



## DECLARATION BY EXECUTOR ON A MORTGAGE

Form 071 - DEXM

Land Titles Act 1925

### IMPORTANT INFORMATION

This form is to be used to lodge a declaration by executor on a mortgage under the *Land Titles Act 1925* (the Act). You can access the Act at [www.legislation.act.gov.au](http://www.legislation.act.gov.au). You may also obtain further information and forms at [www.ors.act.gov.au](http://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 ACT Planning and Land Authority, ACT Treasury, 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](http://www.ors.act.gov.au)

### INSTRUCTIONS FOR COMPLETION

- Original probate or letters of administration or certified true copy of original must be supplied with lodgement of this form. The transmission application must have been lodged prior to lodgement of this document.
- 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. (No witness is required for this execution).
- 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’ - (No witness is required for this execution).
  - 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’ - (No witness is required for this execution).



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This form can only be used when the executor and the beneficiary are the same. If both the executor and the beneficiary are not one and the same, then a transfer form should be used. Note – This is not a dutiable document.

| LODGING PARTY DETAILS |                |                          |
|-----------------------|----------------|--------------------------|
| Name                  | Postal Address | Contact Telephone Number |
|                       |                |                          |

| TITLE AND LAND DETAILS |                   |         |       |      |
|------------------------|-------------------|---------|-------|------|
| Volume & Folio         | District/Division | Section | Block | Unit |
|                        |                   |         |       |      |

| REGISTERED MORTGAGE NUMBER (Associated Dealing Number) |
|--|
|  |

| NAME OF THE MORTGAGEE / PROPRIETOR OF MORTGAGE<br>(Surname Last) - (ACN required for all companies) | FULL POSTAL ADDRESS including post code (after transfer) |
|---|--|
|   |  |

| FORM OF TENANCY (this cannot differ from probate)             |
|---|
| Joint Tenants / Tenants in Common (in the following shares) - |

| ENTITLEMENT               |
|---------------------------|
| Entitled as - Beneficiary |

| SUPPORTING DOCUMENTATION (delete whichever is not applicable)   |                   |             |
|---|-------------------|-------------|
| Pursuant to: <input type="checkbox"/> Probate <input type="checkbox"/> Letters of Administration <input type="checkbox"/> Sequestration Order <input type="checkbox"/> Other – Please specify |                   |             |
| Number  | Granted on (date) | Granted to: |

|  |   |
|--|---|
| <b>ESTATE OR INTEREST</b> (whole or state share) | <b>RESTRICTIVE COVENANTS</b><br>(Complete if applicable otherwise state below "Not Applicable") |
|  |   |

|  |  |
|--|--|
| <b>STATUTORY DECLARATION</b>   |  |
| <p>I, _____ of _____,</p> <p>(occupation)</p> <p>I/We declare that all executorial duties and responsibilities in respect to the land have been duly performed and I/we have ceased to hold the land as executor/s and that I/we hold the land as beneficiaries.</p> <p><i>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.</i></p> |  |

|   |  |
|---|--|
| <b>STATUTORY DECLARATION EXECUTION</b>                      |  |
| Declared at _____ on _____<br>the _____ day of _____ 20____ | Signature of person before whom the declaration is made<br><br><br><br><br><br><br><br><br><br><br>Full name, qualification* and address of person before whom the declaration is made (in printed letters) <b>(*Must be authorised under the Statutory Declarations Act 1959)</b> |
| Signature of person making the declaration                  |  |

|   |   |
|---|---|
| <b>EXECUTION</b>  |   |
| Print full name of the registered proprietor/s<br><br><br><br><br><br><br><br><br><br><br>Signature of the registered proprietor/s<br>Dated - _____ | Print full name and address of witness<br><br><br><br><br><br><br><br><br><br><br>Signature of witness<br>Dated - _____ |

|                        |  |                                |  |
|------------------------|--|--------------------------------|--|
| <b>OFFICE USE ONLY</b> |  |                                |  |
| Lodged by              |  | Certificate of title lodged    |  |
| Data entered by        |  | Certificates attached to title |  |
| Registered by          |  | Attachments / Annexures        |  |
| Registration date      |  | Production number              |  |