

# STARS E-LODGMENT: WHAT EVERY CONVEYANCING LAWYER SHOULD KNOW

By SERENA LIM AND SYLVIA LOW, FOUNDERS, BIZIBODY TECHNOLOGY PTE LTD<sup>1</sup>

The STARS E-Lodgment System (“STARS E-Lodgment”) is an internet service operated by the Singapore Land Authority (“SLA”), which enables law firms to electronically prepare and lodge LTA Forms with the SLA. STARS E-Lodgment was launched by the SLA on 26 August 2003 and has been implemented in phases. With effect from 18 January 2006, the Registrar of Titles no longer accepts manual lodgment of any LTA Form listed in the Appendix, for transactions relating to private property, unless the LTA Form was executed prior to 18 January 2006. This article provides a refresher overview of the system which is now the only way LTA Forms listed in the Appendix may be lodged.

## OVERVIEW

### Preparation of LTA Forms

STARS E-Lodgment currently provides 98 templates (see Appendix) for document preparation. The end-user inputs matter-specific data (eg client’s name and address details, property details *etc*) online and the STARS E-Lodgment system will automatically “mail merge” that data into the selected template, thus creating the “complete” LTA Form for execution by the relevant parties and lodgment.

The STARS E-lodgment system allows the end-user to “copy” the matter specific data from one template to another without having to repeat the input of the same data into the subsequent templates (eg to prepare a set of LTA Forms for a single transaction that involves a transfer, mortgage and charge over the same property, all you have to do is input of data for the Transfer and then “instruct” the system to “copy” this data

to the relevant mortgage and charge templates).

Another advantage is that the system automatically conducts validation checks on the data you input (eg NRIC numbers must have seven digits, Property Lot and Mukim numbers must correlate to the stated Certificate of Title *etc*), and the system will highlight any inconsistency to the user. This helps to reduce the number of documents being rejected by the SLA on lodgment.

Conveyancing firms, especially those who have not invested in any form of automated document assembly tools<sup>2</sup> within their own practices, will discover that document preparation using these electronic mail-merge templates significantly reduces production time and improves accuracy.

However, conveyancing firms which are currently deploying their own automated document assembly systems will now have to input the same data twice: first, online through the STARS

<sup>1</sup> Serena Lim and Sylvia Low are former lawyers and founders of Bizibody Technology Pte Ltd, a company specialising in legal technology systems and outsourced services for the court and legal industry. They work closely with the Singapore Academy of Law and Singapore Land Authority to conduct STARS E-Lodgment training classes for the legal profession.

<sup>2</sup> Document assembly tools, such as Hotdocs and Lawdocs automate the preparation of documents by electronically mail-merging matter specific data input by the conveyancing clerk into the selected precedent template, thereby creating the “complete” document.

E-Lodgment system for preparation of the LTA Forms; and second, into their own document assembly templates for preparation of all other correspondence and documents relating to the same transaction. It is hoped that this will be a temporary setback as it is technically possible to engineer electronic “communication” of data between the STARS E-Lodgment system and the conveyancing firm’s internal automated document assembly system. This integration will require collaboration between the SLA and the firm’s technology vendors and consultants; and more significantly, the SLA’s cooperation in “opening up” their data fields so that like fields between STARS E-lodgment templates and the Firm’s own templates may be mapped.

### **Lodgment of LTA Forms**

After a document is prepared through STARS E-Lodgment, it can be lodged online within the prescribed e-lodgment hours (at the time of writing, these are from 8.30am to 12.00noon on weekdays).

Where the instrument is required to be signed/executed by a person other than a lawyer, the hardcopy document is also required to be presented at the Land Registry, before 3.00pm on the day that the same instrument is electronically lodged. However, the Registry of Titles will take the operative time of lodgment as the time the document is electronically submitted or “e-lodged” at the Registry, and not the later time when the hardcopy was presented. Where an LTA Form is one that requires only the solicitor’s execution, the law firm does not need to present the executed hardcopy of the document at the Land Registry.

## **THE IMPACT OF STARS E-LODGMENT ON THE CONVEYANCING WORKFLOW**

### **The Format, Preparation and Signing of LTA Forms**

The SLA has taken the opportunity to streamline their LTA Forms. Some changes to the LTA Forms that lawyers should be aware of are as follows:

- (a) The Total Discharge of Mortgage (“TDM”) instrument does not contain a consideration clause as it is not a criterion for registration.

Thankfully, the LTA Forms come with built-in “special remarks” fields which can be used to incorporate a consideration clause into the TDM.

- (b) The covenants and conditions in the Mortgage document are now incorporated by way of an appendix rather than in the main body of the document as they are not required to be e-lodged.
- (c) There are also many more additional (optional) fields in the new LTA Forms which you may not need to use in standard or routine cases.

To date, templates of 98 LTA Forms excluding the forms for Caveat, Extension of Caveat and Withdrawal of Caveat have been provided by the SLA. Since the forms are web forms, the final output of which depends on the way the user completes the web form, it is difficult for the lawyer to know the different permutations and options available in any LTA Form, just by reviewing the hardcopy end-document that is generated. This is because the end document is a work product whose final form depends on which fields have been completed and how those fields have been completed. Lawyers who know the specific information required to be stated in the specific instruments will find it easier to use the e-forms as they can apply what is required in the manual environment to the electronic environment.

## **Impact of STARS E-Lodgment on the Completion Process**

### **The Concept of Granting Digital Access**

STARS E-Lodgment has been designed to cater to the multiple law firm collaborative process which takes place in a conveyancing transaction. Typically, a document prepared by one law firm has to be lodged by another law firm. STARS E-Lodgment caters for this by enabling the firm who prepared the instrument (“Preparing Firm”) to grant electronic access to the document to the law firm who will be lodging the document (“Lodging Firm”). The Preparing Firm must grant digital access to the Lodging Firm on completion. This process of granting digital access to the document is effected through the STARS

E-Lodgment system.

Ideally, the Preparing Firm should grant digital access to the Lodging Firm at the physical completion (*ie* when all parties meet to exchange documents, completion moneys and keys). This can possibly be achieved in a not-too-distant wireless, broadband-connected world where completion clerks travel around with mobile devices which enable them to log into the STARS E-Lodgment website at completion. However until this scenario becomes reality, the issue is whether the Preparing Firm should grant digital access to the Lodging Firm before or after completion?

If the Preparing Firm grants access to the Lodging Firm prior to physical completion, the Lodging Firm would technically be able to e-lodge the document through STARS E-Lodgment, prior to the completion. If the Preparing Firm is required to give access to the Lodging Firm after completion, the Preparing Firm may inadvertently or otherwise, fail to grant access to the Lodging Firm, which would prejudice the Lodging Firm, as the Lodging Firm would not be able to lodge the digital documents until this omission is rectified.

Presently, the general consensus seems to be that digital access should be given by the Preparing Firm to the Lodging Firm AFTER completion, and that the Preparing Firm should provide the Lodging Firm with acceptable undertakings to that effect in the completion letter. This issue is best addressed by law firms at an industry level. Completion protocols as to when digital access should be granted and if applicable, the format of undertaking to be given at completion, should be agreed on and established to avoid unnecessary disputes at completion.

### The Concept of Encryption

Documents which are prepared through STARS E-Lodgment are required to be digitally signed or encrypted prior to electronic lodgment.

For purposes of digital signing/encryption, there is a significant difference between Caveats/Withdrawal of Caveats and other LTA Forms. The difference is that Caveats and Withdrawal of Caveats are in respect of claims in land and do not pass estate and interest in land. They are usually signed by the lawyers on behalf of a third party. As such,

Caveats and Withdrawal of Caveats are digitally signed by the lawyer and lodged electronically. The entire lodgment process is online.

However, the concept of digital signing does not apply to instruments which are required to be executed by a third party, for example, an Instrument of Transfer/Mortgage. Such documents are “physically” and not “digitally” signed. The workflow issues that arise from this encryption process are:

- (a) Who should encrypt the document? The Preparing Firm or the Lodging Firm?
- (b) At what point should the document be encrypted? Prior to or after completion?

Encryption is quite different from signing although, ostensibly, it involves the same act of inserting the Net Trust card or token. It is a concept that generates some confusion. The SLA has recommended that the law firm that prepares the document should encrypt it so as to ensure that it cannot be tampered with by another law firm.

### Impact of STARS E-Lodgment on the Post-Completion Process

Law firm workflows must take into account the following changes:

- (a) Online lodgment is limited to the hours of 8.30am to 12.00noon on weekdays. Signed hardcopies of the LTA Forms must be physically presented to the Land Registry by 3.00pm on the same day as electronic lodgment.
- (b) LTA Forms can be prepared by one firm and the Production Form prepared and lodged by another firm at a different time.
- (c) Law firms can track and monitor, online, the registration status of LTA Forms that it had lodged.
- (d) Law firms can now check the collection status of documents and titles lodged/forwarded by other firms by providing the title or instrument number.
- (e) In a situation where the e-lodged LTA Form needs to be amended, the person(s) who encrypted and amended the electronic LTA Form will need to call at the SLA with their Net Trust Card/Token in order to make the amendment.

### CONCLUSION

STARS E-Lodgment has been designed to take into

account the collaborative nature of conveyancing transactions, with considerable care being taken to facilitate business process workflows at the level of law firms. For law firms who would like to re-acquaint themselves with STARS E-Lodgment, training classes are scheduled for every Friday in March 2006 (3 Mar, 10 Mar, 17 Mar, 24 Mar and 31 Mar). These classes will acquaint participants with how to use

STARS E-Lodgment and will address the workflow issues raised in this article. It is hoped that the training sessions will allow law firms to integrate STARS E-Lodgment fully and seamlessly within their practices. Please call the LawNet Training Centre at 6332 4256 or 6332 4382 for more information on these courses as well as a new, one-day introduction course on STARS E-Lodgment that is in the works.

## APPENDIX

S/N	Instruments / Forms	Description	Requires Hardcopy to be Forwarded
1	ACCS	Application to Cancel Registration of Collective Sale Application made to Strata Titles Board	Yes
2	ACD	Application to Correct Data	Yes
3	AF	Authorisation Form	No
4	AOC	Application to Register Writ or Order of Court	No (if signed by lawyer)
5	AOCS	Application to Register Order for Collective Sale made by the Strata Titles Board	Yes
6	ARCS	Application to Register Collective Sale Application made to Strata Titles Board (Development registered under the Land Titles (Strata) Act)	Yes
7	ARCS	Application to Register Collective Sale Application made to Strata Titles Board (Development not registered under the Land Titles (Strata) Act)	Yes
8	ARO	Application to Register Orders made by the Strata Titles Board under Part VA of the Land Titles (Strata) Act	Yes
9	C	Charge	Yes
10	CE	Application to Cancel Registration or Notification of Easement	Yes
11	COC	Application to Cancel Writ or Order of Court	No (if signed by lawyer)
12	CS	Consent	No (if signed by lawyer)
13	CSMC	Application for Notification of Conversion from a Single to 2-Tier Management Corporation	Yes
14	DC	Application to Notify Total Discharge of CPF Charge	Yes
15	DL	Application for Determination of Lease	Yes
16	DPD	Application to Dispense with Production of Duplicate Instrument / Certificate of Title / Subsidiary Strata Certificate of Title / Subsidiary Certificate of Title	Yes
17	DSO	Application to Notify Total Discharge of Statutory Obligation	Yes
18	ER	Extension of Restrictions	Yes
19	FOS	Publication for Final Official Search	No (if signed by lawyer)
20	GE	Grant of Easement	Yes
21	L	Lease	Yes
22	L (with easement)	Lease (with easement)	Yes
23	LCT	Application for Certificate of Title for a Private Leasehold Estate comprised in a Lease	Yes
24	M	Mortgage	Yes
25	MCC	Management Corporation Charge	Yes

26	ML	Memorandum of Lease	Yes
27	MM	Memorandum of Mortgage	Yes
28	MS	Transfer (by Mortgagee Exercising Power of Sale)	Yes
29	NC	Application to Notify CPF Charge (Chargors are the Registered Proprietors of the Land)	Yes
30	NC	Application to Notify CPF Charge (Chargors are not the Registered Proprietors of the Land)	Yes
31	NC	Application to Notify CPF Charge (One or Some of the Registered Proprietors withdrew their CPF Funds) (Privatisation)	Yes
32	NC	Application to Notify CPF Charge (All Registered Proprietors withdrew their CPF Funds) (Privatisation)	Yes
33	NCN	Application to Note Change of Name	Yes
34	NCT	Application for New Certificates of Title	Yes
35	NCT	Application for New Certificates of Title (By Mortgagee / Chargee where Mortgagor / Chargor has defaulted)	Yes
36	NCT	Application for New Certificates of Title (By Mortgagee / Chargee)	Yes
37	ND	Notice of Death	Yes
38	NE	Statement by Personal Representative that he is Absolute Proprietor	Yes
39	NM	Application for Notification of Deed of Substituted Mortgage	Yes
40	NM	Application for Notification of Substituted Mortgage	Yes
41	NPDC	An application to No Partial Discharge of CPF Charge (as against part of the Land)	Yes
42	NPDC	Application to Notify Partial Discharge of CPF Charge (as against a Chargor who has withdrawn from the Purchase)	Yes
43	OF	Application to Register Order for fore closure	Yes
44	OS	Application for Official Search	Yes
45	PDC	Partial Discharge of Charge	Yes
46	PDM	Partial Discharge of Mortgage	Yes
47	PDSO	Application to Notify Partial Discharge of Statutory Obligation	Yes
48	PF	Production Form	No
49	PLC	Application to Cancel Registrar's Caution Prohibiting Assurance of a Provisional Lot	Yes
50	PM	Postponement of Mortgage	Yes
51	PM	CPF Postponement	Yes
52	R	Restriction	Yes
53	RE	Release of Easements	Yes
54	RR	Release of Restrictions	Yes
55	RSA	Strata Title Application (Pursuant to Redevelopment)	Yes
56	SCT	Application for Subsidiary Certificate of Title for a Private Leasehold Estate comprised in a Lease	Yes
57	SDCT	Application for Replacement Certificate of Title	Yes
58	SDCV	Statutory Declaration to Cancel Vexatious Caveat	Yes
59	SDMH	Statutory Declaration to Change Manner of Holding (by Tenants in Common in Equal Shares to hold as Joint Tenants)	Yes
60	SDMH	Statutory Declaration to Change Manner of Holding (by All Registered Proprietors to Sever a Joint Tenancy)	Yes

61	SDMH	Statutory Declaration to Change Manner of Holding (by One Joint Tenant to Sever a Joint Tenancy)	Yes
62	SDMH	Statutory Declaration to Change Manner of Holding (by One Joint Tenant to Sever a Joint Tenancy)	Yes
63	SI	Similar Interest Confirmation Form	No (if signed by lawyer)
64	SL	Surrender of Lease	Yes
65	SO	Application Obligation to Notify Statutory	Yes
66	SSCT	Strata Title Application	Yes
67	STP	Strata Title Application under s 125A of the Land Titles (Strata) Act	Yes
68	STP	Strata Title Application under s 126 of the Land Titles (Strata) Act	Yes
69	STP	Strata Title Application under ss 126 and 126A of the Land Titles (Strata) Act	Yes
70	SUL	Sublease	Yes
71	SV	Statutory Vesting of Mortgage	Yes
72	SV	Statutory Vesting of Land	Yes
73	T	Transfer	Yes
74	T (easement)	Transfer (Easement)	Yes
75	T (right of way)	Transfer (right of way)	Yes
76	TAB	Transmission Application on Bankruptcy of Proprietor	Yes
77	TAC	Transfer to Amalgamate Common Properties	Yes
78	TAD	Transmission Application on Death of Proprietor	Yes
79	TAP	Transfer to Add Common Property	Yes
80	TC	Transfer of Charge	Yes
81	TCP	Transfer of Common Property	Yes
82	TCS	Transfer (Pursuant to Collective Sale by Majority)	Yes
83	TCSL	Transfer (Pursuant to Collective Sale where Transferors do not own the Land)	Yes
84	TDC	Total Discharge of Charge	Yes
85	TDM	Total Discharge of Mortgage	Yes
86	TM	Transfer of Mortgage	Yes
87	TP	Transfer to President	Yes
88	TP (Re-issue)	Transfer to President (Re-issue)	Yes
89	TSS	Application to Notify Termination of Strata Subdivision	Yes
90	V	Application to Register Declaration of Vesting	Yes
91	V	Application for Registration of Vesting (Street Works Act)	Yes
92	VAOC	Application to Register Variation of Writ or Order of Court	No (if signed by lawyer)
93	VL	Variation of Lease	Yes
94	VM	Variation of Mortgage	Yes
95	VML	Variation of Memorandum of Lease	Yes
96	VMM	Variation of Memorandum of Mortgage	Yes
97	WOC	Application to Withdraw Writ or Order of Court	No (if signed by lawyer)
98	XR	Application to Extinguish Restrictions	Yes