

# Circular

No. 2017/04

May 2017

## National Mortgage Form – Updates to processes

Land & Property Information (LPI) will be implementing the National Mortgage Form (NMF) in New South Wales for paper mortgages on 27 May 2017. Please find samples of the NMF attached.

The existing NSW Mortgage form (Form 05M) can continue to be completed and will be accepted by LPI after 27 May 2017. Mortgages signed on or after 1 January 2018 must be completed using the NMF.

The NMF is available from the Australian Registrars National Electronic Conveyancing Council (ARNECC) website and must to be completed online and printed for execution and lodgment at LPI.

Access the form here: <http://lrfirms.arnecc.gov.au/lrfirms/NationalMortgageForm/Entry>

The form provides an option in the Lodger Details to enter either a Lodger Code (LPI Customer Account Number) or the name and address of the Lodging Party.

**Note: Customer Account Holders must complete the Lodger Code with their customer account number.**

For return of the original mortgage the Lodger Details including name, address and/or lodger box details may be completed manually after printing.

Please be aware that copies of mortgages lodged using the NMF may not have the full lodging party details. These may be obtained, if required, using a Document Inquiry search through the [Online LPI portal](#) which will show the details.

### More information

Enquiries may be made by email to: [econveyancing@lpi.nsw.gov.au](mailto:econveyancing@lpi.nsw.gov.au)

**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**

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****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

**Mortgagee Execution**

- 1. The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 2. 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.
- 3. The Certifier, or the Certifier is reasonably satisfied that the mortgagee it represents,:
  - (a) has taken reasonable steps to verify the identity of the mortgagor; and
  - (b) holds a mortgage granted by the mortgagor on the same terms as this Registry Instrument or Document.

I certify that I am an eligible witness and that the mortgagor (or their attorney) who I have known for more than 12 months, or I have sighted identifying documentation signed this mortgage in my presence.

Executed on behalf of  
under delegation or authority  
Signer Name \_\_\_\_\_  
Signer Role AUTHORISED OFFICER

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

Signature \_\_\_\_\_

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

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

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

*Information contained in this document was correct at time of publication, but may have been superseded*

**Lodger Details**

Lodger Code  
 Name  
 Address  
 Lodger Box  
 Phone  
 Email  
 Reference

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**MORTGAGE**

**Jurisdiction** NEW SOUTH WALES

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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 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**

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

I certify that I am an eligible witness and that the mortgagor (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

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

Signature \_\_\_\_\_

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

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

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

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

**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 mortgagor (or their attorney) who I have known for more than 12 months, or I have sighted identifying documentation signed this mortgage in my presence.

Executed on behalf of

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

Signature \_\_\_\_\_

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

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

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

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	An "eligible witness", namely a person who: <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> 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).
	The Mortgagor (corporation).	Depends on the method of execution.	Depends on the method of execution. 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. 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: <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> Other methods of execution authorised by a corporation's constitution or special resolution may require additional evidence to support the authority.
	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	-