

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



M

Form 026

MORTGAGE

Lodging Party

Box Number

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

The mortgagor mortgages the estate or interest in the land described below in consideration of the principal sum lent or agreed to by the mortgagee. This mortgage is subject to any registered mortgages, encumbrances and other instruments affecting the land and any created by unregistered dealings affecting the land lodged prior to this mortgage.

1. LAND

Vol:Fol	District/Division	Section	Block	Unit

2. MORTGAGOR /S

Full Name (Surname Last)	Address

3. MORTGAGEE

Full Name (Surname Last)	Full Postal Address

4. TENANCY (only complete if more than one mortgagee)

5. INTEREST BEING MORTGAGED (ie. whole/share)

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6. CONDITIONS (Tick whichever is applicable)

The covenants implied at sections 115, 116, 118 and 122 of the Land Titles Act 1925 are hereby negated.		The covenants and conditions set out in the annexure attached are deemed to be incorporated	
The provisions set forth in the Memorandum of Provisions (MOP) or Common Provisions (CP) filed in the office of the Registrar-General are deemed to be incorporated herein / as modified by annexure as attached.		Provide MOP / CP number	

7. PRINCIPAL SUM (Optional)

8. DETAILS OF REPAYMENT (Optional)

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9. DATE

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10. EXECUTION

Signed by the mortgagee	Full name of witness
Signed in my presence	
Signature of mortgagee	Signature of witness
Signed by the mortgagor/s	Full name of witness
Signed in my presence	
Signature of mortgagor/s	Signature of witness

11. 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

1. This form is to be used for placing any charge on land created merely for securing a debt.
2. Registration of mortgages under the Land Titles Act 1925 is not compulsory, however, an unregistered mortgage does not attain the advantages and powers that accrue when registered, eg. Power of sale, priority on title etc.
3. Mortgages are not liable for stamp duty in the ACT.
4. Documents must be typed or completed in black ink or biro.
5. 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.
6. If there is insufficient space in any panel use an annexure sheet.
7. Volume and Folio references must be given.
8. Provide details of the interest being mortgaged.
9. Provide full names and address of the mortgagor.
10. Provide full names and address of the mortgagee.
11. Select the conditions (if any) that are being place on the mortgage.
12. Details of principal sum and payment information are optional.
13. 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.