



APPLICATION TO REGISTER A COURT ORDER OR A CHARGE

Form 023 - CCH

Land Titles Act 1925

IMPORTANT INFORMATION

This form is to be used to lodge an application to register a court order under the *Land Titles Act 1925* (the Act). You can access the Act at <u>www.legislation.act.gov.au</u>. You may also obtain further information and forms at <u>www.act.gov.au/accesscbr</u>.

PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the personal information required by this form for the purposes of issuing a registration under the Act. The Registrar-General prevents any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Registrar-General provides identifiable information to law enforcement and other Directorates that have legal authority to request information under prescribed circumstances.

These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

INSTRUCTIONS FOR COMPLETION

- The certificate of title is not required for lodgement of this document.
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached.
- Execution by:
 - a) A Natural Person Should be witnessed by an adult person who is not a party to the document.
 - b) Attorney if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority e.g. "AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation". (This execution requires a witness).
 - c) **Corporation** Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
 - i. Two directors of the company;
 - ii. A director and a secretary of the company; or

In Person:

iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director must state sole director. (No witness is required for this execution).

LODGEMENT AND CONTACT INFORMATION

Email: actlandtitles@act.gov.au General Enquiries: (02) 6207 0491

Environment, Planning and Land Shopfront Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson Opening hours - Monday to Friday 8:30am to 4:30pm (*excluding public holidays*)





APPLICATION TO REGISTER A COURT ORDER OR A CHARGE

Land Titles Act 1925

| Form 023 - CCH | | Land Titles Act 19 |
|-----------------------|---------------|--------------------------|
| LODGING PARTY DETAILS | | |
| Name | Email Address | Contact Telephone Number |
| | | |

| TITLE AND LAND DE | TAILS | | | |
|-------------------|-------------------|---------|-------|------|
| Volume & Folio | District/Division | Section | Block | Unit |
| | | | | |

FULL NAME OF REGISTERED PROPRIETOR/S (Surname Last) (ACN required for all companies)

| APPLICANT / CHARGEE FULL NAME AND ADDRESS (Surname Last) (ACN required for all companies) | COURT ORDER NUMBER OR NATURE OF CHARGE |
|---|--|
| | |

| APPLICANT/S EXECUTION | | |
|---|--|--|
| Print full name and capacity of applicant | Print full name and address of witness | |
| | | |
| Signature or common seal of applicant | Signature of witness | |
| | | |
| Dated - | Dated - | |

| OFFICE USE ONLY | |
|-------------------|---|
| Lodged by | Certificate of title lodged |
| Data entered by | Certificates attached to title |
| Registered by | Attachments / Annexures |
| Registration date | Retirement Village Charge Only Stat Dec attached |

Commonwealth of Australia

STATUTORY DECLARATION

Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration I/We.1

2

make the following declaration under the Statutory Declarations Act 1959:

2 Set out matter declared to in numbered paragraphs

I am the applicant / I act for the applicant in the capacity of (please state) -

I solemnly and sincerely declare that the premises described in the land details on the front of this form are part of a residential premises in relation to a retirement village contract between and dated .

I also declare that the charge created is over land where the resident under contract is not one of the following –

- a. the registered proprietor of land in the retirement village;
- b. the owner of a unit in a units plan in the retirement village;
- c. the owner of a lot in a community title scheme in the retirement village;
- d. a person who owns shares in a company title scheme that give rise to a residence right in relation to residential premises in the retirement village; or
- e. a registered long-term sublessee.

I/We understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

| 3 | Signature of person making the declaration | 3 | |
|---------------------------|---|--|--|
| 5 | Place Day Month and year | Declared at:onon [place] [date] | |
| | , | | |
| | | in the presence of an authorised witness, who states: | |
| | | l,, a, a, a | |
| | certify the following matters concerning the making of this statutory declaration by the person who made it: [* please cross out any text that does not apply] | | |
| pe wi de | Signature of erson before hom the eclaration is ade (see over) | *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and | |
| qu ac be de m | Full name, ialification and ddress of person ofore whom the eclaration is ade (in printed tters) | 2. *I have known the person for at least 12 months <i>OR</i> *I have confirmed the person's identity using an identification document and the document I relied on was | |
| | | [signature of authorised witness] [date] [address of the authorised witness] | |
| | | Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the <i>Statutory Declarations Act 1959</i> . | |
| | | Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 – see section 5A of the Statutory Declarations Act 1959. | |

Approved form AF2019-7 approved by Fred Arugay, Deputy Registrar-General on 04/01/2019 under section 140 of the Land Titles Act 1925 (approved forms) This form revokes AF2017-87, AF2017-57, and AF2017-137 Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au A statutory declaration under the Statutory Declarations Act 1959 may be made before-

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

| Chiropractor | Dentist | Legal practitioner |
|----------------------|---------------------|--------------------|
| Medical practitioner | Nurse | Optometrist |
| Patent attorney | Pharmacist | Physiotherapist |
| Psychologist | Trademarks attorney | Veterinary surgeon |

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955) Bailiff Bank officer with 5 or more continuous years of service Building society officer with 5 or more years of continuous service Chief executive officer of a Commonwealth court Clerk of a court Commissioner for Affidavits Commissioner for Declarations Credit union officer with 5 or more years of continuous service Employee of the Australian Trade Commission who is: (a) in a country or place outside Australia; and (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and (c) exercising his or her function in that place Employee of the Commonwealth who is: (a) in a country or place outside Australia; and (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and (c) exercising his or her function in that place Fellow of the National Tax Accountants' Association Finance company officer with 5 or more years of continuous service Holder of a statutory office not specified in another item in this list Judge of a court Justice of the Peace Magistrate Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961 Master of a court Member of Chartered Secretaries Australia Member of Engineers Australia, other than at the grade of student Member of the Association of Taxation and Management Accountants Member of the Australasian Institute of Mining and Metallurgy Member of the Australian Defence Force who is: (a) an officer; or (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or (c) a warrant officer within the meaning of that Act Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants Member of: (a) the Parliament of the Commonwealth; or (b) the Parliament of a State; or (c) a Territory legislature; or (d) a local government authority of a State or Territory Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961 Notary public Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public Permanent employee of: (a) the Commonwealth or a Commonwealth authority; or (b) a State or Territory or a State or Territory authority; or (c) a local government authority; with 5 or more years of continuous service who is not specified in another item in this list Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made Police officer Registrar, or Deputy Registrar, of a court Senior Executive Service employee of: (a) the Commonwealth or a Commonwealth authority; or (b) a State or Territory or a State or Territory authority Sheriff Sheriff's officer Teacher employed on a full-time basis at a school or tertiary education institution