

Declaration of trust

Request form [11R](#) (PDF 150 KB)

Dealing type - R

Legislation - s82(2) Real Property Act 1900

(A) **Stamp duty** - not required

Certificate of Title - required

Note The copy of the original trust instrument must be marked by the Office of State Revenue. Superannuation fund instruments do not require marking.

NOS form - not required

Standard form of Caveat - does not prevent registration.

Priority Notice noted on the Register - see [Priority Notice](#) page.

A copy of an instrument declaring a trust may be deposited under s82(2) Real Property Act 1900 for safe custody and reference. A Request form 11R must be lodged to have the deposition of the instrument recorded on the affected title. This is achieved by means of the entry of a Registrar General's caveat prepared by LPI. The Request form and the copy of the instrument are filmed with the caveat.

(B) The reference to title for the land affected by the request must be stated.

(C) The registered number of the interest affected by the request must be stated. The reference to title for the land affected by the request must be stated.

(E) The applicant must be the registered proprietor of the estate or interest subject to the trust. The full name of the registered proprietor must be stated and be identical to the name as shown on the Torrens Title Register.

(F) A short description of the nature of the request must be stated, e.g. 'record a declaration of trust pursuant to s82(2) Real Property Act 1900'.

(G) Reference must be made to the copy of the instrument annexed to the Request form. The date of the original instrument must be stated.

The copy of the original instrument must:

- be marked by the Office of State Revenue; and
- be certified by a prescribed functionary or licensed conveyancer.

(H) The dealing must be executed by the registered proprietor and be witnessed, or be executed on the registered proprietor's behalf as follows:

	Attorney and witnessed	Solicitor or Barrister	Authorised Officer and witnessed	Licensed Conveyancer
Registered Proprietor	✓	✓	✓	✓

See [execution requirement for companies, witnesses](#) etc.

(I) Not to be completed (see **NOS form** above).

See Baalman and Wells, Land Titles Office Practice, Lawbook Co. 2001 [170.800; 250.250].

Staff processing information

Accept the Request form for lodgment. The prescribed fee is payable.

Prepare a Registrar General's Caveat form 08RX as follows:

- on the Registrar General's Caveat form affix the barcode label as issued for the request and write:
 - the reference to title for the land affected by the declaration of trust,
 - the date of the declaration of trust, and
 - the lodging party details; and
- attach the Request form 11R and the certified copy of the original instrument to the Registrar General's Caveat.

Refer to LEG99 through the Senior Examining Officer.

Registration procedure

Proceed with registration as directed.

Change dealing code to RX in dealing examination.

TRANSACTION ON

PRIME CODE RX.