

**Lodger Details**

Lodger Code  
 Name  
 Address  
 Lodger Box  
 Phone  
 Email  
 Reference

For Office Use Only

**THE BACK OF THIS FORM  
 MUST NOT BE USED**

**MORTGAGE**

**Jurisdiction**      NEW SOUTH WALES

**Privacy Collection Statement**

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**Estate and/or interest being mortgaged**

FEE SIMPLE

**Land Title Reference**    **Part Land Affected?**    **Land Description**

**Mortgagor**

Given Name(s)  
 Family Name

**Mortgagee**

Given Name(s)  
 Family Name                      THE PROTHONOTARY OF THE SUPREME COURT OF NSW

The mortgagor mortgages the estate and/or interest in land specified in this mortgage to the mortgagee as security for the debt or liability described in the terms and conditions set out or referred to in this mortgage, and covenants with the mortgagee to comply with those terms and conditions.

**Terms and Conditions of this Mortgage**

(a) Document Reference                      NIL

(b) Additional terms and conditions

Annexure A

**Mortgagor Execution**

Certified correct for the purposes of the Real Property Act 1900 by the mortgagor or their representatives.

Executed on behalf of

Signer Name \_\_\_\_\_

Signature \_\_\_\_\_

Execution Date \_\_\_\_\_

**Mortgagee Execution**

- 1. The Certifier, or the Certifier is reasonably satisfied that the mortgagee it represents, has taken reasonable steps to verify the identity of the mortgagor.
- 2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 3. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

I certify that I am an eligible witness and that the mortgagee (or their attorney) who I have either known for more than 12 months, or I have sighted identifying documentation signed this mortgage in my presence. Executed on behalf of THE PROTHONOTARY OF THE SUPREME COURT OF NSW

Signer Name \_\_\_\_\_

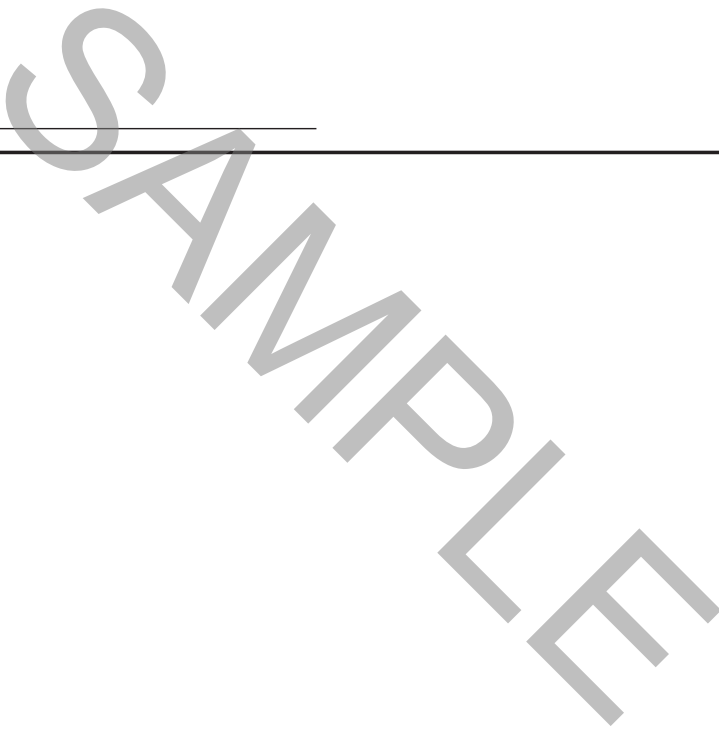
Full Name of Witness \_\_\_\_\_

Signature \_\_\_\_\_

Witness Signature \_\_\_\_\_

Execution Date \_\_\_\_\_

Witness Address \_\_\_\_\_



## MORTGAGE WITNESSING REQUIREMENTS IN NSW

PARTY TO MORTGAGE	WHO MAY EXECUTE MORTGAGE?	DOES SIGNATURE HAVE TO BE WITNESSED?	WHO MAY BE THE WITNESS?
Mortgagor	The Mortgagor (individual).	Yes	<p>An "eligible witness", namely a person who:</p> <ol style="list-style-type: none"> <li>1. is over 18 years of age;</li> <li>2. is not a party to the mortgage; and</li> <li>3. has known the person who is signing the mortgage for at least a year or has taken reasonable steps to confirm the identity of the person.</li> </ol> <p>See s117(4) <i>Real Property Act 1900</i> (NSW). The full name and address of the witness should be stated. (A PO Box or DX is not acceptable).</p>
	The Mortgagor (corporation).	Depends on the method of execution.	<p>Depends on the method of execution.</p> <p>For example, if a corporation executes a mortgage without using a common seal pursuant to section 127(1) of the <i>Corporations Act 2001</i> (Cth), the signatures of the directors and company secretary, as the case may be, do not need to be witnessed.</p> <p>If a corporation executes a mortgage with a common seal pursuant to section 127(2) of the <i>Corporations Act 2001</i> (Cth), the affixing of the seal must be witnessed by:</p> <ol style="list-style-type: none"> <li>1. 2 directors; or</li> <li>2. a director and a company secretary; or</li> <li>3. for a proprietary company that has a sole director who is also the sole company secretary - that director.</li> </ol> <p>Other methods of execution authorised by a corporation's constitution or special resolution may require additional evidence to support the authority.</p>
	An attorney (individual) on behalf of the Mortgagor.	Yes	An eligible witness
	An attorney (corporation) on behalf of the Mortgagor.	Yes	Same as for a Mortgagor who is a corporation.
Mortgagee	The Mortgagee (individual).	Yes	An eligible witness.
	The Mortgagee (corporation).	Depends on the method of execution.	Same as for a Mortgagor who is a corporation.
	An attorney (individual) on behalf of the Mortgagee.	Yes	An eligible witness.
	An attorney (corporation) on behalf of the Mortgagee.	Depends on the method of execution.	Same as for a Mortgagor who is a corporation.
	An Australian Legal Practitioner	No	-
	A Licensed Conveyancer.	No	-

Annexure A to Mortgage

Parties: Mortgagor/s:

Mortgagee: The Prothonotary of the Supreme Court of NSW

Dated:

In consideration of the bail granted to **NAME OF DEFENDANT** by Justice **NAME OF JUDGE**, the mortgagor/s enter into an agreement with the Prothonotary of the Supreme Court of New South Wales to forfeit the sum of \$ **AMOUNT** if **NAME OF DEFENDANT** fails to comply with the conditions of his/her bail.

Annexure A to Mortgage

Parties: Mortgagor/s: **NAME/S OF REGISTERED PROPRIETOR/S**

Mortgagee: The Prothonotary of the Supreme Court of NSW

Dated:

In consideration of the bail granted to **NAME OF DEFENDANT** by Justice **NAME OF JUDGE**, the mortgagor/s enter into an agreement with the Prothonotary of the Supreme Court of New South Wales to forfeit the sum of \$ **AMOUNT** if **NAME OF DEFENDANT** fails to comply with the conditions of his/her bail.

SAMPLE