

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



MSL
Form 048

**MORTGAGE OF A SUBLEASE
OR UNDERLEASE**

Lodging Party:

Email or Fax Number:

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

The mortgagor mortgages the estate or interest in the land described below in consideration of the principal sum lent or agreed to by the mortgagee. This mortgage is subject to any registered mortgages, encumbrances and other instruments affecting the land and any created by unregistered dealings affecting the land lodged prior to this mortgage.

1. LAND

Vol:Fol	Edition	District/Division	Section	Block	Unit	Sublease/Underlease being Mortgaged

2. MORTGAGOR/S

Given Name/s (Company Name)	Surname (ACN)	Full Postal Address

3. MORTGAGEE

Given Name/s (Company Name)	Surname (ACN)	Full Postal Address

4. TENANCY OF MORTGAGEES (only complete if more than one mortgagee)

Joint Tenants
 Tenants in Common in Equal shares
 Tenants in Common in the following shares

5. INTEREST BEING MORTGAGED (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. PRINCIPAL SUM (Optional)

8. DETAILS OF REPAYMENT (Optional)

9. DATE

10. EXECUTION

Signed by the mortgagor/s

Signature of mortgagor/s

Full name of witness

Signature of witness

11. LAND TITLES OFFICE USE ONLY

Examined by		Certificates Lodged	
Data Entered by		Attachments Lodged	
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

- This form is to be used for placing any charge on land created merely for securing a debt.
- Registration of mortgages under the Land Titles Act 1925 is not compulsory, however, an unregistered mortgage does not attain the advantages and powers that accrue when registered, eg. Power of sale, priority on title etc.
- Mortgages are not liable for stamp duty in the ACT.
- Documents must be typed or completed in black ink or biro.
- 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.
- If there is insufficient space in any panel use an annexure sheet.
- Volume, Folio and Edition references must be given. Insert unit number if the land is land under the *Land Titles (Unit Titles) Act 1970*.
- Provide details of the interest being mortgaged.
- Provide full names and address of the mortgagor/s
- Provide full names and address of the mortgagee.
- Provide details of any conditions being placed upon the mortgage.
- Details of principal sum and payment information are optional.
- 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.

The following forms of execution are suggested –

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 ie if two directors signing. If signing as sole director and sole secretary, state 'director/secretary')

Without A Common Seal

Signed by.....Pty Ltd/Ltd ACN.....

.....(signature)

.....(director/secretary)*

(*repeat if necessary (ie if two directors signing. If signing as sole director and sole secretary, state 'director/secretary')

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.