#

This guide sets out the requirements to lodge an Application for a Certificate of Title in place of one lost or destroyed under the Transfer of Land Act 1958 (TLA).

This Guide is intended to assist professionals. We strongly encourage all members of the public to seek professional help when completing this form. For the public seeking to lodge an Application for Certificate of Title in place of one lost or destroyed under the TLA, please refer to the ‘Guide to replacing a lost or destroyed certificate of Title – Unrepresented parties’.

Note: From 1 August 2019 Australian Legal Practitioners, Law Practices and Licensed Conveyancers representing clients in an Application for a Certificate of Title in place of a paper one lost or destroyed must lodge via an Electronic Lodgment Network (ELN), unless an exemption applies. For exemptions refer to the Paper Instrument Acceptance Form.

# Documents required by Land Use Victoria

## Statutory Declaration

The subscriber, their employee Australian legal practitioner or licensed conveyancer, or supervised employees, that signs the registry instrument must provide a completed and signed statutory declaration in the form required by the Registrar with the application. The statutory declaration in support - professionals can be found on the [Fees, guides and forms](https://www.land.vic.gov.au/land-registration/fees-guides-and-forms) page.

This statutory declaration should not be altered in any way. Only amendments to paragraph 1 of the Statutory Declaration will be accepted, and only where the amendment is appropriate.

Amendments to insert another representative capacity, namely a power of attorney or an administrator appointed by the Victorian Civil and Administrative Tribunal are considered appropriate. An example of an appropriate amendment would be:

*“I act for [full name of registered proprietor] who is represented by [full name of administrator/attorney] appointed pursuant to [power of attorney dated ### /VCAT order dated ### in VCAT REF#] who is/are one of the following:”*

**Note:** Clause 5(c) of the Statutory Declaration refers to depositing the certificate of title as security for an unregistered mortgage or lien. The statement does not relate to depositing the certificate of title with a lender who has subsequently registered a mortgage .

## Inquiries that must be made

Before completing the required statutory declaration, the subscriber must request and receive confirmation that exhaustive and thorough searches be conducted for the paper certificate of title from:

* the applicant(s);
* the party to whom the certificate of title last issued or their successor;
* any Australian Legal Practitioner, Law Practice or Licensed Conveyancer who may have held the certificate of title;
* any financial institutions, accounting firms or accountants that may have held the certificate of title;
* any caveator of a caveat alleging a charge or mortgage affecting the land the subject of the application; and
* if not one of the above, the person that last held the certificate of title.

Inquiries with any party other than the applicant and the issuing party are only required if necessary in the circumstances.

Only folios that are in the same proprietorship may be included in one application.

### Required searches

The types of searches that must be conducted include:

* searches of the home and any storage facilities used by the applicant
* searches of the home and any storage facilities used by the person that last held or may have held the certificate of title
* searches of the records of any of the entities listed as to the release of the paper certificate of title and to whom it was released
* if the registered proprietor is a company, a company search identifying the company’s officers should be undertaken and the required confirmation sought from at least one of them
* if a law firm or lawyer last held the paper certificate of title, efforts must be made to trace the lawyer or the principal using the Law Institute of Victoria, the Legal Services Board and White Pages if required.

# Applications when any registered proprietor is deceased

If any or all of the registered proprietor(s) is/are deceased, an application under section 31 TLA can be made in the name of the survivor(s) of the deceased registered proprietor(s), or the executor(s)/administrator(s) of the last deceased registered proprietor(s) via an ELN. If all registered proprietors are deceased, proof of death is required. The new Certificate of Title will issue in the name of the registered proprietors.

Once the application has been processed and the new electronic Certificate of Title issued you can then lodge an Application by Surviving Proprietor or Application by Legal Personal Representative via an ELN.

It is also possible to lodge an application under section 31 TLA by the trustee(s) in bankruptcy of the registered proprietor(s) as above and then lodge your Transmission application by trustee of bankrupt via an ELN.

# Fees

Land Use Victoria fees are payable at lodgment.

Acceptable payment methods and lodgment fees are available on the [Fees, guides and forms](https://www.land.vic.gov.au/land-registration/fees-guides-and-forms) page.

Land Use Victoria may require an additional assurance contribution payment after lodgment if the application is assessed as high risk.

# Contact us

For contact details visit the [Contact us](https://www.land.vic.gov.au/contact-us) page.