



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

:: AN EXTENSION OF YOUR OFFICE ::

Comments from the General Manager, Janelle Weir

Welcome

Welcome to LANDinfoNET's June Newsletter, over the last couple of months we have come across a variety of issues, including some surrounding eDealing, that we are certain will interest you. In the following articles we will share these experiences and trust this information helps your team through any sticky situations. If you do have any questions as to the content of the articles please feel free to contact one of our team, we're more than happy to help you out.

We have been very busy during the weeks leading up to May 1st and during May, assisting you with obtaining your licences, associating and helping you through your first eDealings. We've very much enjoyed meeting you and being of assistance in this area. We have successfully completed over 1000 eDealings for our clients and are now involved in LINZ's Landonline e-dealing pilot group. We have fully embraced and are completely up to speed with eDealing, so if you'd like more information please let us know.

Consultancy

One of the many services we provide is telephone consultancy (consultancy given over

the phone that is not formal written consultancy). There has been a little confusion surrounding when you will be charged for telephone consultancy. To clarify this issue; if you are going to incur a charge for consultancy provided over the telephone, you will be asked for a client reference so you are able to on-charge the matter to your client. You will not be charged for answers to quick questions that do not require in-depth explanations by our team of consultants. As always if you do not see value in the information or advice we have provided you, simply let us know and we will credit/partially credit the invoice.

We also want to remind everyone that our team of consultants are available for any complicated dealings that you have. Even if you handle the bulk of your own conveyancing, our consultants will be able to answer your queries when it comes to complex subdivisional and new title matters among others. It is likely that our team can use their vast experience to both save you time and save your client's money.

Update on LANDinfoNET's eDealing Service

You may not be aware that when LANDinfoNET check and prepare an eDealing on your behalf, we also store all A&I forms as well as consents, photo ID's etc... for the required 10 year period. These documents are easily accessed and stored securely on one of 6 servers that are backed up daily and supported by BTG (Business Technology Group).

Have you considered how LANDinfoNET can reduce your exposure to risk? We recently came across a situation with a mortgage instrument whereby the conveyancing professional had certified and signed the dealing, including ticking the box that said he had consent of the caveator, the other side was adamant none was given. Is it too easy to tick too many boxes? Is it conceivable this could potentially happen to one of your team? We are confident if LANDinfoNET had checked the dealing we would have ensured there was a copy of the caveators consent.

We are confident of this fact, not because we are egotistical enough to believe we are smarter or more thorough than a conveyancing professional, but because this is the niche area we specialise in, and we have stringent processes and guidelines that our highly trained eDealing team follow to the last letter.

4 Easy Steps for LANDinfoNET to Assist with an eDealing

Step 1

Get your eDealing licence and digital certificate* (If you already have your licence go to Step 2).

** this takes approximately 20 working days for LINZ to process*

Step 2

Email your LINZ firm code and your version of windows to edealing@landinfo.net.nz, and we will complete the necessary forms and return them to your offices to be signed.

Step 3

Fax the signed forms back to us on 09 366 0388 or DX them to CP22005*.

** takes approximately 5 working days for LINZ to process*

Step 4

Once you are ready to undertake an eDealing, complete the A&I form (training can be provided if necessary on best practices in completing it) and either scan and email to edealing@landinfo.net.nz or fax to 0508 534 252. We will then advise you when the dealing is prepared, checked and ready to certify and sign.

NB:

Should your firm complete eDealings in-house, it costs nothing to associate LANDinfoNET with your firm. This gives you peace of mind knowing we are here should you need us.

If you or your staff would benefit from some extra eDealing training, please contact any one of our E-Registration team on 0508 534 251 .

Feedback & Upcoming Enhancements to our Website

In order for us to continue with our commitment to provide you with the best online services possible, we would like to hear from you about what you think. Please email any comments or suggestions you have regarding the new upgrade of the website to janellew@landinfo.net.nz. We would love to hear from you.

We have had some fantastic suggestions already that we have implemented, such as; labelling the invoice PDF's with the invoice number, reducing the amount of emails sent when submitting PPSR search & registration jobs, and increasing the number of login attempts before having to reset.

The next big enhancement will be the look of the secure page (the page that appears once you have logged in). Many of you don't need to see the "last 30 days jobs" and would prefer the work space for ordering and the "my details" area to be larger. We have taken this advice on board and have our web developers working on making this optional and having it appear more like the home page.

TIPS:

1. If you require a copy of an invoice, simply scroll down to the bottom of the screen (after you have logged in) and click on the invoices button. Enter in the invoice number, or the date range it was invoiced, then click on the search button. You can then open, print or save the PDF.
2. If you are ordering a variety of searches or about to forward us a variety of documents for registration and you would like to know costs, simply click on the price calculator at the bottom of the screen (once you have logged in), enter in the quantities next to the product(s) and hit calculate.

Elaine Hancock is Relocating to our Auckland Office

We are happy to announce that Elaine Hancock, LT consultant, has relocated to the Auckland office. She is available for Auckland based clients to come into our offices at 60 Airedale Street, Auckland city should you wish to discuss any consultancy or subdivisional matter large or small.

For those Waikato clients who enjoy / prefer dealing with Elaine, her relocation won't prevent that, she is still available on the usual number 0508 534-251 or 0800 106 206 and at elaineh@landinfo.net.nz

LINZ Issues

DISCHARGES & WITHDRAWALS – 1ST MAY – by David Barker

As you are aware LINZ have advised that from the 1st of May 'All discharges will need to be lodged electronically'. This statement is not entirely accurate and there are a couple of exceptions and they are as follows:

- **If any document in a dealing is not currently 'eDealing mandatory' then the whole dealing (including withdrawals & discharges) can be lodged as a paper transaction.**
- **All withdrawals or discharges of mortgages that are lodged with LINZ by non-solicitors (such as finance companies) can still be lodged as paper transactions.**

From the 1st of May any dealings that contain a withdrawal or discharge and that fall outside the above exceptions must be accompanied by a letter that includes a) an explanation as to why that discharge of withdrawal has not been lodged as an eDealing; and b) a request for an exemption.

Perhaps the chargeholder under discharge or withdrawal was an individual (or other non-institutional chargeholder) and was required to sign an A & I form but was not able to/did not sign one or because your application for an eDealing licence has not yet been processed.

You may wish to consider utilising LANDinfoNET's eDealing service to assist you in lodging documents electronically. Please contact Wayne Martin or David Barker if you require more information with regards to this service or require assistance with acquiring an eDealing licence.

Mortgagees & X-Leases

You have probably all been faced with the situation that your client has added onto the building on their cross leased property. You are faced with the daunting prospect of getting a new plan prepared, surrendering the existing lease, preparing a new lease on the same terms as the old one, obtaining the consent of the neighbours mortgagees and then arranging the neighbour to also execute the necessary documents - and then your clients tell you that the neighbour has just taken up a six month mining contract somewhere in Indonesia but they are not quite sure where!*

Apart from the usual traps that are involved in this type of exercise there is one very important point that should not be missed. Section 115(4) Land Transfer Act 1952 only requires that you obtain the consent of any mortgagee to the registration of the new lease. It is however very important that your clients mortgagees not consent but instead that mortgage is discharged and then a new mortgage prepared and registered as the last document in the dealing after the new lease. If your clients mortgagee simply consents then only the fee simple part of the new composite title will be mortgaged and not the newly created leasehold interest. This would effectively make it impossible for the mortgagee to exercise their power of sale because the mortgage was not over the entire title. The mortgagee may as well not even have a mortgage registered on the title.

If only the consent of your clients mortgagee was obtained the dealing would still be registered successfully. However I guess this again illustrates the point that if something is ok for registration does not necessarily mean that you end up the result that you intended.

* True story - once we able to figure out for our client where Pekanbaru was in Indonesia we were also able to track down a Notary Public there that would provide an acceptable witness.

POTENTIAL RISKS WITH E-DEALING – by Evan Yeates

Many clients will be enjoying the control eDealing provides over the registration process, particularly the ability to directly register documents without waiting up to fifteen working days for confirmation. This control over the process comes at the price of no longer having an independent third party (LINZ) ensure matters have not been overlooked.

Recently a practitioner certified a mortgage for the purposes of an eDealing but failed to realise the title had been made subject to a caveat. With the power of eDealing the ticking of a single certification box overruled the landonline prevalidation rules. In this case we suspect the title search may have been out of date (or not a guaranteed search) and the person who created the dealing did not warn the conveyancing professional. This case highlights how small matters are very easy to overlook during a busy day that can result in a large problem.

Another potential situation would be a transaction involving a title that is part of a large subdivision; this will classically have the same current mortgagee, same transferor and also a title reference that is one of a long sequence of almost identical title references.

These risks highlight the advantage of having an extra level of checks in the registration process as once submitted under eDealing the error is instantly added to the title.

Contacting the LANDinfoNET Consultants

Our Land Transfer Consultants Roger Fielding, David Barker, 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 rogerf@landinfo.net.nz

David 0508 534 251 LANDinfoNET Limited davidb@landinfo.net.nz

Evan 0508 534 251 LANDinfoNET Limited evany@landinfo.net.nz

Elaine 0508 534 251 LANDinfoNET Limited elaineh@landinfo.net.nz

Roger, 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, Elaine, Evan and Dave to ensure they are free for high-end consultancy.

Average Time for New Titles to Issue and Plans to Approve

LINZ TIME FRAMES - RECENT AVERAGES		
Type of Registration	LINZ Performance standard time frames 90% processed within:	Average based on our experiences:
Ordinary	15 working days	15 working days
Parallel	15 + 25 working days	18 working days
New title	15 working days	16 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.

PPSR Update

NOTIFYING YOU OF UPCOMING EXPIRIES OF FINANCING STATEMENTS

– by Janelle Weir

For those of you who utilize LANDinfoNET'S PPSR registration services, you will have been receiving notification of upcoming expiry letters for PPSR registrations completed in April, May, June and July 2002 from us. The notifications for August will be sent out 1st of June, September's will be sent out 1st of July and so on.

The letter provides you with the financing statement number, the date of registration (the date of expiry is exactly 5 years from the registration date in most cases) and your client reference.

The letter states that we will renew the financing statement if we do not hear from you within 3 weeks of the date of the letter. We understand that it may take longer than that to contact your client and receive instructions from them. In these cases, please don't hesitate to contact us and instruct us to put a hold on specific renewals unless we hear from you first.

Thank you for your quick responses as to your instructions regarding the renewal or lapsing of financing statements. We appreciate your assistance, as it's vital we remain completely up to date. Once a financing statement has expired, it can only be restored under sec 169a PPSA which only pertains to clerical or omissions made by the registrar, not because you were unable to obtain your clients consent to renew in time.

Should you require further information or clarification on any notification letter received, please give us a call on 0800 1065 206, we're happy to help.

PPSR, WHY USE LANDinfoNET'S WEBSITE INSTEAD OF GOING DIRECT?

– by Janelle Weir

EASY! Our website is live through a secure direct connection with the ministry and is available 24/7. When developing the PPSR interface on our website, the first thing we did was identify all areas we could improve on that would increase our efficiency and in turn, yours. As the volumes we do are quite high, we know how the little things can make a big difference in productivity and efficiency.

We then consulted with our website developers and IT programmers and successfully managed to implement many of those changes and improvements.

3 Reasons to use LANDinfoNET's website for PPSR registrations

Two huge timesaving enhancements are the ability to simply tick a box and automatically receive a post registration search with your registration confirmation results or by simply ticking a box, a sec 148 PPSA (notification to debtor letter & verification statement) is either emailed or sent via post to the debtor.

All registrations and renewals completed through LANDinfoNET will ensure all ids, pins & passwords are stored in our system for 5 years and you will receive the notification upcoming expiry free of charge.

3 Reasons to use LANDinfoNET's website for PPSR searching

All results (up to 25 financing statements), will be emailed to you automatically, you do not have to deliver them all individually.

Should you need to re-search the same criteria the next day or week, you are able to simply click on the copy button in your last 30 days jobs and resubmit the search but receiving updated search results.

You are able to add in any extra email addresses that you want the search results to be emailed to.

If you need any help at all getting used to the site, we are happy to talk you through a search or registration over the phone or if your offices are local to ours, come out and see you personally.

Janelle Weir General Manager/PPSR Consultant
janellew@landinfo.net.nz
Free Phone: 0800 106 206

Karissa Ansley Searching and Registration
karissaa@landinfo.net.nz
Free phone: 0508 534 251

Real Estate Statistics

The latest Business Confidence Survey may reveal a decline in sentiment about the economy in many sectors, however industry comments from Land Development, Real Estate both residential and non-residential show confidence is still very high.

The REINZ reported that in April there were 8,194 dwellings sold around New Zealand. This was an increase from a year earlier of 8.2% and means that for the 3 months to April dwellings were ahead by 11.5% from a year earlier.

Prices are still rising with the median dwelling sale price improving to \$349,000 in April from \$ 344,000 in March. This was an increase of 14.4 % from a year earlier, which was the strongest annual rate of house inflation using this particular measure since 2005.

On average in April it took 28 days to sell a dwelling, which is a six day improvement from a year earlier. The feedback is that there is shortage of listings around the country and that it would be reasonable to expect house prices will rise further in the near future.

Quotable Value's April statistics report growth in national property values at 10.6% (calculated at three months ending April 07, in comparison to the same period last year). QV records the average sale price for this period rose to \$366,032. It records the most noticeable increase in property values in the main urban centres with Hamilton 11.4%, Wellington city 13.4% and Christchurch 11.8%

Both stats, although varying slightly, are evident signs of a strong market fuelled by larger than anticipated migration and high levels of employment. Having said that, we are likely to see the market slowing slightly over the winter season as per the usual trend with higher interest rates also having an effect.

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 2007.

If you have any questions regarding this newsletter, please contact Wayne Martin, our Key Accounts Manager, on 0800 106 206 or waynem@landinfo.net.nz

Feel free to phone our call free number 0800 106 206 and ask for Wayne Martin for further information.

Regards The LANDinfoNET Limited team.

An extension of your office.

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

visit us at 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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