



APPLICATION TO REGISTER A COURT ORDER OR A CHARGE

Form 023 - CCH

Land Titles Act 1925

IMPORTANT INFORMATION

This form is to be used to lodge an application to register a court order under the *Land Titles Act 1925* (the Act). You can access the Act at <u>www.legislation.act.gov.au</u>. You may also obtain further information and forms at <u>www.act.gov.au/accesscbr</u>.

PRIVACY NOTICE

The collection of personal information in this form is required by law under the *Land Titles Act 1925*, to ensure accurate and legal transfer of title or registration of other interests relating to land and for maintaining publicly searchable registers and indexes. Personal information collected on this form will be handled in accordance with the Territory Privacy Principles in Schedule 1 of the Information Privacy Act 2014. More detailed information about how Access Canberra handles this personal information is available at: https://www.act.gov.au/acprivacy

INSTRUCTIONS FOR COMPLETION

- 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.
- Statutory Declaration only required when lodging Charge on a Retirement Village

CERTIFICATIONS

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by the Certifier, being one of the following:

- a. A legal practitioner
- b. If the applicant is not represented by a legal practitioner the applicant (i.e. self- represented party)
- c. If a party to an instrument is not represented by a legal practitioner that party (i.e. self-represented party)

All certifications apply where the Certifier is a legal practitioner.

The first two listed certifications do not apply where the Certifier is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

By certifying this form, the legal practitioner acknowledges they have taken reasonable steps to verify that their client or his, her or its administrator or attorney is a legal person and has the right to enter into the conveyancing transaction.

Note: - An attorney or a body corporate cannot make certification statements.

LODGEMENT INFORMATION		CONTACT INFORMATION
In Person: Environment, Planning and Land Shopfront	Email:	actlandtitles@act.gov.au
Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson. Opening hours - Monday to Friday 8:30am to 4:30pm (excluding public holidays)	Phone:	(02) 6207 0491



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LODGING PARTY DETAILS			
Name	Email Address	Customer Reference Number	Contact Telephone Number

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

FULL NAME OF REGISTERED PROPRIETOR/S (Surname Last) (ACN required for all companies)

APPLICANT / CHARGEE FULL NAME AND ADDRESS (Surname Last) (ACN required for all companies)	COURT ORDER NUMBER OR NATURE OF CHARGE

CERTIFICATION *Delete the inapplicable

Applicant

- *The Certifier has taken reasonable steps to verify the identity of the Applicant or his, her or its administrator or attorney. *The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- *The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

<Name of certifying party> <Capacity of certifying party>

for: <Company name>

on behalf of the Applicant

OFFICE USE ONLY		
Lodged by	Registered date / by	
Data entered by	Attachments/Annexures	

Approved form AF2020-62 approved by Fred Arugay Deputy Registrar-General on 01/07/2020 under section 140 of the Land Titles Act 1925 (approved forms) This form revokes AF2020-28 Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au Commonwealth of Australia

STATUTORY DECLARATION

Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

I/We.1

2

make the following declaration under the Statutory Declarations Act 1959:

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

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

Set out matter 2 declared to in numbered paragraphs

5 Dav

person before

declaration is

8 Full name.

made (see over)

qualification and , address of person

before whom the

declaration is made (in printed letters)

, whom the

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; the owner of a unit in a units plan in the retirement village; b. c. the owner of a lot in a community title scheme in the retirement village; d. a person who owns shares in a company title scheme that give rise to a residence right in relation to residential premises in the retirement village; or a registered long-term sublessee. е I/We understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular. 3 Signature of person 3 making the declaration 4 Place Declared at: on [place] [date] 6 Month and year in the presence of an authorised witness, who states: [name of authorised witness] [qualification of authorised witness] certify the following matters concerning the making of this statutory declaration by the person who made it: [* please cross out any text that does not apply] 7 Signature of

> 1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2. *I have known the person for at least 12 months OR *I have confirmed the person's identity using an

identification document and the document I relied on was [describe identification document relied on]

[signature of authorised witness] [date] [address of the authorised witness]

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years - see section 11 of the Statutory Declarations Act 1959.

> Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959see section 5A of the Statutory Declarations Act 1959.

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Authorised by the ACT Parliamentary Counsel-also accessible at www.legislation.act.gov.au

A statutory declaration under the Statutory Declarations Act 1959 may be made before-

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trademarks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955) Bailiff Bank officer with 5 or more continuous years of service Building society officer with 5 or more years of continuous service Chief executive officer of a Commonwealth court Clerk of a court Commissioner for Affidavits Commissioner for Declarations Credit union officer with 5 or more years of continuous service Employee of the Australian Trade Commission who is: (a) in a country or place outside Australia; and (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and (c) exercising his or her function in that place Employee of the Commonwealth who is: (a) in a country or place outside Australia; and (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and (c) exercising his or her function in that place Fellow of the National Tax Accountants' Association Finance company officer with 5 or more years of continuous service Holder of a statutory office not specified in another item in this list Judge of a court Justice of the Peace Magistrate Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961 Master of a court Member of Chartered Secretaries Australia Member of Engineers Australia, other than at the grade of student Member of the Association of Taxation and Management Accountants Member of the Australasian Institute of Mining and Metallurgy Member of the Australian Defence Force who is: (a) an officer; or (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or (c) a warrant officer within the meaning of that Act Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants Member of: (a) the Parliament of the Commonwealth; or (b) the Parliament of a State; or (c) a Territory legislature; or (d) a local government authority of a State or Territory Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961 Notary public Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public Permanent employee of: (a) the Commonwealth or a Commonwealth authority; or (b) a State or Territory or a State or Territory authority; or (c) a local government authority; with 5 or more years of continuous service who is not specified in another item in this list Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made Police officer Registrar, or Deputy Registrar, of a court Senior Executive Service employee of: (a) the Commonwealth or a Commonwealth authority; or (b) a State or Territory or a State or Territory authority Sheriff Sheriff's officer Teacher employed on a full-time basis at a school or tertiary education institution