

ACT GOVERNMENT
Land Titles Act 1925
Trustees Act 1925
Registrar-General's Office



DEXM
Form 071

**DECLARATION BY EXECUTOR
ON A MORTGAGE**

Lodging Party

Box Number

PRIVACY COLLECTION STATEMENT (PRIVACY ACT 1988 (C'WLTH)) OVERLEAF

I/We being the registered proprietor/s (as executors) of the land described in item 1, hereby apply pursuant to ss 11(1) of the *Trustee Act 1925* and S138B of the *Land Titles Act 1925* to hold the land as beneficiaries.

I/We hereby declare that all executorial duties and responsibilities in respect to the land have been duly performed and I/we have ceased to hold the land as executor/s and that I/we hold the land as beneficiaries.

1. LAND

Vol:Fol	District/Division	Section	Block	Unit	Instrument No/ Associated Dealing No

2. NAME OF REGISTERED PROPRIETOR (Registered Proprietor must be the Executor/s on the title)

Full Name (Surname Last)	Estate or Interest Transferred
Full Postal Address (after transfer)	

3. FORM OF TENANCY (delete whichever is not applicable)

Joint Tenants / Tenants in Common

4. ENTITLEMENT

Entitled As

Pursuant to: Probate / Letters of Administration / Sequestration Order / Other – Please specify

Number	Granted on (date)	Granted to:
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5. DATE

6. RESTRICTIVE COVENANTS (Delete if NOT applicable)

7. EXECUTION

I, _____ ..of _____

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1959*, and subject to the penalties provided by that Act for the making of false declarations, conscientiously believing the statements contain in this declaration to be true in every particular.

Declared aton	Full name of witness
the _____ day of	
Signature of Executor/s, Executors Solicitor, Executors Agent	Signature of witness
	Qualification of witness

8. DATE

Lodged by		Certificates Lodged	
Data Entered by		Attachments Lodged	
Examined by		Certificate of Title Lodged	
Registered by		Registration Date	

PRIVACY STATEMENT

S.43 of the *Land Titles Act 1925 (LTA)* authorises the Registrar-General to collect the information required by this form for the establishment and maintenance of the Land Titles Register. S.65-67 LTA requires that the Register be made available to any person for search, upon payment of a fee. The information is regularly provided to various ACT Government agencies, including the ACT Department of Urban Services, ACT Planning and Land Authority (ACTPLA), ACT Treasury, Canberra Connect and ActewAGL for conveyancing, municipal account, administrative, statistical and valuation purposes. ACTPLA and agencies within the ACT Department of Urban Services may also use the information supplied to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

SCHEDULE OF NOTES

1. This form is to be used only for a transfer of ownership from an executor/s to themselves as beneficiaries.
2. The transfer must be accompanied by the certificate of title or proof of production of the title and the transfer must be executed by the registered proprietor.
3. Documents must be typed or completed, in black ink or biro.
4. Alterations to information entered on the form should be made by crossing out (not erasing or obliterating by painting over) and should be initialled by the parties.
5. If there is insufficient space in any panel use an annexure sheet.
6. Volume and Folio references must be given.
7. Provide full names of the registered proprietor/s as executor/s, including their postal address.
8. Provide the form of tenancy (joint tenants or tenants in common)
9. Provide details of the entitlement.
10. Execution by (Statutory Declaration)
 - **A Natural Person** – Should be witnessed by an adult person who is not a party to the document.
 - **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 eg. "AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation".

NB The normal witnessing provisions in the *Land Titles Act 1925* do not apply to execution by a corporation as above, but do apply to execution by the attorney of a corporation.