

These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.

Form M2 is to be used for an encumbrance of:

- Freehold or Crown Leasehold estates.
- Subsidiary interests (e.g. a registered lease).

For an encumbrance of:

- Freehold or Crown Leasehold estates, use a prefix of E.
- A subsidiary interest use a prefix of E2.

All panels must be completed. If insufficient space, use approved annexure sheets. If more than one page is used, each must be numbered consecutively, e.g. 1-10, 2-10; 1/10, 2/10 or 1 of 10, 2 of 10.

All handwriting must be clear and legible in permanent, dense, rapid drying black or blue ink.

The Registrar-General *may refuse* to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of LTO panel form standards.

LAND DESCRIPTION

Indicate whether the encumbrance affects the whole or portion of the land comprised in a CERTIFICATE OF TITLE (CT) and/or CROWN LEASE (CL). If portion only then identify the relevant portion by reference to the appropriate plan.

WHOLE - e.g. "Whole of the land in CT Volume _____ Folio _____ "
or "Whole of the land in CL Volume _____ Folio _____ ".

PORTION - e.g. "Allotment 4 in DP42361 being portion of the land in CT Volume _____ Folio _____ ".

ESTATE & INTEREST

Insert "FEE SIMPLE", "CROWN LESSEE", "Lessee under and by virtue of Memorandum of Lease No.....", etc.

ENCUMBRANCER

Full name and current address to be stated. If the encumbrancer's name has altered, you must lodge an Application to Note Change/Correction of Name prior to the encumbrance.

ENCUMBRANCEE

Full name, address and mode of holding to be stated.

OPERATIVE CLAUSE

If the purpose of the encumbrance is to charge the land with the payment of a sum of money, strike through the words "an annuity or rent charge" and substitute with "the sum of money".

Include the amount of the stipulated annuity, rent charge or sum of money at "(a)". Insert the term for which the annuity, rent charge or sum of money is to be payable at "(b)". The times appointed for payment of the amount which is secured are to be included at "(c)".

COVENANTS

Any special covenants can be included on page 2 of the form.

If the covenants are contained solely in the encumbrance, strike through "in Memorandum No. _____ subject to such exclusions or amendments specified herein".

If the covenants are either wholly contained in a Memorandum of Standard Terms and Conditions or are contained in a Memorandum subject to exclusions or amendments specified in the Encumbrance strike through "herein".

CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by a prescribed person, being one of the following:

- a. A legal practitioner
- b. A registered conveyancer
- c. If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- d. If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Prescribed Person is a registered conveyancer or legal practitioner.

The first two listed certifications do not apply where the Prescribed Person is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

Note: - An attorney or a body corporate cannot make certification statements.

The Registrar-General's [Verification of Identity](#) and [Verification of Authority](#) requirements must always be complied with.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*.

ANNEXURE

It will be necessary to use an annexure sheet (Form B1) if there is insufficient space in a panel for the text or to complete remaining certifications.

An annexure sheet to an instrument must:

- a. be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- b. be referred to in the appropriate panel in the body of the instrument;
- c. be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- d. comply with the requirements in Form B1 Guidance Notes.

Note: The encumbrance is subject to any prior registered interests e.g. a permissive caveat, mortgage, lease or encumbrance etc.



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