

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



DMSL

Form 046

**DISCHARGE OF MORTGAGE ON A
SUBLEASE / HEADLEASE OR UNDERLEASE**

Lodging Party

Box Number

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

A discharge of mortgage discharges the debt or annuity security to the extent specified in the discharge.

1. LAND

Vol:Fol	District/Division	Section	Block	Unit

2. MORTGAGE NUMBER

3. SUBLEASE / HEADLEASE OR UNDERLEASE NUMBER

4. MORTGAGOR / SUBLESSEE

Full Name (Surname Last)

5. MORTGAGEE

Full Name

6. DATE

7. EXECUTION

Signed by the mortgagee

Full name of the witness

Signed in my presence

Signature of mortgagee

Signature of witness

8. OFFICE USE ONLY

Lodged by		Certificates Lodged	
Data Entered by		Attachments Lodged	
Examined by			
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 to discharge a mortgage on a sublease / headlease or underlease.
2. The discharge must be signed by the mortgagee or under a registered power of attorney.
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 details of the mortgage number.
8. Provide full names of the Mortgagor / Sublessee.
9. Provide full names of the Mortgagee.
10. Execution by

- **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".
- **Corporation** – Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal.

The following forms of execution are suggested –

With A Common Seal

The Common Seal of ABC Pty Ltd/Ltd ACN.....

was affixed in the presence of-

.....(signature)

.....(director/secretary)*

(*repeat if necessary ie if two directors signing. If signing as sole director and sole secretary, state 'director/secretary')

Without A Common Seal

Signed by.....Pty Ltd/Ltd ACN.....

.....(signature)

.....(director/secretary)*

(*repeat if necessary (ie if two directors signing. If signing as sole director and sole secretary, state 'director/secretary')

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.