

Guide to mortgage

This guide sets out the requirements to lodge a Mortgage form under the *Transfer of Land Act 1958*. This form is used to register a new mortgage or charge.

Note:

If a mortgagee is an Authorised Deposit-taking Institution within the meaning of the *Banking Act 1959*, a mortgage signed on or after 1 August 2016 and governed by the National Credit Code must be lodged using an electronic lodgement network (e.g. PEXA). This guide does not apply to those lodgements.

A mortgage can be lodged on paper at Land Victoria if it is lodged with a transfer of land or discharge of mortgage over the same title(s). This guide applies to those lodgements.

Documents required by Land Victoria

Mortgage form

A Mortgage form must be fully completed and is available on the [Transfer of Land Act](http://www.delwp.vic.gov.au/property-forms) page at www.delwp.vic.gov.au/property-forms>Transfer of Land Act>Mortgage.

Certificate(s) of Title

The Certificate(s) of Title must be supplied. It/they will be:

- in possession of the lodging party; or
- held by a financial institution, legal practitioner or other party who must provide Land Victoria with the Certificate(s) of Title to enable the transaction to be lodged.

In most cases, the party providing the Certificate(s) of Title will charge a fee.

After your transaction has been processed, a new Certificate of Title will be issued.

Verification of identity

All parties to a conveyancing transaction must have their identity verified.

When a conveyancer or lawyer represents a client, the conveyancer or lawyer is responsible for verifying their client's identity. For further information, refer to [Guide to verification of identity for paper conveyancing transactions for conveyancers, lawyers and mortgagees](http://www.delwp.vic.gov.au/property-forms) available at www.delwp.vic.gov.au/property-forms>Verification of identity.

If a party to a conveyancing transaction is not represented by a conveyancer or lawyer (a non-represented party), verification of identity needs to be undertaken by Australia Post – the Approved Identity Verifier. In addition, Australia Post will witness the non-represented party signing any conveyancing documents. For further information, refer to [Guide to verification of identity for people not using a conveyancer or lawyer](http://www.delwp.vic.gov.au/property-forms) available at www.delwp.vic.gov.au/property-forms>Verification of identity.

Fees

Land Victoria fees are payable at lodgement.

Acceptable payment methods and lodgement fees are available on the [Forms, guides and fees](http://www.delwp.vic.gov.au/property-forms) page at www.delwp.vic.gov.au/property-forms>Payment and lodgement.

Before lodging at Land Victoria

Prior to lodgement, the lodging party must also be in possession of the Certificate(s) of Title or ensure that the Certificate(s) of Title has/have been provided to Land Victoria through the nomination process.

To ascertain whether or not the Certificate(s) of Title has/have been nominated, a single Property Transaction Alert on Title or one or more Pre-lodgement Check(s) can be made through [LANDATA®](#).

Customers who subscribe to a Property Transaction Alert on Title are notified by email when a Certificate of Title has been nominated at Land Victoria.

A Pre-lodgement Check is made prior to lodgement to confirm that the Certificate(s) of Title has/have been nominated, to inform of a prior dealing affecting that title or to provide details of the controlling party of Certificate(s) of Title.

A Property Transaction Alert on Title or Pre-lodgement Check(s) product can be obtained through:

- Document Tracking at www.landata.vic.gov.au or
- a [title information broker](#) found at www.delwp.vic.gov.au/property>Property information>Buying and selling property>Brokers and data service providers.

How to complete the Mortgage form

This form should be completed online and printed for lodgement.

When you have completed the form and are ready to print, click the 'Print Form' button at the end of the form – do not use 'File' then 'Print' or the quick print button at the top of the form.

An error message will appear if not all of the mandatory sections are completed.

If sections of the form are being completed manually rather than online:

- the writing must be clear and legible and in BLOCK LETTERS
- only use black or blue pen
- correction fluid must not be used
- the back of the form must not be used.

The points below assist in completing the Mortgage form

Land

Allows entry of the Volume and Folio number of the land being mortgaged. This number is located in the top right hand corner of your Certificate of Title.

Folio range group

Ranges can be created on the form by selecting the Folio Range Group box and then keying the Folio...to...

Check this box if you have multiple consecutive Volume and Folio numbers to enter.

Enter Volume number and first and last Folio number of range.

If your range of Folios goes across Volume boundaries or you have another range of titles to key, click the Add Land button (see below), check the Folio Range Group button and key the second range.

Volume Folio

Individual titles can be entered here.

Key the Volume and Folio of the title. If you have a parchment title, with more than three characters for the Folio, key the last three digits only.

Part of the land

- Land description can be keyed.
- Key Volume and Folio number.
- Check 'Part of Land' button.
- When data box opens key land description – e.g. Lot 3 on PS546896P.

Add land

Any number of Volume Folios may be added in this way.

Check this button to open a new land panel to allow another Volume and Folio, Range of titles or Part of Land to be entered.

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Additional notes for Land panel

- The land panel may be left blank to allow the later addition of Volume and Folio if not known at the time of printing. Leave the Volume and Folio blank, save and print.
- Part of land panel to only be used for Partial Land Transfers e.g. LOT 1 on PS123456L. If used as a reference until Volume and Folio are available it must be deleted before printing the form.

Estate and interest

Allows for the estate or interest being mortgaged to be selected.

- Fee Simple – the whole estate is being mortgaged.
- Other – three options given:
 - Life Estate
 - Leasehold Estate
 - Remainder Expectant.

Fee simple is the default selection. When there is a different estate or interest being mortgaged, select the 'Other' radio button and choose appropriate selection from the drop down box.

Memorandum of Common Provisions

Allows for the entry of the Memorandum of Common Provisions (MCP) retained by the Registrar of Titles to be included in the mortgage.

MCP number

Enter MCP number in the following format – AA1234

If no MCP number is to be included, the panel should be left blank.

Mortgagor/s

Allows for the entry of the mortgagor/s.

Mortgagor

- Mortgagor name MUST be entered.
 - Individual
 - enter the given name/s of the mortgagor as it/they appear/s on the title
 - enter the family name of the mortgagor as it appears on the title.

For long names the panel will wrap the text as it is keyed – TAB out of the panel to see what has been keyed.

For single names (e.g. Madonna) these are to be keyed in the Family Name panel. The Given Name Panel is to be left blank.

- Corporation
 - click on Corporation radio button
 - enter the name of the corporation as it appears on the title
 - select the appropriate ABN/ACN/ARBN radio button
 - enter ABN/ACN/ARBN if known, if not known enter a '0' in the first box.

When entering the corporation's name DO NOT use punctuation unless it forms part of the official name of the corporation, e.g. W. H. HAIL PTY LTD.

Name differs to folio

- Allows a change of name of a mortgagor to be shown.
- Check the 'Name differs to folio' radio button.
- Enter the name as it appears on the folio.
- Enter the 'Reason for Difference' e.g. 'marriage' or for a corporation – 'change of name in ASIC'.

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Add Mortgagor

Allows for the entry of additional mortgagor/s.

- Click this button for an additional Mortgagor panel to open.
- Key the next mortgagor.

Mortgagee/s

Allows for entry of the mortgagee/s.

Mortgagee/s

- Mortgagee name must be entered.
 - Individual
 - enter the given name/s of the mortgagee
 - enter the family name of the mortgagee.

For long names the panel will wrap the text as it is keyed – TAB out of the panel to see what has been keyed.

For single names (e.g. Madonna) these are to be keyed in the Family Name panel. The Given Name Panel is to be left blank.

- Corporation
 - click on Corporation button
 - enter the name of the corporation as it appears on the title
 - select the appropriate ACN/ARBN radio button
 - enter ACN/ARBN number if known, if not known enter a '0' in the first box
 - enter Australian Credit Licence number if known, leave blank if not known.

When entering the corporation's name DO NOT use punctuation unless it forms part of the official name of the corporation, e.g. W. H. HAIL PTY LTD.

Add Mortgagee/s

Allows for the entry of additional mortgagee/s

- Click this button for an additional Mortgagee panel to open.
- Key the next mortgagee.

Signing

Allows for the mortgagor to sign the form. Depending on whether the mortgagor is an individual or corporation the signing clause will differ.

- For an individual the options are below.
 - Individual's Name – the individual will sign in his/her own right
 - Other Power of Attorney – certified copy of Power of Attorney is required
 - General/Enduring Power of Attorney – no
 - Leave Blank – allows for a manual keying of signing clause.

The form must be signed by the mortgagor or their attorney and witnessed by an independent adult.

If a Power of Attorney option is chosen separate boxes will open to allow for the attorney's name and the date of the power to be entered.

- For a corporation the options are below.
 - Leave Blank – used for Power of Attorney signing and allows for signing clause to be entered manually
 - Execute using a Common Seal – three options:
 - Multi-person Company
 - Sole-person Company
 - Multi-person Company – one director only signs. Execute without a Common Seal – three options:
 - Multi-person Company
 - Sole-person Company
 - Multi-person Company – one director only signs.

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If choosing 'Execute using Common Seal' or 'Execute without Common Seal' you will be given three options to choose from. With each option extra boxes will appear where the director's or secretary's full name and usual address must be keyed.

The form must then be signed by the director and/or secretary and the Common Seal affixed (if applicable).

If using the third option, Multi-person Company – one director only signs, the usual proofs (copy of company constitution or letter from legal practitioner) are required to be presented at the time of lodging the mortgage.

Date

Allows for the form to be dated.

- Enter the date via the drop down calendar or key the date in the following format DD/MM/YYYY.

Lodging party

This section of the forms allows for the entry of the details of the person or corporation lodging the form at Land Victoria.

Lodging party has a customer code.

- Enter customer code in the data box provided.

Lodging party does not have a customer code

- Check 'the lodging party does not have a customer code' button. Extra boxes will open.
- Enter given and family names of lodging party or check the 'Corporation' button and enter corporation name.
- Enter address of lodging party.

Reference field

- This is used to indicate the reference for YOUR client.
- It may also be used to show a phone number.

Additional Terms/Covenants

Allows for entry of any additional information that cannot be included in the data panels.

Enter additional information below

- Check the radio button and a free text data box will appear at the top of the next page.
- Key any additional information here.

Save button

To save your completed or partially completed form, click the 'Save' button and chose where on your computer to store your document.

Case scenarios not supported

Instructions for customers

These instructions are for the instances when unusual circumstances exist in a mortgage.

How the Additional Terms/Covenants page would be used to mortgage a lease or sub-lease

Customer would key Volume and Folio affected by the lease or sub-lease.

The 'Part of Land' panel would then be selected and the words 'See Additional Terms/Covenants Page' keyed.

At the end of the form the customer would select the 'Enter additional information below' radio button.

A free text data box will open on the next page. The wording 'Lease Being Mortgaged – AB123456L' or 'Sub-lease Being Mortgaged – AB123456L' would be keyed. How the Additional Terms and Covenants page would be used to show a mortgagee's address

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For a mortgagee that is not a major bank or financial institution, an address or mortgagee may be included:

- at the end of the form the customer would select the 'Additional Terms/Covenants' radio button
- a free text data box will open on the next page and the wording 'Address of the Mortgagee' would be keyed, followed by the address.

Contact us

For [location and contact details](#), refer to www.delwp.vic.gov.au/property>Contact us.

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