

**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 or obtain further information and forms at www.act.gov.au/accesscbr.

PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the personal information required by this form for the purposes of issuing a registration under the Act. The Registrar-General prevents any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Registrar-General provides identifiable information to law enforcement and other Directorates that have legal authority to request information under prescribed circumstances.

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.

INSTRUCTIONS FOR COMPLETION

- The certificate of title or production of title consenting to the registration of this document is required for lodgement.
- The value entered into the Consideration Field must reflect the total value of the property, being the higher of the consideration or market value, including GST if applicable.
- For aggregation purpose please contact the ACT Revenue Office if lodging separate Transfer instruments for two or more separate items of dutiable property, where the transactions occurred within 12 months of each other and the transferee's/buyer's are associated people.
- An annexure lodged with this form identifying the individual consideration for each property transferring will be taken as the clients request for the transactions not be aggregated in accordance with section 24 (2) of the *Duties Act 1999*.
- The Buyer Verification Declaration must be completed prior to lodgement of this form. The submission date and reference number must be recorded on this form.
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- The first named buyer on this form will be the primary contact for ACT Revenue Office purposes.
- 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).

LODGEMENT AND CONTACT INFORMATION

Website:

www.accesscanberra.act.gov.au

General Enquiries:

13 22 81

In Person:

Environment, Planning and Land Shopfront

Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson

Opening hours - Monday to Friday 8:30am to 4:30pm (*excluding public holidays*)

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) -	
ARE YOU APPLYING FOR CONCESSION?	PLEASE INDICATE IF THIS TRANSACTION INVOLVES ONE OR BOTH OF THE FOLLOWING:
<input type="checkbox"/> Yes (if yes provide code number) Code Number: <input type="checkbox"/> No	<input type="checkbox"/> A Land Rent lease <input type="checkbox"/> An Application for a Duty Deferral
CONSIDERATION – (See instructions for completion – higher of market value or consideration)	
GST PAYABLE	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	
LAND USE (Tick the appropriate box)	
<input type="checkbox"/> Residential or <input type="checkbox"/> Commercial or <input type="checkbox"/> Rural	
AGREEMENT / CONTRACT FOR SALE DATE	SETTLEMENT DATE (the date the buyer becomes liable for rates)
COMMUNITY TITLE (if Transfer relates to a Community Title Scheme the following should be attached)	
<input type="checkbox"/> Statutory Declaration AND <input type="checkbox"/> 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	