

MIL185

1. Loan Agreement

- a. Requires printing two (2) times
- b. Date the document on the page numbered "1" on the date the monies are advanced
- c. Sign on page numbered "19"
- d. Ensure you have a witness to witness your signatures
- e. Sign these before the money is advanced

2. Mortgage Form 2

- a. Requires your signatures in the spaces indicated – you both sign as Director of FMVL Super Properties P/L and Frank you sign as Mortgagee also
- b. Note you need a witness, who is either a JP, Comm Dec or legal practitioner. Frank if you don't have someone handy to do this, I suggest calling into our office to sign these documents as we have a JP on staff and she works every day except Thursday.
- c. It is not crucial that these documents be signed the same date that the loan is drawn down. Essentially they won't be able to be properly executed until settlement anyway because the owner (FMVL Super Properties P/L can't mortgage their property until they own it. So you could potentially leave this document until I am back from the conference on Monday and pop in to see me to sort it out.
- d. This document should also have attached to it the Mortgage terms (document called Mortgage of 29 pages attached)

3. Mortgage (Schedule)

- a. This document does not require signature, it is the conditions of the mortgage so is an attachment that the Form 2 Mortgage refers to.

4. Personal Guarantee & Indemnity

- a. Requires printing two (2) times
- b. Date the document on the page numbered "1" on the date the monies are advanced
- c. Sign on page numbered "23"
- d. Ensure you have a witness to witness your signatures
- e. Sign these before the money is advanced.

**READ THIS BEFORE SIGNING A TITLES REGISTRY
FORM 1—TRANSFER OR FORM 2—MORTGAGE**

**IF YOU FAIL TO PROVIDE TO THE WITNESSING OFFICER ADEQUATE EVIDENCE OF YOUR ENTITLEMENT TO
SIGN THE FORM, THE WITNESSING OFFICER MAY DECLINE TO WITNESS YOUR SIGNATURE**

Note – This page is NOT part of the form and should NOT be lodged in the titles registry

Signing and witnessing of titles registry transfer or mortgage forms

A person who witnesses the signature of an individual on a titles registry form is required by law to take reasonable steps to ensure the person signing the form is entitled to do so.

If you take your transfer or mortgage form/s to a Justice of the Peace or Commissioner for Declarations (or other person qualified under Schedule 1 of the *Land Title Act 1994* to witness a titles registry form, such as a lawyer) to have your signature witnessed, you must provide to the satisfaction of the witness, the following—

1. proof of identity showing your photo and signature; **and**
2. supporting documentation that shows your name and property details, and helps to confirm you are entitled to sign the form/s.

1. Proof of identity documents

Proof of identity documents may include—

- driver licence; or
- passport.

2. Supporting documentation that helps to confirm you are entitled to sign the form/s

If you are **selling property** or are **only refinancing**, supporting documentation may include either—

- a local government current rates notice for the property, or
- a recently issued current title search statement for the property, or
- a recently issued registration confirmation statement for the property, or
- a current certificate of title (if one exists) for the property.

If you are a **purchaser** and/or **financing the purchase**, supporting documentation may include either—

- a copy of the contract of sale for the property; or
- official loan documentation from your lender; or
- a letter from a solicitor confirming you are entitled to sign the form.

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