

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



E
Form 053

Lodging Party

Box Number

ENCUMBRANCE

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

The encumbrancer encumbers the estate or interest in the land described. The covenants and conditions set out in the annexure are deemed to be incorporated (if applicable). This encumbrance is subject to the mortgages, encumbrances and other instruments affecting the land, including any created by dealings lodged prior to this encumbrance.

1. LAND

Vol:Fol	District/Division	Section	Block	Unit

2. ENCUMBRANCER/S

Full Name (Surname Last)	Address

3. ENCUMBRANCEE/S

Full Name (Surname Last)	Full Postal Address

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

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

--	--

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.	<input type="checkbox"/>	The covenants and conditions set out in the annexure attached are deemed to be incorporated	<input type="checkbox"/>
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.	<input type="checkbox"/>	Provide details of MOP / CP number	<input type="checkbox"/>

7. DESCRIPTION OF ENCUMBRANCE

8. DATE

9. EXECUTION

Signed in my presence by the encumbrancer/s Signature of encumbrancer/s	Full Name of Witness
	Signed in my presence Signature of Witness
Signed in my presence by the encumbrancee/s Signature of encumbrancee/s	Full Name of Witness
	Signed in my presence Signature of Witness

10. OFFICE USE ONLY

Lodged by		Certificates Lodged	
Data Entered by		Attachments Lodged	
Examined by			
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 an encumbrance on land.
2. Registration of encumbrances under the Land Titles Act 1925 is not compulsory, however, an unregistered encumbrance does not attain the advantages and powers that accrue when registered, eg. Power of sale, priority on title etc.
3. Encumbrances 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 encumbered.
9. Provide full names and address of the encumbrancer.
10. Provide full names and address of the encumbrancee.
11. Provide details of any conditions being placed upon the encumbrance.
12. Provide a description of the encumbrance.
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.

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.