

4.11 Witnessing Titles Registry forms

What are Titles Registry forms?

These are approved forms under the *Land Act 1994*, *Land Title Act 1994* and *Water Act 2000*. They deal mainly with the ownership and use of real estate property and water allocations in Queensland.

Forms under the *Land Act 1994* relate to non-freehold land titles such as State leasehold land and reserves and unallocated State land.

Forms under the *Land Title Act 1994* (LTA) relate to freehold land titles, while documents under the *Water Act 2000* relate to water allocation titles.

Why are Titles Registry forms treated differently from other documents?

These Acts have specific requirements that you must satisfy when you witness forms that they cover, particularly in relation to transfer of ownership and mortgage-related documents such as a *Form 1 – Transfer* and a *National Mortgage form*.

These Acts have eligibility criteria for witnesses which, as a JP (Qual), you fulfil. They impose a strict onus on you to take reasonable steps to verify the identity of the person signing the form and ensure they are entitled to do so—that is, they are the holder of the relevant interest in the property (e.g. the registered owner or are about to become the holder of the interest) and, by implication, they understand the nature and effect of the document they are signing. You are required to print your full name on Titles Registry forms where you sign it as a witness—your initials are not acceptable.

If you do not provide your **full name**, the Justices of the Peace Branch (JP Branch) may disclose your full name to relevant third parties in order to verify the validity of the document(s) you have certified or witnessed.

In other respects, however, forms coming under these Acts must be witnessed in accordance with the usual rules, such as ensuring the signatory signs in the presence of the witness and the witness is not a party to the transaction covered by the document.

The legislative requirements are spelled out in the following extract.

Section 162 of the *Land Title Act 1994*

162 Obligations of witness for individual

(1) *A person who witnesses an instrument executed by an individual must—*

- a. *first take reasonable steps to verify the identity of the individual and ensure the individual is the person entitled to sign the instrument; and*
- b. *have the individual execute the instrument in the presence of the person; and*
- c. *not be a party to the instrument.*

(3) *The person must, for 7 years after the person witnesses the signing of the instrument—*

- a. *keep a written record of the steps taken under subsection (1)(a).*

Note: Section 173 of the *Water Act 2000* provides that section 162 of the *Land Title Act 1994* also applies to documents under the *Water Act 2000*. Section 311 of the *Land Act 1994* contains provisions similar to section 162 of the *Land Title Act 1994*.

The Registrar of Titles can also request to inspect a copy of your written record for a period up to 7 years after witnessing. Failure to comply with a request without reasonable excuse carries a maximum penalty of 20 penalty units.

What are my obligations when witnessing a Titles Registry form?

Statutory obligation 1

Take reasonable steps to verify the identity of the individual and ensure the individual is the person entitled to sign the instrument.

‘Reasonable steps’ could be defined as steps an ordinary person would consider prudent and fair in the circumstances.

Verification of Identity

Unlike most cases when you witness a document, under this legislation there is a mandatory requirement for the signatory to prove their identity to you before you can witness the execution of the form.

You must be satisfied as to the identity of the person signing the form and to do this you will need to sight a combination of identity documents of an acceptable standard to help ensure the person is who they say they are.

Under the legislation, if a witness elects to follow the [National Verification of Identity Standard](#) (the VOI standard) to verify the signatory’s identity, they are considered to have taken “reasonable steps” in fulfilling that aspect of their statutory obligation. Verifying the identity of an individual in accordance with the VOI standard involves a face-to-face, in-person interview between the witness and the individual where the individual supplies **original** identity documents from one of the categories listed in the VOI standard. All identity documents must be current with the exception of passports which can be expired for up to 2 years. Each category includes a different combination of identity documents to cater for different situations, and the witness must be reasonably satisfied that a prior category cannot be met before using a subsequent category.

In circumstances where the VOI standard cannot be strictly adhered to, you would generally be regarded as meeting the s. 162(1)(a) “reasonable steps” requirement to verify the identity of the person signing the form provided you have first diligently sighted and compared evidence comprising of several established identity documents (equivalent to those mentioned in the VOI standard) and are fully satisfied the person is one and the same as named in the Titles Registry form.

Only after the signatory’s identity is satisfactorily confirmed and the other statutory obligations are fulfilled should the Titles Registry form be signed and witnessed.

Prior to witnessing, you may question the signatory to confirm they understand the nature and effect of the form. If you are not satisfied the signatory has this capacity, then you should decline to witness the Titles Registry form and record the details in a logbook.

Note: the VOI standard only apply to individuals (including Attorneys) executing Titles Registry forms. Companies do not require their signature to be witnessed.

Entitlement to sign

You have a legal responsibility to take reasonable steps to ensure the person signing the form is entitled to do so—that is, they are the holder (registered owner or registered proprietor) or about to become the holder of the relevant interest in the property. This is to prevent fraud and other improper dealings.

How do I ensure the signatory is entitled to sign?

Generally, a person selling or refinancing a property is the registered owner. To prove they are the registered owner and entitled to sign, the person should be able to provide you with one or more of the following documents in relation to the property.

Documentation to confirm a person is entitled to sign the form/s

If a person is selling property or are only refinancing	If a person is buying property and/or financing the purchase
<ul style="list-style-type: none"> • <i>a current local government rates notice; or</i> • <i>a current title search statement; or</i> • <i>a current land tax assessment notice.</i> 	<ul style="list-style-type: none"> • <i>a copy of the contract of sale; or</i> • <i>official loan documentation from their lender; or</i> • <i>a letter from a solicitor confirming they are entitled to sign the form.</i>

Each of these types of supporting evidence contains details about the property, such as the real property description (lot on plan or title reference) that should be compared to the Titles Registry form you have been asked to witness. If the details do not match, you should decline to witness the form.

Note: A new purchaser presenting a transfer and/or mortgage form for witnessing may not be able to provide the supporting evidence listed as they would not yet be recorded in the Title Registry. In such cases, they should provide a copy of the contract of sale or a letter from a solicitor that includes the real property description, confirming their entitlement to sign the form(s).

Importantly, the Lot on Plan (i.e. Real Property Description - RPD) must be shown on the form. However, in some cases (such as a purchase off-the-plan) the title reference may not be shown because the new survey plan has not yet been registered and a new title reference number not yet allocated to the lot.

See page 4.11/9 for examples of how the property description can be inserted on the Form1 Transfer and National Mortgage form

Statutory obligation 2**Have the individual execute the instrument in your presence.**

This obligation is self-explanatory. Most Titles Registry forms provide spaces for each person to sign separately. The *Form 1 Transfer*, *Form 3 Release* and *National Mortgage form* require each signature to be witnessed separately. The date of execution must also be included in the space provided. Where only one space is provided and there are multiple signatories for the party (eg Form 9 Easement), and the signature of only one of them is being witnessed, it is good practice to include a statement “Signature of XX only witnessed”

Statutory obligation 3**The witness must not be a party to the instrument.**

Any person with a vested interest in the transaction cannot also be a witness to the signing of the form. For example, if person A and person B own the land together and A is a JP (Qual), then A cannot witness B’s signature if they are both signing the form.

Care should also be taken when someone is signing under a power of attorney. Take this example, where person A and person B own the land together and person C is both an attorney for B and a JP (Qual). If A signs in their own right and C signs on behalf of B, then C cannot witness A’s signature as he or she is involved in the transaction.

Statutory obligation 4**Prescribed record keeping.**

When witnessing Titles Registry forms, it is a mandatory requirement for you to keep, for a period of seven (7) years from the date of witnessing, a written record of how you verified the signatory’s identity and their entitlement to sign the form. After that time has elapsed, you may securely destroy the record.

How do you witness Titles Registry forms?

Here are some steps that are recommended before you apply the usual procedure for witnessing Titles Registry forms:

1. Ask the signatory for some form of identification, preferably photographic and issued by a government agency (e.g. a current driver licence or passport) and using the VOI standard, sight a combination of identity documents.
2. Ensure the signatory is the holder of the relevant interest in the property (e.g. sight evidence that they are the holder (registered proprietor) or about to become the holder of the relevant interest in the land:
 - a. Sight a current rates notice, utilities bills, title search, loan documentation or a sale contract for the land in question.
 - b. Compare the details on that evidence (lot on plan or title reference) with those on the form.
3. Question the signatory to confirm they understand the nature and effect of the form to be signed. If you are not satisfied the signatory has the capacity to sign the form, you should decline to witness it.
4. Ensure the form is fully completed with no blank panels or items. Decline to witness the form if there are incomplete items, especially *Item 2—lot on plan description*. Do not complete or rule through any blank spaces yourself.

For Item 2 on a *Transfer form* or the Land panel on a *National Mortgage Form* - it is a requirement that the Lot on Plan (i.e. Real Property Description - RPD) **must** be shown on the form. However, in some cases (such as a purchase off-the-plan) the title reference may not be shown because the new survey plan has not yet been registered and a new title reference number not yet allocated to the lot.

5. Ensure you are not a party to the transaction.
6. As always, ensure the form is signed in front of you in permanent, dense blue or black ink.
7. Place your signature and print your **full name** on the form. Be careful with the application of your seal of office to avoid obliterating other information on the form. Your qualification and registration number are required to be included. The execution date must also be completed.
8. Record the relevant details in your logbook. Information that can be entered includes:
 - a. date
 - b. Titles Registry form witnessed (ie. *Form 1 – Transfer, Form 7 – Lease*, etc.)
 - c. client's details
 - d. types of identification sighted
 - e. location of signing
 - f. the real property description and/or title reference of the property
 - g. questions you asked and answers given
 - h. any reason for declining to witness a Titles Registry form.

Note: You are required to retain for a period of 7 years a written record of the steps taken to verify the identity of the individual and ensure the individual was the person entitled to sign the Titles Registry form.

Things to bear in mind

The Registrar of Titles has extensive powers of formal inquiry and, in particular circumstances, may require a witness to produce records about Titles Registry forms they have witnessed.

Along with creating a record when you witness a Titles Registry form, it is also prudent to record information on any occasion when you decline to witness a form, and if the circumstances warrant it, consider advising the Registrar of Titles accordingly—for example, if you consider there are suspicious circumstances involved.

If you decline to witness a Titles Registry form because you believe it is not a legitimate transaction, notify the Titles Registry so the title records can be checked for any potential impropriety. Ideally, details such as current owners, lot on plan description and title reference should be provided. These details and why you declined to sign should also be recorded in your logbook.

Further information on witnessing Titles Registry forms

Witness certificates and identification forms

There may be occasions where a JP (Qual) who witnesses a *National Mortgage form* is presented with an additional document (usually called a witness certificate or client identification form) drafted by the lender (mortgagee).

Such certificates sometimes ask the witness to certify the identity of the signatory (mortgagor) and to also provide personal information regarding their own identity and contact details. Some have fields for your personal information such as driver licence details, home address or telephone number. You are not required to supply any information of a personal nature. In this instance, you can provide the address details of the JP Branch at PO Box 5894 West End Queensland 4101 and phone number 1300 301 147.

Some financial institutions have created certificates in an endeavour to meet their obligations under section 11A of the LTA in relation to confirming the identity of borrowers (mortgagors). These financial institutions usually give the borrower (mortgagor) a witness certificate and instruct them to ask a JP (Qual) to complete it. The obligations are quite distinct from and separate to the obligations under section 162 of the LTA that do apply to witnesses such as JP (Qual)s.

The Registrar of Titles provides practice guidelines in the *Land Title Practice Manual* to assist mortgagees to meet their section 11A requirements. The level of verification of identity required by these practice guidelines is more stringent than the level of verification of identity a JP (Qual) is required to follow under section 162 of the LTA.

Under s.11A of the LTA, it is the responsibility of the mortgagee to verify the identity of the mortgagor. If a mortgagee seeks to utilise the services of JP (Qual)s to perform an identification check of a mortgagor, this does not remove the mortgagee's obligations under s.11A.

Subsequently the Department of Justice and Attorney-General confirms that JP (Qual)s are not acting as agents or representatives of financial institutions by completing an identification form. Rather you are simply an independent 'identity verifier'. If you decide to complete an identification form you should insert the following disclaimer on the identification form:

.....
The Justice of the Peace/Commissioner for Declarations who has signed this identification form is unpaid and is not acting at the direction of, or as the agent for any party to any financial transaction, including any financial institution or entity requesting this identification form.

Note: **Never** apply this disclaimer to any Titles Registry forms.

Ensure you record details of the ID check and of the mortgaged property in your logbook and retain for a period of seven (7) years.

Generally, should a mortgagee wish to confirm the authenticity of an attestation clause on a Titles Registry form, they may contact the JP Branch with their inquiry.

Alterations to Titles Registry forms

Changes to information on the face of Titles Registry forms are categorised as either alterations or corrections.

Corrections are where minor typographical errors are corrected and do not affect the outcome or intent of the form. Examples include:

- changing a minor part of a name or detail—such as Ann to Anne
- changing RP to SP in the plan description field
- adding an Australian Company Number ACN to a company name.

Alterations are more significant changes that potentially alter the outcome and/or intent of the Titles Registry form. Examples include:

- changing the interest being dealt with
- adding or removing a lot on plan description
- adding or removing a party to the transaction (including a person’s middle name)
- changing the tenancy type.

Where alterations (not corrections) are made and they impact upon your witnessing obligations under section 162 of the LTA, you and the parties affected by the alteration are required to initial the alteration. Alternatively, the Registrar of Titles will accept the alteration being initialled by an authorised person (being one of the affected parties, their legal representative or an appropriate person under a power of attorney) provided a statement of alteration is received from the authorised person that sets out who made the change, under what authority and the details of the actual alteration.

Note: An authorised person in this context **does not** include a JP (Qual).

What if I am witnessing signatures on a *Form 7 – Lease*?

For the registered owner **granting** the lease (lessor), you will need to be satisfied the usual proof of ID, proof of ownership and entitlement to sign requirements are fulfilled before witnessing their signature. The owner(s) should be able to provide a copy of a written lease agreement and a current title search/rates notice to match the *Form 7 – Lease* details.

For the person **taking out** the lease (lessee), there are the usual proof of ID requirements. However, evidence of entitlement to sign is not as readily available as the only basis is usually the lease agreement itself. The details of the lessee and real property description shown within the lease agreement should be compared to that shown on the *Form 7 – Lease* form and any attached sketch of the leased area.

Where the description of the leased premises in the agreement is a street address only, the parties may have other documentation (e.g. a letter from their solicitor) which has both the street address and real property description information in it.

Leases are not usually a target for fraudulent transactions and in this respect, unlike *Form 1 – Transfer* and the *National Mortgage form*, there is no requirement on the form for individual signatures to be separately witnessed. If there are multiple individuals acting either as lessor or lessee and you are witnessing only one of them, then it is recommended that you take the precaution of adding ‘Signature of (name) only witnessed’.

What if the Titles Registry form is to be signed under a power of attorney?

There are two additional key checks that you will need to make if you have been asked to witness a form being signed under the authority of a power of attorney (POA).

The first is to see either the original or certified copy of the POA to verify the person’s entitlement to sign as attorney on behalf of the principal as you will have already confirmed the principal’s involvement in the transaction. The name of the attorney, including any middle names, shown in the POA must match the identity of the person signing the Titles Registry form.

The second step is to ensure reference is made to the POA in the execution clause on the Titles Registry form being witnessed. At a minimum, there should be a notation above the signature with the following, or similar, words:

.....
[Name of Principal] by their duly constituted attorney [Name of attorney and/or designation attorney] under Power of Attorney (dealing number of the registered power of attorney).
.....

It is not unusual for a Titles Registry form and a POA form to be lodged for registration at the same time. Therefore, the dealing number—the number assigned to POA documents when they are lodged for registration with the Titles Registry—does not have to be completed when the form is presented to you for witnessing. A POA document that has been lodged for registration in the Queensland Titles Registry will usually display a label containing information such as the date and time of lodgement as well as the unique dealing number.

Note: You do not need to determine if the POA document grants the attorney the authority to sign the particular form being presented to you. Titles Registry examiners will determine this when the form is lodged for registration.

Dealing with deceased estates: When the owner is deceased

The administrative process and Titles Registry form applicable for registering dealings after the death of a property owner and dealing with their estate will depend upon:

- how they held their ownership of the property e.g. as joint tenants or as tenants in common.

Note: It is not the role or responsibility of a JP (Qual) to advise parties about which Titles Registry form to use in the different circumstances.

- where an executor of the estate is involved, the intention of the personal representative in dealing with the property.

You must still be satisfied the person signing the form is, in fact, who they say they are and that they are entitled to deal with the property. Therefore, you should establish:

- who is presently the registered owner of the property (using a rates notice, title search or similar)
- the name of the deceased and the name on the evidence of the death (e.g. death certificate or grant of probate) agrees with the rates notice or title search
- a link between the name of the executors/beneficiaries in the supporting evidence and the person signing the form.

Witnessing a Form 4 – Request to Record Death [joint tenants]

A death certificate or grant of probate is usually satisfactory evidence. The surviving joint tenant(s) must still provide you with the usual proof of ID and proof of entitlement/ownership before signing the Form 4.

Witnessing a Form 5, 5A or 6 – Transmission by Death [tenant in common]

Peruse the evidence of death—such as death certificate plus original will, grant of probate bearing a court seal or letters of administration—to confirm who is entitled to act as executor or be the beneficiary. You will require proof of identity that the person named as executor/beneficiary is the person signing the form:

- *Form 5*—signed by the person(s) listed in the grant of probate
- *Form 5A*—signed by the executor(s) (personal representative) listed in the original will
- *Form 6*—signed by the beneficiaries listed in the original will.

Finalising a deceased estate

Where an executor has already transmitted the property into their name in their capacity as personal representative and then wishes to transfer ownership, a title search will show the registered owner as the executor 'as personal representative', and a rates notice will show either 'the estate of (deceased's name), deceased' or '(name) as personal representative'.

Usual proof of identity requirements apply to witnessing the *Form 1 – Transfer*. As they have already established the death of the previous registered owner, they do not need to produce a copy of the will or death certificate when signing a transfer form as transferor. The will may still be needed if the purchasers/transferees are acquiring the land pursuant to the terms of the will as this is their entitlement to enter into the transaction.

Original wills

You should not pin, staple or make any markings on an original will and you should not remove any existing staples, clips, pins or attachments from an original will. Any residual marks left on the will may indicate a page has been removed and could raise concerns or affect the administration of the estate.

Frequently asked questions

Can I witness the document if the title reference is missing?

Only if the Lot on Plan (i.e. Real Property Description - RPD) is shown on the form. For example, if the title reference is missing from Item 2 in a Transfer form or the Land panel in a National Mortgage Form, but the Lot on Plan is shown in that section it may be the case that this is a purchase off-the-plan and so the title reference may not be shown because the new survey plan has not yet been registered and a new title reference number not yet allocated to the lot.

Can a Titles Registry form be signed and witnessed outside Queensland?

Yes. Schedule 1 of the LTA provides that you may witness a Titles Registry form at any place in Australia or outside Australia.

What if a Titles Registry form is pre-signed?

As Titles Registry forms must be executed in your presence, pre-signed pages are not acceptable and the signature should be ruled though (not covered with correction fluid or correction tape), initialled by both parties and the form re-signed in your presence.

If there is insufficient room on the front of the page for the fresh signature, then a *Form 20 – Schedule* should be used with the item number and heading from the original form repeated in full on the Form 20. The title reference should also be included on the Form 20.

Can I witness more than one copy of a Titles Registry form?

Yes, you can assist a client and witness more than one copy of a Titles Registry form. Some financial institutions may provide two or more copies of Titles Registry forms to their client for witnessing. One copy will be lodged with the Titles Registry. The financial institution will retain the others in case anything happens to the first copy before the land title is registered.

What should I do if I am asked for legal advice?

As Titles Registry forms are legal documents, only a qualified legal practitioner should provide legal advice on their preparation or content. However, you may provide parties with guidance about how or where to find relevant information.

What if correction fluid or tape has been used on a Titles Registry form?

Do not use or witness any Titles Registry forms where correction fluid or correction tape has been used. Such practice is not acceptable to the Registrar of Titles as it may hide or alter information and could affect the intended outcome upon registration.

Each party affected by a change to information on the Titles Registry form should initial the change. Refer also to the information provided earlier in this chapter about corrections and alterations made to information on forms.

When can I accept electronically downloaded evidence?

You can accept electronically downloaded evidence if the evidence is being used to help verify a person's entitlement to sign a document (e.g. rates notice or a contract of sale). While the actual evidence presented this way is equally as valid as the paper format, it is up to you to satisfy yourself as to the validity and reliability of its source before accepting it.

For example, observing the client opening their email on a portable device and checking the email and attachment came from a legitimate source (e.g. local council or solicitor's office) could be more satisfactory than if it was on a pre-prepared desktop icon. Similarly, if the client telephoned their solicitor/bank in your presence and requested a scanned copy of the document be sent through to their email, this may also be acceptable.

Can a Titles Registry form be witnessed if the Title Reference is missing?

Yes. However the Lot on Plan (i.e. Real Property Description - RPD) must be shown on the form. In some cases (such as a purchase off-the-plan) the title reference may not be shown because the new survey plan has not yet been registered and a new title reference number not yet allocated to the lot.

Acceptable – documents can be witnessed

TRANSFER

2. Lot on Plan Description	Title Reference
LOT 16 ON RP 32336	154320991

MORTGAGE

Land Title Reference	Part Land Affected?	Land Description
12348019		LOT 16 ON RP188963

Acceptable if evidence is provided to demonstrate why the Title Reference has not been completed. (e.g. for a lot purchased 'off the plan'; where the survey plan has not been registered yet and a title reference not assigned to the proposed lot. A copy of the contract or a letter from a solicitor which confirms a purchase off the plan).

TRANSFER

2. Lot on Plan Description	Title Reference
LOT 16 ON RP 32336	

MORTGAGE

Land Title Reference	Part Land Affected?	Land Description
		LOT 16 ON RP188963

Not Acceptable – documents cannot be witnessed

TRANSFER

2. Lot on Plan Description	Title Reference

MORTGAGE

Land Title Reference	Part Land Affected?	Land Description

Where can I get more information?

Titles Queensland, including the Land Title Practice Manual and forms) www.titlesqld.com.au

Queensland legislation www.legislation.qld.gov.au

Record of Titles Registry Forms Logbook www.qld.gov.au/jpshandbook

Sample form
Form 1—Transfer (page 1 of 1)

QUEENSLAND TITLES REGISTRY
 Land Title Act 1994, Land Act 1994 and Water Act 2000

TRANSFER

FORM 1 Version 5
 Page 1 of 1

Duty Imprint

Dealing Number



OFFICE USE ONLY

Privacy Statement
 Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. Interest being transferred (if shares show as a fraction) **Lodger** (Name, address, E-mail & phone number) **Lodger Code**

Note: A Form 24 - Property Information (Transfer) must be attached to this Form where interest being transferred is "fee simple" (Land Title Act 1994), "State leasehold" (Land Act 1994) or "Water Allocation" (Water Act 2000)

2. Lot on Plan Description **Title Reference**

3. Transferor

4. Consideration

5. Transferee Given names Surname/Company name and number (include tenancy if more than one)

6. Transfer/Execution The Transferor transfers to the Transferee the estate and interest described in item 1 for the consideration and in the case of monetary consideration acknowledges receipt thereof. The Transferor declares that the information contained in items 3 to 6 on the attached Form 24 is true and correct. The Transferee states the information contained in items 1, 2, 4 to 6 on the attached Form 24 is true and correct. Where a solicitor signs on behalf of the Transferee the information in items 1, 2, 4 to 6 on Form 24 is based on information supplied by the Transferee.

NOTE: Witnessing officer must be aware of their obligations under section 162 of the Land Title Act 1994.
 Separate executions are required for each transferor and transferee. Signatories are to provide to the witness, evidence that they are the person entitled to sign the instrument (including proof of identity).

.....

..... / /

Witnessing Officer (signature, full name & qualification) **Execution Date** **Transferor's Signature**

.....

..... / /

Witnessing Officer (signature, full name & qualification) **Execution Date** **Transferor's Signature**

.....

..... / /

Witnessing Officer (signature, full name & qualification) **Execution Date** ***Transferee's or Solicitor's Signature**

.....

..... / /

Witnessing Officer (signature, full name & qualification) **Execution Date** ***Transferee's or Solicitor's Signature**

(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

*Note: A Solicitor is required to print full name if signing on behalf of the Transferee and no witness is required in this instance

Insert your signature, full name, qualification and registration number. Be careful with the application of your seal of office to avoid obliterating other information on the form.

Sample form
National Mortgage form (page 1)

Mortgage Form version 1.5

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 QUEENSLAND

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Estate and/or interest being mortgaged

FEE SIMPLE

Land Title Reference Part Land Affected? Land Description

*The land description must be completed e.g:
 Lot 1 on RP 118983*

Mortgagor

Given Name(s)
 Family Name

Mortgagee

Name

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 NIL

Mortgagor Execution

NOTE: Witnessing officer must be aware of their obligations under section 162 of the Land Title Act 1994.

Executed on behalf of

Signature Name _____

Signature _____

Execution Date _____

Full Name of Witness _____

Witness Signature _____

Witness Qualifications _____

Insert your signature, full name, qualification and registration number. Be careful with the application of your seal of office to avoid obliterating other information on the form.

Reference:

Quick guide

Follow these steps to witness a land title document

-
- ① Ask the signatory for some form of identification, preferably a combination of identity documents including photographic and government-issued, e.g. current driver licence or passport.

 - ② Check the signatory is the holder of the relevant interest in the property:
 - a. Sight a current rates notice, title search or sale contract for the land in question.

 - ③ Confirm you are not a party to the transaction.

 - ④ Question the signatory: Do they understand the nature and effect of the form to be signed?

 - ⑤ Check all parts of the form are filled out.

 - Decline to witness the form if:
 - ⑥ a. You do not think the signatory has the capacity to sign.
 - b. There are incomplete items, especially *Item 2—lot on plan* description.

 - ⑦ Do not complete or rule through any blank spaces yourself.

 - ⑧ Ensure the form is signed in front of you in permanent, dense blue or black ink.

 - ⑨ Place your signature and print your full name on the form, and include your execution date, qualification and registration number. Be careful with the application of your seal of office to avoid obliterating other information on the form.

 - ⑩ If required, complete the identification certificate and add the disclaimer.

 - ⑪ Enter all relevant details in your logbook and retain for 7 years.
-