

This guide sets out the requirements to lodge a priority notice or withdrawal of priority notice at Land Use Victoria.

A priority notice must be lodged using an Electronic Lodgment Network (ELN) – e.g. PEXA, irrespective of whether the intended dealing(s) will be lodged in paper or electronically. Only subscribers who are authorised to lodge electronically via an ELN can lodge a priority notice. All ELN subscribers are known and verified Land Use Victoria customers. A subscriber to an ELN can lodge on behalf of a registered proprietor or any incoming party.

What is a priority notice?

A priority notice is notification of an intended dealing or dealings with land. Once recorded, a priority notice will prevent registration of any other dealing over the relevant folio(s). A priority notice will not prevent recording an instrument that does not require a supporting Certificate of Title (e.g. caveats, warrants and land tax charges), which will still be recorded regardless of a priority notice.

A priority notice can apply to all instrument types and will:

- protect the interests of parties to an intended instrument or transaction, from the time the priority notice is lodged until that instrument or transaction is lodged
- alert interested parties who search the Register that an instrument or transaction is pending.

Requirements of a priority notice


The information in a priority notice must be accurate and complete.

Depending on what type of instrument is intended to be lodged, the following information will need to be included in the priority notice:

- instrument type, dealing number
- instrument type, party receiving name
- instrument type, dealing number and party receiving name.

For example:

- for a discharge of mortgage, the instrument type would be discharge of mortgage and the dealing number is the dealing number of the mortgage being discharged
- for a transfer, the instrument type would be transfer and the party receiving name would be the legal entity name of transferee
- for a mortgage, the instrument type would be mortgage and the party receiving name would be the legal entity name of mortgagee (brand names are not to be shown)

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- for a transfer of mortgage, the instrument type would be transfer of mortgage, the dealing number would be the dealing number of the mortgage being transferred and the party receiving name would be the legal entity name of the transferee mortgagee.

When the intended instrument or transaction is lodged, it must precisely match the details contained in the priority notice. All instruments cited in the priority notice must belong to the same transaction and be set out in the intended order of lodgement. If not, the instrument or transaction will be lodged, but will not be processed. Processing will be delayed until the priority notice expires or is withdrawn.

There is no ability to amend or correct a lodged priority notice. If necessary, the priority notice can be withdrawn and a new priority notice lodged in its place.

There is also no provision in a priority notice to cite particular instruments to which the applicant consents, or a mechanism for the applicant to provide consent to subsequent instruments.

Duration of a priority notice

A priority notice will be effective for 60 days from the day after the date of lodgement.

A priority notice:

- automatically expires when the anticipated instrument or transaction is registered, or at midnight on the 61st calendar day from the day the priority notice is lodged (whichever is sooner)
- ceases to have effect when it is withdrawn
- may be removed by a court order.

Withdrawal of a priority notice

A recorded priority notice may be withdrawn at any time before it expires by lodging a withdrawal of priority notice.

A withdrawal of priority notice must be lodged using an ELN e.g. PEXA and can only be withdrawn by the subscriber who lodged the priority notice. Only subscribers who are authorised to lodge electronically in an ELN can lodge a withdrawal of priority notice.

Fees

Land Use Victoria fees are payable at lodgement.

Acceptable payment methods and lodgement fees are available on the Forms, guides and fees page at www.delwp.vic.gov.au/property-forms >Payment and lodgement.

Lodging at Land Use Victoria

When a priority notice is lodged, Land Use Victoria will validate the folio reference(s) cited in a priority notice before recording the notice. The applicant's details and the (specified) intended dealings will be displayed on any subsequent Register Search Statement – see proposed form of a Register Search Statement below. When a priority notice is withdrawn, the recording of the notice on the folio(s) will be removed. The 125 day activity panel on any subsequent Register Search Statement will show the recording of the priority notice and withdrawal of priority notice.

Proposed form

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 Page 1 of 1

VOLUME 11755 FOLIO 994

Security no : 124056373060N

Produced 14/11/2016 02:32 pm

LAND DESCRIPTION

Lot 103 on Plan of Subdivision 746493M.
PARENT TITLE Volume 11607 Folio 661
Created by instrument PS746493M 29/04/2016

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
EDMUND BASIL of 570 BOURKE STREET MELBOURNE VIC
3000 AM214079X 04/04/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM214080P 04/04/2016
ABC BANK LTD

PRIORITY NOTICE AN021959M 11/11/2016 EXPIRES 11/01/2017

Applicant: GENERATOR INVESTMENTS AUSTRALIA LTD

Address: 2 JONES ROAD LYONVILLE VIC 3356

Transaction Instruments:

DISCHARGE OF MORTGAGE OR ANNUITY WHOLLY OR IN PART SECTION 84(1) TRANSFER OF LAND ACT
AM214080P

TRANSFER OF LAND SECTION 45 TRANSFER OF LAND ACT GENERATOR INVESTMENTS
AUSTRALIA LTD

MORTGAGE OR ANNUITY SECTION 74 TRANSFER OF LAND ACT EFG BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS324404T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	STATUS	DATE
AN021959M (E) PRIORITY NOTICE	Registered	11/11/2016

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 10 SMITH STREET BLACKSTOWN VIC 3099

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



Contact us

For location and contact details, refer to www.delwp.vic.gov.au/property>Contact us.

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