

COLONEL LIGHT CENTRE 25 Pirie Street ADELAIDE

PANEL FORMSD2 - DISCHARGE OF ENCUMBRANCE

PANEL FORMS". These notes are to be read in conjunction with "GENERAL NOTES RELATING TO

NOTES

Instructional notes contained on the form must be read carefully before attempting to complete the information required in the panels.

ENCUMBRANCE

In this panel insert the registered number of the encumbrance to be discharged. More than one encumbrance may be discharged on the one form provided:-

- (a) The encumbrancees are the same party
- (b) There is a definite relationship between the encumbrancers and
- (c) The relationship of each Encumbrance with its corresponding Certificate(s) of Title is clearly shown, using "FIRSTLY", "SECONDLY" if necessary.

CERTIFICATES OF TITLE

Follow the marginal note.

If portion only in a Certificate of Title is being discharged refer to the appropriate Allotment in a Filed or Deposited Plan, Section in a Hundred, or such other means of identifying the land as is presently employed.

WHOLE OR PART

The instruction is to state if whole or part of the land in the encumbrance is being discharged. If the whole of the land is being discharged, irrespective of the intention to retain personal covenants, insert the word "WHOLE".

If the encumbrance is over more than one Certificate of Title and only one of those titles is being discharged, the word "PART" is to be inserted.

ENCUMBRANCEE

Show the full name, address, and occupation of the encumbrancee and identify with the encumbrance as "formerly of" if necessary.

If there is more than one encumbrancee registered as joint tenants, and only one is to execute the discharge, then insert only his/her name in his panel.

OPERATIVE CLAUSE

As the marginal note instructs, delete either (a) or (b) whichever is inapplicable.

EXECUTION

The execution clause is unaltered except "encumbrancee" can be inserted in lieu of the full name of the encumbrancee.

The execution must be witnessed.

PROOF

Here again the full name of the encumbrancee need not be shown, merely substitute "encumbrancee" for the name.

If executed under Power of Attorney in a similar way "attorney" may be substituted for the name.

FORMAT 25

N

On the reverse side of the form at top left you will notice , this is to be left blank.

Beneath this is D . Normally, "E" will be inserted by you in the blank space. If only a partial discharge, then both sections are to be converted to read P I E .

Before completing FORMAT 25 carefully read note 2 on the form. The principle to remember is that ALL of the encumbrances listed are deemed to be discharged from ALL of the Certificates of Title listed. If this is not the case then list only the encumbrance(s) which have common Certificate(s) of Title discharged from them and indicate that the format is incomplete by adding "and others" underneath the format. Similarly, if there are more than four encumbrances, or more than eight Certificates of Title, being discharged, list as many as will fit on the form and add "and others".

COMPLEX DISCHARGES

As note 1 on the form says, "This form is designed to suit the simple type of discharge of encumbrance". The more complex types of discharge e.g. "By virtue of the death of the annuitant" must for the present be completed in the narrative style on either form B2 or B3.



(B.J. KILEY)

ACTING REGISTRAR-GENERAL.

15th July, 1980