



**CERTIFICATES  
OF TITLE IN  
RESIDENTIAL  
(NON-COMMERCIAL)  
CONVEYANCING**

**I**t has come to the attention of the Conveyancing Committee that some lending institutions are requesting solicitors to sign ‘acceptance of instructions’ and are issuing ‘instructions to solicitors’ or are otherwise issuing loan packages containing documentation suggesting that a borrower’s solicitor also acts for the lending institution.

Under the certificate of title system agreed between the Law Society and the lending institutions, the obligations of the borrower’s solicitor are set out in the approved guidelines as issued with the approved forms of undertaking and certificate of title. No other documentation should be accepted or used by practitioners, nor should they accept or sign any documents which appear to be extraneous to the agreed documentation or which suggest either expressly or impliedly that the solicitor also acts for the lender. In the ordinary course of events, the profession will be given due notice of any agreed changes to the certificate of title system.

**Solicitors are also reminded of the procedures regarding stage payments and the supplemental stage payment undertaking which requires a solicitor giving the undertaking to a lending institution to ensure that before any stage payment in excess of the amount covered by the HomeBond is paid, title to the property (including the right to immediate possession) must pass to the purchaser.**

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**LAW SOCIETY  
BOOKLET ON  
UNDERTAKINGS**

**T**he attention of practitioners is drawn to the Law Society’s booklet entitled “Principals relating to professional undertakings” issued in 1996 by the Professional Guidance Committee.

August 1998

**UNDERTAKINGS  
GIVEN IN  
CERTIFICATE OF  
TITLE CASES**

**T**he wording of the current documentation in connection with the Certificate of Title System issued to the profession in December, 1996 (including the agreed form of Undertaking) is currently under review and the revised wording is expected to be agreed shortly. New forms of documentation will be issued in due course for insertion in the Appendix to this handbook.

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**UPDATE: See current certificate of title documentation, including the appropriate undertaking, at Appendix 7 hereof.**