

Application for termination of community titles scheme - termination resolution under section 149(6) - Guide

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Name of Form: Application for termination of community titles scheme – termination resolution under section 149(6)

Type of Form: Application to be lodged at Landgate

When it's used: When applying for termination of a community titles scheme by termination resolution under section 149(6) of the Community Titles Act 2018 (Act) where the number of votes cast in favour of the termination proposal equals the number of lots in the community scheme to which the community titles scheme belongs.

Details of entries:

- Scheme number: Enter the number which is shown on the scheme plan of the community titles scheme, so if the plan says scheme plan 12345 then the scheme number is 12345.
- Applicant(s): Enter the full name of the proponent (Applicant(s)) and their address for service of notices, where the current address for service of notices to the Applicant(s) is to be amended. See Act section 140(1) for definition of proponent:
 - "(1) The termination of a community titles scheme may be proposed by a person (the proponent) who is –
 - (a) the owner of a lot in the community scheme; or
 - (b) a person who has a contractual right to purchase a lot in the community scheme; or
 - (c) a body corporate formed by 2 or more such persons."
- Status of Applicant: Select what the Applicant's status is in connection with the community scheme and insert the title details for a relevant lot.
- Accompanying documents:
 - Select always:

- Evidence that termination resolution was passed under the Act section 149(6) – this could be:
 - A copy of the written notice by the independent person appointed to tally and count the votes, that the termination resolution was passed (Act section 149(9)(b)); or
 - Registration details of the [Notice of termination event](#) registered at Landgate which confirms that termination resolution was passed under the Act section 149(6) (Act section 149(10)(a)); or
 - Lodging the [Notice of termination event](#) at Landgate which confirms that the termination resolution was passed under the Act section 149(6) (Act section 149(10)(a)); or
 - A copy of the written notice by the tier 1 corporation to the proponent of the termination proposal, that the termination resolution was passed under the Act section 149(6) (Act section 149(10)(b)).
- Select one:
 - if the tier 1 scheme has been selected, enter the deposited plan number; or
 - if the tier 2 scheme has been selected and the tier 1 scheme it belongs to is not being terminated, the following documents will also be required:
 - [Application for registration of an amendment of a community titles scheme – amendment of scheme plan effecting subdivision](#) and schedule of unit entitlements, if applicable, in respect of the tier 1 scheme together with documents required to accompany that Application; and
 - one or more [Application for termination of community titles scheme – termination resolution under section 149\(6\)](#) in respect of all tier 3 schemes that belong to the Scheme, if not terminated prior to this Application; or
 - if the tier 3 scheme has been selected, and the tier 2 scheme it belongs to is not being terminated, the following documents will be required:
 - [Application for registration of an amendment of a community titles scheme – amendment of scheme plan effecting subdivision](#) and schedule of unit entitlements, if applicable, in respect of the tier 2 scheme with documents required to accompany that Application; and
- The Statement to deal with land section is required to be completed if there are limitations, interests, encumbrances and notifications registered or recorded in the Register against the land the subject of the Application. If required, select the triangle to open the field and complete as follows. If not required, collapse this field and it will not be visible when the form has been printed.
 - Certificate of Title Vol/Fol or common property: List the relevant title details.
 - Limitations, interests, encumbrances and notifications: List all by document type and number.
 - Action: Describe whether the item registered or recorded is being discharged, withdrawn or otherwise removed, brought forward in full, modified or varied, e.g. Discharge off Lot 1.

This statement will alert the Registrar of Titles to potential documents that may be lodged to effect any changes required. E.g. if it says “Discharge off Lot 1” with regard to a mortgage, then we would expect to see a discharge of mortgage document with the Application.

- Execution: To be executed by the Applicant.