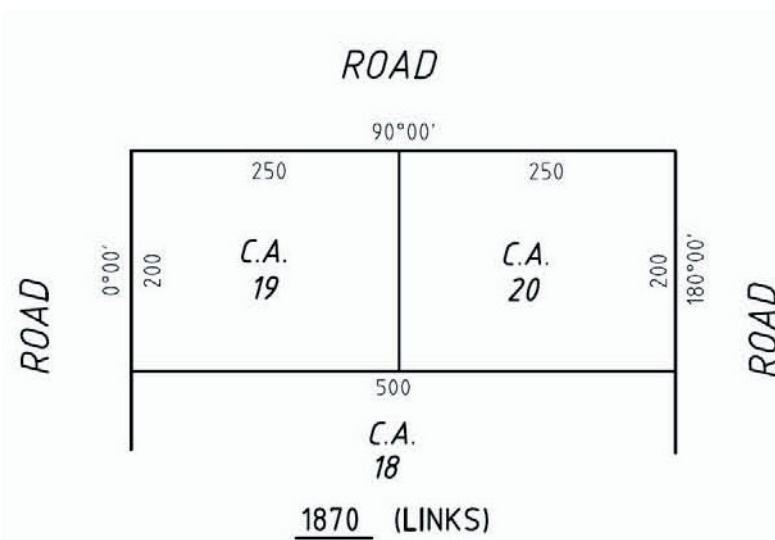




Principles of Re-establishment Exercise 10

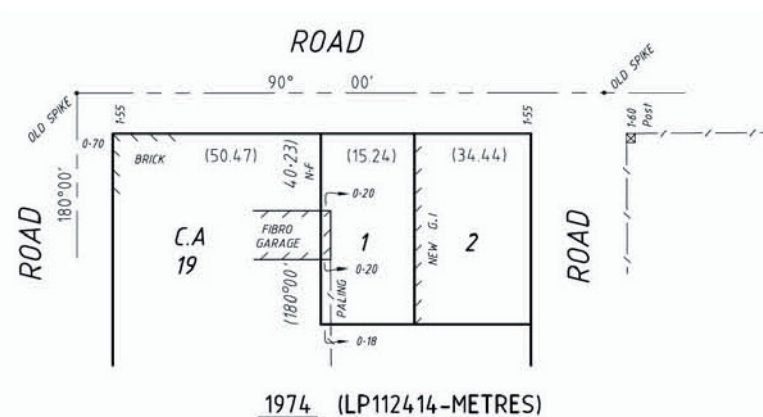
Crown boundary – bona fide determination vs. mature occupation

Township Crown Allotments 19 and 20 of equal area were created in 1870.



In 1974, Crown Allotment 20 was the subject of a two-lot subdivision LP112414 that, among other things, re-established the boundary with Crown Allotment 19.

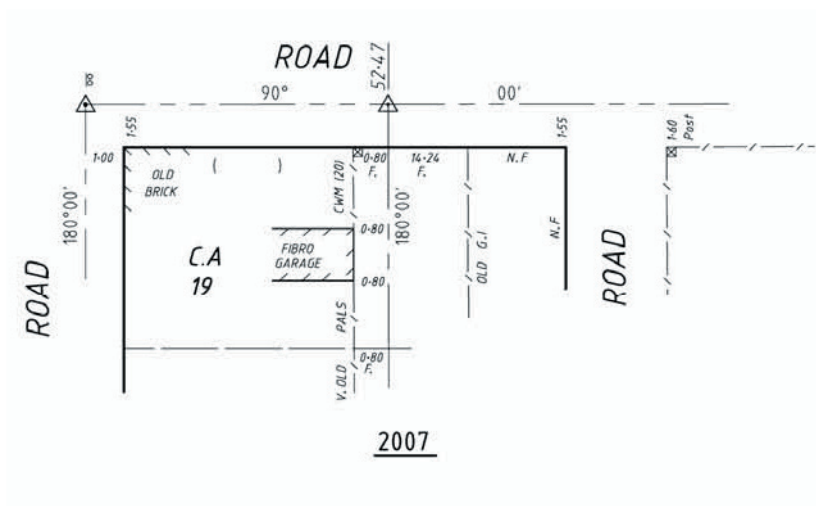
Occupation along that boundary was found to encroach onto Crown Allotment 20 by approximately 0.20 metres.



Principles of Re-establishment

Exercise 10

Early in 2007, Crown Allotment 19 was the subject of a survey where it was found that the occupation along its eastern boundary, some of which was located in LP112414 in 1974, was more than 20-years-old.



Question:

What should be adopted as the eastern boundary of Crown Allotment 19 and, consequently, what should the length of its northern boundary be?

Answer:

The choice here is whether to adopt the old occupation as the eastern boundary of Crown Allotment 19 based on the provisions of section 271 of the *Property Law Act 1958*, or adopt the boundary as re-established in LP 112414.

Because the determination in LP 112414 is bona fide – having been accepted as the Crown boundary in the registration of that dealing – it should be adopted by all future surveys as the Crown boundary, regardless of the age of the occupation that exists along it.

Consequently, the length of the northern boundary of Crown Allotment 19 should be adopted as 50.47 as per LP 112414.

Section 271 does not apply in this case as the Crown boundary determined in LP 112414 can be re-established from existing monuments.

The owner of Crown Allotment 19 can obtain title to the 0.2 metre wide strip of lot 1 on LP 112414, which he has occupied for at least 20 years by a separate application under section 60 of the *Transfer of Land Act 1958*.