

## TRANSFER BY MORTGAGEE UNDER POWER OF SALE

Form 018 - TMPS

Land Titles Act 1925

### IMPORTANT INFORMATION

This form is to be used to lodge a transfer by mortgagee under power of sale under the *Land Titles Act 1925* (the Act). You can access the Act at [www.legislation.act.gov.au](http://www.legislation.act.gov.au) or obtain further information and forms at [www.ors.act.gov.au](http://www.ors.act.gov.au).

### PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the information required by this form. The Registrar-General provides identifiable information to various agencies including, but not limited to, the ACT Environment and Sustainable Development Directorate, ACT Treasury Directorate, Canberra Connect and ACTEWAGL for conveyancing, municipal account administrative, statistical and valuation purposes. 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.

### CONTACT INFORMATION

Lodge in person at the <b>Office of Regulatory Services:</b>	<b>255 Canberra Avenue, Fyshwick ACT 2609</b>
Office Hours:	<b>9:00am to 4:30pm Monday to Friday</b>
General enquiries telephone number:	<b>(02) 6207 0491</b>
Website address:	<a href="http://www.ors.act.gov.au">www.ors.act.gov.au</a>

### INSTRUCTIONS FOR COMPLETION

- This is a dutiable document and should be noted by ACT Revenue prior to lodgement at Land Titles.
- The certificate of title or production of title consenting to the registration of this document is required for lodgement.
- 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. If there is insufficient space in any panel, please use an Annexure Sheet.
- 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
    - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. (No witness is required for this execution).
- The following forms of execution are suggested –
  - a) **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 i.e. if two directors signing. If signing as sole director and sole secretary, state ‘director/secretary’ - (No witness is required for this execution).
  - b) **Without A Common Seal**  
Signed by ABC Pty Ltd/Ltd ACN.....  
.....(signature)  
.....(director/secretary)\*  
(\*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state ‘director/secretary’ - (No witness is required for this execution).

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**ACT**  
Government

Justice and Community Safety

LODGING PARTY DETAILS				
Name	Postal Address			Contact Telephone Number

  

TITLE AND LAND DETAILS				
Volume & Folio	District/Division	Section	Block	Unit

  

REGISTERED MORTGAGE NUMBER (Associated Dealing Number)

  

MORTGAGEE - SELLER (Surname Last) (ACN required for all companies)	ESTATE OR INTEREST TRANSFERRED (whole or state share)

  

TRANSFeree/S - BUYER (Surname Last) (ACN required for all companies)	FULL POSTAL ADDRESS including postcode (after Transfer)

  

FORM OF TENANCY
<input type="checkbox"/> Joint Tenants <input type="checkbox"/> Tenants in Common in Equal Shares <input type="checkbox"/> Tenants in Common in the following shares - (Please state proprietors name and shares out in full) -

  

CONSIDERATION (Whole dollar amounts only) (Please state monetary value or reason for transfer – must not state “nil”)	RESTRICTIVE COVENANTS (Complete if applicable – otherwise state below “Not Applicable”)

  

DEVELOPMENT STATUS (Tick the appropriate box)
<input type="checkbox"/> Land Only                      or <input type="checkbox"/> Incomplete Building                      or <input type="checkbox"/> Building Completed

<b>AGREEMENT / CONTRACT FOR SALE DATE</b>	<b>SETTLEMENT DATE</b> (the date the buyer becomes liable for rates)

**COMMUNITY TITLE** (if Transfer relates to a Community Title Scheme the following should be attached)

Statutory Declaration                      **AND**                       Certified Copy of Undertaking submitted to ACTPLA

**ACTPLA – MINISTER’S / DELEGATE’S CONSENT**

**MORTGAGEE – SELLER’S EXECUTION**

Print full name of Mortgagee	Print full name and address of witness
Signature or common seal of Mortgagee	Signature of witness
Dated -	Dated -

**TRANSFeree/S – BUYER’S EXECUTION** (if Solicitor for Transferee executes – must state full name of Solicitor)

Print full name of Transferee	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		Production number	