicant/s.


Provide the name of the registered proprietor/s as shown on the Register.

List the evidence being lodged with the application.
(Use Annexure Pages if required.)

The applicant is to date and sign the form.

The witness to the applicant's signature must sign and state their full name and address.

The Land Titles Office takes no responsibility with regard to any transaction that any member of the public undertakes. Seek professional advice if you are hesitant in completing the required form(s) or obtaining and providing the required supporting evidence.



TASMANIAN LAND TITLES OFFICE

Application for Vesting Order (Title by Possession)

Section 138W(4) Land Titles Act 1980

DESCRIPTION OF LAND		
Folio of the Register		Lot & Plan of Survey Number
Volume	Folio	

I/We
 apply for an order vesting in me/us an estate in fee simple, free from encumbrances (other than any special reservation, exception or condition in the Crown grant) in the land mentioned above and included in the above folio/s of the Register and I/we solemnly and sincerely declare that
 being the registered proprietors of that land hold the land in trust for me pursuant to section 138W(2) of the Land Titles Act 1980.

In support of my/our application I/we lodge herewith the following evidence:

Date:

Signed by the Applicant

Signed: Witness:

 (signature, name & full postal address)

Land Titles Office Use Only

VO

Version 1 (TOLD)

THE BACK OF THIS FORM MUST NOT BE USED

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ANNEXURE E – Statutory Declaration

IN THE MATTER of an application by
(***applicant(s)***)

for a Vesting Order pursuant to
Section 138W *Land Titles Act 1980*

STATUTORY DECLARATION

I, (*name, address and occupation*) do solemnly and sincerely declare that:

EXAMPLE ONLY

I make this solemn declaration under the *Oaths Act 2001*.

Declared at (*place*)

on (*date*) before me

.....
(Justice, commissioner for declarations
or authorised person)

APPLICATION CHECKLIST 138W(4)

Lodged by: _____ **Date:** _____

It is suggested this checklist be completed, signed and produced at lodgement. The application may be rejected if the examination process reveals significant deficiencies.

- ☐ Reviewed sections 1.1-1.4 & 2.2 of this guide.
- ☐ Notice advertised in newspaper.
- ☐ Notice posted in a conspicuous place on the land and kept so posted for not less than one month.
- ☐ Notice given to all persons considered to have an interest (registered or unregistered).
- ☐ Completed VO form.
- ☐ Completed lodgement form.
- ☐ Completed Notice of Change to Ownership.
- ☐ Statutory Declaration by Applicant(s).
- ☐ Statutory Declaration(s) by disinterested person(s) which cover the entire period.
- ☐ Statutory declaration(s) by predecessors in adverse possession (if applicable).
- ☐ Statutory declaration with full page newspaper, copy of notice posted on land and copies of notices given (either as separate declaration or as part of Applicant's other declaration with documents annexed).
- ☐ Evidence from Council pursuant to s.138U of the Act.
- ☐ Certificate from Council pursuant to s.138Y of the Act (if part of land).
- ☐ Plan of survey, survey notes, or SIO survey notes, or letter from Land Titles Office granting dispensation).
- ☐ Relevant Fees

Signed:

DISCLAIMER

This publication may be of assistance to you but the State of Tasmania and its employees do not guarantee that it is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

The Land Titles Office takes no responsibility with regard to any transaction that any member of the public undertakes. Seek professional advice if you are hesitant in completing the required form(s) or obtaining and providing the required supporting evidence.