



**YOUR NATIONAL SOURCE  
FOR LAND AND PPSR INFORMATION**

[www.landinfo.net.nz](http://www.landinfo.net.nz)

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### **Introduction**

**We trust you will find this publication a helpful addition to your resources. For further information regarding LANDinfoNET Limited and our services, including full Land and PPSR search and registration, please visit [www.landinfo.net.nz](http://www.landinfo.net.nz)**

**::: AN EXTENSION OF YOUR OFFICE :::**

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### **Comments from the Business Development Manager**

I hope that everyone got through the winter well and are looking forward to another Kiwi Summer (best to be patient I think). It has also seemed that the property market has defied the analysts' expectations and carried on strong throughout winter. This winter just gone was more than comparable to last year and the year before and we here at LANDinfoNET have remained busy.

There have also been numerous stories going around about when E-Dealing will become compulsory. To re-iterate our last newsletter this is still years away and everyone will be given plenty of notice before any decision is made. As per Brendan Boyle the Chief Executive Officer at LINZ- No decision has been made at this stage as to whether E-Dealing will ever be made compulsory. In fact the current argument is that E-Dealing will never be made compulsory given the nature of New Zealand's property market and legal profession. So the message here is to not stress out about E-Dealing and enjoy the summer!

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## **Remember, We Search Until 7pm Weekdays**

Since we introduced this service in our last newsletter it has been hugely popular and very successful. As a reminder to those that haven't taken advantage of this great service- **WE WILL COMPETE SEARCHES UNTIL 7PM ON WEEKDAYS- AT NO EXTRA COST.**

We understand that our clients do not work an 8am-5pm day so have adapted our service to meet these requirements and make your lives simpler. We hope that we are able to free up some of your time and ensure that your own clients receive the most superior service possible.

Enjoy using this extra service and using LANDinfoNET as an extension to your office.

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## **LINZ Approved Forms**

Some big improvements have been made to the approved forms templates to ensure that LANDinfoNET provide the most user friendly and accurate forms available. We are so certain of our forms' quality, we will credit your invoice if you are not happy.

LANDinfoNET Limited has developed all forms in the Land Transfer Regulations and obtained LINZ approval for your use in drafting and registering any LINZ documentation, including consents.

This include: Caveats, Easements, Mortgages, Transfers, Leases, Encumbrances, Transmissions and many others.

In conjunction with the forms ensuring you receive every benefit from them, we have also designed matching electronic templates. The use of these templates allows you to type all necessary data directly onto the template at your PC, then simply place the corresponding approved form into your printer, and print. This process dispenses with having to use cumbersome typewriters or having to design your own template.

The forms are designed as loose leaf for both single and multi page forms to ensure compatibility with any type of printer to meet your word processing needs, and LINZ scanning requirements.

The forms and templates are available to order on our website [www.landinfo.net.nz](http://www.landinfo.net.nz) look for ' **LINZ approved forms** ' down the left hand side of our home page.

FOR A FREE SAMPLE OF THESE FORMS PLEASE CONTACT MARCUS REYNOLDS AT [marcusr@landinfo.net.nz](mailto:marcusr@landinfo.net.nz)

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## **The Benefits of Using a Legal Agent**

With the property market remaining strong and summer approaching, many

practitioners and financial institutions are expecting another seasonal summer rush. With the commercial property market looking just as strong as the residential market, it would seem that such predictions will hold true for at least another summer.

However, when the good weather arrives your staff take the opportunity to get away from work and enjoy the sunshine while it is here, which can make an already busy period even more hectic and stressful. This is why so many firms and organizations choose to use legal agents for a majority of their work.

### **Here are 10 very good reasons to use LANDinfoNET:**

1. We can drastically **reduce the stress** your team are under.
2. We act as a **checking service** to ensure accuracy and a timely turn around of all work.
3. We have **been around for 30 years** and have a very strong reputation for accuracy, friendly service, easily reachable staff and quick turn around times.
4. As legal agents we see **unusual situations** every day and have experience in working through such difficulties.
5. LANDinfoNET is a **progressive company** and has the most up to date software to deliver the best service to our clients.
6. While we complete your searching or registration work, you are able to get on with **more important work** that requires your full attention.
7. LANDinfoNET has **5 consultants** with a combined experience of over 90 years. They can solve any tricky issue that you have.
8. If you have a **staff member away** we are able to take on your workload without any hassle.
9. We offer searching services until 7pm from Monday until Friday.
10. If your work levels do not cover the **LINZ license costs**, we are able to help as all our work goes under our licenses.

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## **LINZ Issues**

### **Consent Notices**

When a Plan has been surveyed under an E survey, many Solicitors are under the impression that if a Consent Notice has been issued they do not need to produce it for registration but this is incorrect.

LINZ note the C223 and C224 Certificates which are not produced for registration, but as the Consent Notice is a memorial which appears on the title the original must be registered.

### **Limited Parcels**

When a Computer Freehold Register (Title) is labeled 'Limited as to Parcels' it means that the boundary definitions for the land in that title are not fixed by a reliable survey. When the owner comes to subdivide the land in the title, those limitations as to parcels will be removed when the new survey plan for the subdivision deposits, unless of course there are any allotments on the plan that are to retain the limitations but they will be labeled appropriately.

However, before the new survey plan deposits there is a process to go through in order to satisfy Land Information New Zealand (LINZ) that the owners of land adjoining the subdivision are accepting of the location of the newly surveyed boundaries.

LINZ are obliged to ensure that the adjoining owners have had the opportunity to object to the newly surveyed boundaries and the process by which this is achieved is by:

1. Obtaining the consent of the adjoining owners to the new subdivision plan.

The consent can be given on one of the usual consent forms that mortgagees frequently use when they are consenting to the registration of easements and other documents. These forms are available for purchase from our website (form No. 31).

Appropriate wording for the operative part of the consent would be something like:

*The person giving consent, as the owner of the land in Computer Freehold Register \_\_\_\_\_, hereby consents to the boundary definitions set out on - (new plan No.) **or** the attached copy of plan (new plan No.) - and the issue of new Computer Freehold Registers in accordance therewith.*

2. Sending of notices to the adjoining owners to the new subdivision.

For those adjoining owners who do not consent or if you decide not to use the consent process, a notice will need to be sent out to the adjoining owners. Contrary to what some people think, this notice is not automatically sent by LINZ without any prompting. In order for the notices to be sent by LINZ the addresses of the adjoining owners must be supplied to LINZ with the appropriate fee of \$10.00 per notice and a request to serve the notices.

LINZ will usually give a period of 14 –21 (consecutive) days in which the adjoining owners have to lodge any objection to the subdivision. If no objection to the new subdivision is received by LINZ from the adjoining owners then the subdivision will proceed and new titles will issue in due course.

These matters seem straight forward enough but the way in which they are handled can lead to confusion and time delays as the surveyor and the solicitor may be assuming that each other is going to take care of the whole or part of the process.

The surveyor of the new subdivision can, and often does, attend to the consents and the supply of the addresses of the adjoining owners so when the solicitor's deposit documents are lodged for registration the consents are already either endorsed on the survey plan itself or are on separate consent documents that can be lodged along with the solicitor's deposit documents for registration.

The list of addresses of the adjoining owners who have not yet consented should be lodged with the deposit documents because a \$10.00 fee is payable to LINZ for each notice that they serve. Sometimes the addresses are included as part of the surveyor's survey report for the subdivision and the surveyor and solicitor sometimes expect that

LINZ will serve the notices to the adjoining owners on that basis, but that just does not happen without a request and the appropriate fee.

If the surveyor has not attended to the consent and adjoining owner notice matters then the acting solicitor will need to. Communication between the surveyor and solicitor about progress on these matters is essential to ensure that there are no loose ends to tie up when the time comes to lodge the plan and documents for registration and issue of titles.

Attempts have been made to persuade LINZ to serve notices to adjoining owners prior to the deposit documents being lodged for registration by supplying them with the list of addresses, a request to serve the notices and the required fee so that by the time the deposit documents have been prepared and are ready to lodge for registration, the titles can issue within normal timeframes rather than wait another 14-21 days for the notice period on top of that.

LINZ used to accommodate this practice prior to the Landonline system being introduced but are now reluctant to do so and are insisting that the adjoining owner notices will only be served at the same time that the deposit documents are presented for registration. We are currently making efforts to have LINZ review this policy and will keep you informed if they change their mind.

Note that LINZ will require consents or notices to be served even if the adjoining land is shown on a modern deposited plan and it is a good idea to consider adjoining owners on a point boundary i.e. only a survey peg that abuts their land, as LINZ sometimes ask for consents and notices from them too. Road boundaries are not taken into account in the consent/notice process though.

### **Unit Plans- Change of rules of Body Corporate**

There are been several cases recently that concern the validity of body corporate rules. The Second and Third Schedules to the Unit Titles Act 1972 set out rules and these rules may be amended to suit the needs of individual developments. A 'change of rules' document is lodged and the standard rules as set out in the Act are amended, deleted or added to as required and it is the timing of the lodging of the change of rules that is one of the reasons why the rules are being challenged.

The rules of the body corporate do not come into existence until the body corporate is created and therefore cannot be amended until that event occurs. It has long been a practice of most LINZ offices not to accept a change of body corporate rules in the same dealing as the documents to deposit a unit plan however in recent times this requirement has been relaxed. Dealings to deposit a unit plan have been accepted that include the change of rules - usually as the final document in the dealing. It seems as though given these recent decisions of the Court that the old way was the right way and changes of rules should not be lodged in the same dealing as the other documents to deposit the plan but should be lodged immediately the body corporate comes into existence - which is when the unit plan is deposited.

At LandinfoNet we can assist you in this process to ensure that the deposit of the plan is monitored closely and to ensure the following settlement process is not jeopardised. This issue once again highlights the point that acceptance by LINZ is no guarantee that a document is 'correct'.

### **Overseas Witnesses**

Contacting a suitable witness in many parts of the world is not always easy. Over the years we have developed contacts and we are continually building a database of these contacts for this purpose.

If you are looking for a valid witness for documents being executed in exotic locations. Our experienced staff will not only locate them but also advise how you contact them and the best way to get the documents there for execution.

Should you require advice on this issue contact David Barker on 0508 534 251 or email [davidb@landinfo.net.nz](mailto:davidb@landinfo.net.nz)

### **Contacting the LANDinfoNET Consultants**

Our Land Transfer Consultants Roger Fielding, David Barker, Barry Green, Evan Yates and Elaine Hancock are always available for consultancy and technical advice issues on any matters. Please do not hesitate to contact them with any queries that you have.

**Roger** 0508 534 251 LANDinfoNET Limited Hamilton [rogerf@landinfo.net.nz](mailto:rogerf@landinfo.net.nz)  
**Barry** 0800 106 206 LANDinfoNET Limited Auckland [barryg@landinfo.net.nz](mailto:barryg@landinfo.net.nz)  
**David** 0508 534 251 LANDinfoNET Limited Hamilton [davidb@landinfo.net.nz](mailto:davidb@landinfo.net.nz)  
**Evan** 0508 534 251 LANDinfoNET Limited Hamilton [evany@landinfo.net.nz](mailto:evany@landinfo.net.nz)  
**Elaine** 0508 534 251 LANDinfoNET Limited Hamilton [elaineh@landinfo.net.nz](mailto:elaineh@landinfo.net.nz)

**Roger, Barry, Dave, Evan and Elaine have a prior cumulative experience of working with LINZ as senior Land Registrar for over 90 years, please ensure you utilise their ongoing knowledge and resources as an "extension of your office". A team of registration clerks support Roger, Barry, Elaine, Evan and Dave to ensure they are free for high-end consultancy.**

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### **Average Time for New Titles to Issue and Plans to Approve**

<b>LINZ TIME FRAMES - RECENT AVERAGES</b>		
<b>Type of Registration</b>	<b>LINZ Performance standard time frames 90% processed within:</b>	<b>Average based on our experiences:</b>
Ordinary	15 working days	8 working days
Parallel	15 + 25 working days	16 working days
New title	15 working days	10 working days

For your information above is the table setting out LINZ's guidelines and the average time we are experiencing currently for registration to be completed. These averages are fairly consistent throughout New Zealand.

At LANDinfoNET Limited we are continuing to look at systems to create efficiencies so you and your clients benefit. With this in mind, we publish these averages as a regular feature of our newsletter to assist you with providing information to your clients.

Please be aware we are unable to request LINZ to give priority or urgency ahead of

other dealings until the expiration of LINZ's performance standard time frames (shown ABOVE).

Should you feel circumstances permit for you to request priority over other prior lodged new title documentation, please forward to us a formal letter addressed to the Processing Centre Manager of LINZ, outlining your reasons for special priority. We will submit this letter on your behalf and advise you of LINZ's intention

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## PPSR Issues

### PPSR Debtor name rules

Under the PPSA it is the secured parties responsibility to ensure the information registered on a financing statement is correct. To ensure the enforceability of a security interest, complete and accurate information must be entered. If information is entered incorrectly, section 150 states that a registration is invalid if there is a seriously misleading defect, irregularity, omission or error in (a) the name of any of the debtors required by section 142 to be included in the financing statement... and (b) the serial number of consumer goods or equipment... (Goods held by a debtor as inventory are not required to be described by serial number in the financing statement). The secured party is also responsible for maintaining the register, including debtor name changes and changes to debtor contact details.

The Debtor name rules are set out in the Schedule of Regulations:

- The name of an individual must be recorded in full as it appears on an official document such as a drivers license or passport
- The incorporation number and registered name must be used for registered organisations such as companies

The regulations also provides for how to enter data onto the register when an individual debtor has only one name, has an alias, or has multiple middle names (Even though a debtor middle name in the system is not mandatory, it is still required by statute where they do exist). The regulations provide for how to enter data onto the register when a debtor organisation is not a registered company.

If a financing statement cannot be located due to debtor information not being entered correctly, the consequences could lead to court proceedings. **Please contact us if you require assistance or are in any doubt.**

### Searching Tips

When searching for an incorporated company that has changed its name, we suggest searching the previous company name, the new company name and the company number to ensure all results are returned. As the register is reliant upon secured parties to enter the details of a security interest onto the PPSR and maintain it, human error is inevitable. An error made when registering can result in searches being incomplete or inaccurate.

Discharged or expired financing statements remain on the system, but can only be located when searching by the financing statement registration number.

**We invite queries from you in regard to PPSR issues. You can contact any of our PPSR specialists:**

**Janelle Weir** General Manager/PPSR Consultant.  
[janellew@landinfo.net.nz](mailto:janellew@landinfo.net.nz)  
Free Phone: 0800 106 206

**Adele Oram** PPSR Searching and Registration,  
Land Transfer Search and Registration  
[adeleo@landinfo.net.nz](mailto:adeleo@landinfo.net.nz)  
Free phone: 0508 534 251

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## **Real Estate Statistics**

As mentioned previously the real estate statistics for the winter months of 2005 (June, July & August) have been slightly above the levels from last year. Apart from the obvious increase in the median selling price of residential housing, going from \$248,000 in August last year to \$289,000 in August 2005, the number of houses sold has increased from 8143 in August 2004 to 8591 in August 2005 (Realenz.co.nz). This represents a 5.5% increase in the number of houses sold over the last 12-14 months and it is thought that September's figures will be of similar proportions.

The number of days to sell a house has also remained consistent, ranging from 28-31 days over the last 14 months, which is a strong indicator that there are still a number of buyers looking for properties.

Overall, the market remains solid for now and with summer fast approaching the last 4 months have provided a solid foundation for at least one more summer rush in the property market.

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## **A Big Thank You**

Once again thank you for your continued support, we hope that you find this newsletter and the information it contains useful. We wish you all continued success for the rest of 2005.

If you have any questions regarding this newsletter, please contact Marcus Reynolds, our Business Development Manager, on [marcusr@landinfo.net.nz](mailto:marcusr@landinfo.net.nz).

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**Feel free to phone our call free number 0508 534 251 and ask for Marcus Reynolds for further information.**

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**Regards The LANDInfoNET Limited team.**

**An extension of your office.**

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**Auckland** Freephone **0800 106 206** ::: **Hamilton** Freephone **0508 534 251**

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**visit us at [www.landinfo.net.nz](http://www.landinfo.net.nz)**

**Disclaimer:**

Although every effort has been made to ensure the accuracy of the information within this newsletter, we are not liable for the results of any action taken on the basis of the information given or any errors or omissions.

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