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| Adverse Possession Section 60 Checklist |
| *Section 60* *Transfer of Land Act 1958* |

This checklist must be completed, signed and produced at lodgement. The signed checklist indicates to Land Use Victoria that the lodging party has taken responsibility for providing all required documents. If the examination process reveals significant deficiencies in the lodgement, the application will be rejected and fees forfeited.

Land Use Victoria recommends engaging a legal practitioner to assist with the completion of these applications. For further information refer to the Guide to adverse possession on the [Forms, guides and fees page.](https://www.land.vic.gov.au/land-registration/fees-guides-and-forms)

✓ TICK WHERE APPLICABLE or X CROSS WHERE NOT APPLICABLE

### Application

Form TLA60 – Adverse possession (paper) or SPEAR application form (electronic lodgement)

Form identifies claimed land by reference to Plan of Survey (if applicable) and folio reference of affected folio(s),

Full name and address of applicant(s), including postcode.

Sections 7, 7A, 7B, 7AB and 7C *Limitations of Actions Act 1958* does not apply..

The registered proprietor of the affected land is not; Roads Corporation, VicTrack, a Municipal Authority, or any of their predecessors or successors.

The applicant has specified in the application form if the subject land is free of encumbrances and/or subject to existing encumbrances

SPEAR reference (for digital lodgement of survey documents) is shown on the TLA60 form *(if applicable)*.

Signed and dated by applicant(s), agent or Australian Legal Practitioner.

### Survey information

Plan of Survey signed and dated by Licensed Surveyor, with subject land separately identified by thick continuous lines.

Abstract of Field Records, each sheet signed and dated by a Licensed Surveyor.

Abstract of Field Records is based on a survey completed no more than two years prior to lodgement of application.

Surveyor’s Report signed and dated by Licensed Surveyor.

✓ TICK WHERE APPLICABLE or X CROSS WHERE NOT APPLICABLE

### Not based on survey

The subject land is a whole, separately transferable parcel\*:

surrounded by the applicant’s own land

surrounded by Government Roads or Crown land

surrounded by Victorian Rail Track’s land

surrounded by a water authority’s land

surrounded by council land that is not general law land

surrounded by common property affected by an owner’s corporation, if the applicant is an owner of a lot affected by the owner’s corporation

surrounded by land owned by the Roads Corporation

surrounded by a combination of the above

the application is by a mortgagee/mortgagor/co-proprietor in possession

the possession has been a consequence of an unregistered transfer

the application is supported by aerial photography – Waive Survey number is shown on TLA60 form (if applicable)

\* You can only choose one option. If none of these circumstances apply, then the documents required for a survey-based application must be lodged.

### Required supporting evidence

All applications lodged under this section must be supported by the following evidence:

Statutory declaration(s) by applicant(s) on approved pro forma

Statutory declaration by applicant’s legal practitioner on approved pro forma

✓ TICK WHERE APPLICABLE or X CROSS WHERE NOT APPLICABLE

### Evidence required in specific circumstances

The following must be supplied (where applicable):

If the applicant(s) cannot claim at least 15 years exclusive possession in their own right.:

deeds of assignment from prior possessor(s) to accumulate 15 or more years possession.

statutory declaration(s) from prior possessor(s) on approved pro forma

If a deed of assignment from prior possessor(s) has been provided but statutory declarations from prior possessor(s) cannot be supplied.:

statutory declaration from one disinterested witness with at least 15 years knowledge of the land

If the claimed land is known as a Road or is shown encumbered by carriageway, passageway, footway, etc. on any plan held by Land Use Victoria:

a letter from council stating that the claimed land is not a Road as defined by the *Road Management Act 2004*.

If the land is claimed free from existing encumbrances such as easements, Road or Reserve status:

Supporting evidence as outlined in Land Use Victoria ‘Guide to removal of easements (Section 60, 73 and 73A TLA)’ *(pending)*

Additional evidence may be required depending on the circumstances of the specific application.

✓ TICK WHERE APPLICABLE or X CROSS WHERE NOT APPLICABLE

### Fees

Land Use Victoria fees are payable at lodgement

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

*The signatory certifies that the minimal lodging requirements for this application have been provided at lodgement and that any application that is non-compliant, incomplete or contains significant deficiencies WILL BE REJECTED and fees forfeited.*

### Signatures

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_

Name (legal practitioner): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or

Name (applicant): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

Telephone\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Contact us

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

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