

**ACT GOVERNMENT**  
*Land Titles Act 1925*  
*Duties Act 1999*  
 Registrar-General's Office



Duty Only

**TMPS**  
Form 018

**TRANSFER BY MORTGAGEE  
 UNDER POWER OF SALE**

Lodging Party

Box Number

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

The mortgagee transfers the land in items 1 and 3, in exercise of its power of sale, to the transferee. This transfer is subject to the mortgages, encumbrances and other instruments affecting the land, including any created by dealings lodged prior to this application and any restrictive covenants referred to in Item 8 together with any easements in the Crown Lease or created by deed.

**1. LAND**

Vol:Fol	District/Division	Section	Block	Unit

**2. MORTGAGE NUMBER**

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**3. MORTGAGEE / TRANSFEROR**

Full name (Surname last)	Estate or Interest Transferred

**4. TRANSFEEE / BUYER**

Full name (Surname last)	Full Postal Address (after transfer)

**5. FORM OF TENANCY** (delete whichever is not applicable)

Joint Tenants / Tenants in Common in the following shares

**6. CONSIDERATION**

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**7. EXECUTION**

Signed by the mortgagee/transferor
Signature of mortgagee/transferor

Signed in my presence
Signature of witness
Full name of the witness

Signed by the transferee/ transferee's solicitor
Signature of transferee / transferee's solicitor and full name of solicitor, where solicitor executes on behalf of the transferee

Signed in my presence
Signature of witness
Full name of the witness

**8. DEVELOPMENT STATUS** (Tick the appropriate box or strike out if mortgage or sublease)

Land Only	<input type="checkbox"/>	Incomplete Building	<input type="checkbox"/>	Building Completed	<input type="checkbox"/>
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**9. DATE**

**10. RESTRICTIVE COVENANTS** (Delete if NOT applicable)
**11. DATES**

Agreement for Sale Date		Settlement Date (the date on which the transferee become liable for rates)	
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**12. OFFICE USE ONLY**

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**

- This form is to be used only for a transfer by mortgagee exercising a power of sale. A mortgagee in priority to a writ, may exercise its power of sale, regardless as to whether the writ has lapsed. The transferee from such mortgagee will acquire title free from the writ. Also if the sheriff sells under the writ, the transferee must deal with any prior mortgage.
- A mortgagee presenting a mortgage for registration after the writ has lapsed will be required to provide evidence that a search at the Supreme Court revealed that the sheriff had not put the writ into force by sale.
- Documents must be typed or completed preferably in black ink or biro.
- 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.
- If there is insufficient space in any panel use an annexure sheet.
- Volume and Folio references must be given.
- Provide details of the mortgage number.
- Provide full names of the mortgagee who is undertaking the transfer, including the estate or interest transferred.
- Provide full names of the transferee, including their postal address.
- Provide the form of tenancy (joint tenants or tenants in common)
- Provide the consideration (sale price).
- 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

**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.