ACT Government

Justice and Community Safety

APPLICATION TO REGISTER A CHARGE OVER LAND IN A RETIREMENT VILLAGE

Form 114 - CHR	*Land Titles Act 1925*

IMPORTANT INFORMATION

This form is to be used to lodge an application to register a charge over land in a retirement village under the *Land Titles Act 1925* (the Act). You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at 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 Environment and Sustainable Development Directorate, the Chief Minister and 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 **Office of Regulatory Services:**	**255 Canberra Avenue, Fyshwick ACT 2609**
Office Hours:	**9:00am to 4:30pm Monday to Friday**
General enquiries telephone number:	**(02) 6207 0491**
Website address:	**www.ors.act.gov.au**

INSTRUCTIONS FOR COMPLETION

- The certificate of title is not required for lodgement of this document.
- 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. (This execution does not require a witness).
- 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') – (This execution does not require a witness).
    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') – (This execution does not require a witness).

LAND TITLES
OFFICE OF REGULATORY SERVICES
ACT Justice and Community Safety Directorate

APPLICATION TO REGISTER A CHARGE OVER LAND IN A RETIREMENT VILLAGE

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LODGING PARTY DETAILS

Name	Postal Address	Contact Telephone Number

TITLE AND LAND DETAILS

Volume & Folio	District/Division	Section	Block	Unit

RESIDENT UNDER CONTRACT WITHIN A RETIREMENT VILLAGE (who is not a registered proprietor)
(Surname Last) (ACN required for all companies)

OPERATOR OF RETIREMENT VILLAGE / CHARGEE FULL NAME AND ADDRESS (Surname Last) (ACN required for all companies)

DETAILS OF STATUTORY CHARGE TO BE REGISTERED

EXECUTION

Print full name of the applicant / chargee	Print full name and address of witness
Signature or common seal of applicant / chargee	Signature of witness
Dated -	Dated -

DATE

STATUTORY DECLARATION

I,   of   ,

(occupation)

I am the applicant / I act for the applicant in the capacity of (please state) –

I solemnly and sincerely declare that the premises described in the land details on the front of this form are part of a residential premises in relation to a retirement village contract between   and   dated   .

I also declare that the charge created is over land where the resident under contract is not one of the following –

       a. the registered proprietor of land in the retirement village;
       b. the owner of a unit in a units plan in the retirement village;
       c. the owner of a lot in a community title scheme in the retirement village;
       d. if the person has a residence right in relation to residential premises in the retirement village;
       e. owns shares in a company title scheme that give rise to a residence right in relation to residential premises in the retirement village; or
       f. is a registered long-term sublessee.

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.

STUATUTORY DECLARATION EXECUTION

	Signature of person before whom the declaration is made
Declared at on the day of 20 Signature of person making the declaration	 Full name, qualification* and address of person before whom the declaration is made (in printed letters) **(*Must be authorised under the *Statutory Declarations Act 1959*)**

OFFICE USE ONLY

Lodged by		Certificate of title lodged	
Data entered by		Certificates attached to title	
Registered by		Attachments / Annexure	
Registration date		Production number	