

# **MORTGAGE (Security Interest): Private** (Section 71D Water Management Act 2000)

## **Dealing Form W-05M(P): Instructions for Completion**

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**Note:** This form is not to be used where the mortgagee is a corporation such as a bank or other financial institution.

1. Complete the form in dense black or dark blue ink. If handwriting, use block capitals only.
2. Do not use an eraser or correction fluid to make alterations: rule through rejected material and initial the left-hand margin.
3. If the space provided at any point is insufficient, insert "See Annexure" at that point and include the required material on sheets of white A4 paper at least 80gsm (ordinary copier paper) using one side only. Insert a heading beginning "Annexure to ..." and specifying the type of form, the date and the parties to the transaction. Identify the material included, where possible by referring to the relevant heading on the form. In the case of signatures which cannot be fitted in the space provided, reproduce the text and layout used on the form. Number all pages in sequence with the form using the format "Page ... of ..."; the number must be placed at the foot of each page in the centre. The first and last pages must be signed by the parties and any witness. Securely attach the additional pages to the upper left-hand corner of the form: a Nalclip is preferred; stapling should be avoided.
4. Lodge the completed form together with the relevant licence certificate by hand at the Department of Lands, Land & Property Information Division (LPI), Queens Square, 1 Prince Albert Road, Sydney (adjacent to Hyde Park Barracks).
5. The following instructions relate to the letters on the form.
  - (A) The completed form must be presented to the Office of State Revenue for assessment of stamp duty prior to lodgment at LPI.
  - (B) Insert the lodging party's LPI document collection box number. If the lodging party does not have a LPI document collection box, leave this panel blank.
  - (C) Insert the lodging party's name, postal address or DX number, telephone number, and listed lodging party number ("LLPN") if any. Show any LLPN as the first item of the first line in the format: "LLPN: 12345". Include a fax number and an e-mail address if available.
  - (D) Provision of a reference is optional.
  - (E) If the form is part of a sequence of dealing forms to be lodged for registration, indicate its priority within the sequence, e.g. "1 of 3". If it is not part of such a sequence insert "1 of 1".
  - (F) Insert the number of the water access licence to which the mortgage relates.
  - (G) Specify the licence tenure type, i.e. continuing or supplementary. NOTE: A mortgage cannot be registered as regards a specific purpose tenure (see section 71D(2) *Water Management Act 2000*).
  - (H) and (I) Insert the full name. Address and occupation are not required. In the case of a corporation, include the ACN, ABN or ARBN.
  - (J) If there is more than one mortgagee, insert the tenancy in which they wish to hold, i.e. "joint tenants" or "tenants in common". In the case of tenants in common, specify the shares they wish to hold: if they wish to hold equal shares, add "in equal shares"; if they wish to hold unequal shares, specify the relevant share after each name.
  - (K) If the mortgage includes provisions contained in an annexure, specify the annexure. If not, insert "Not applicable".
  - (L) If the mortgage includes provisions contained in a memorandum filed at LPI, insert the "registration" number of the memorandum. If not, insert "Not applicable".
  - (M) Insert the address to which Department of Water and Energy (DWE) notices to the mortgagee are to be sent. Where appropriate, ensure that the postcode is included. LPI must be notified of any change of address on form W-05CM.
  - (N) The completed form must be executed by or on behalf of the mortgagor and the mortgagee. Any witness must be an adult who is not a party to the transaction. Where the form is executed—
    - By an individual on his/her own behalf:* The signature must be witnessed.
    - By an attorney:* The power of attorney must be registered at LPI. In addition to the attorney's signature, a statement in the following format must be added: "John Smith by his attorney Jane Smith pursuant to power of attorney Book 1234 No. 567". The signature must be witnessed.
    - By a receiver or delegate:* Use the format given in "By an attorney" suitably modified. The signature must be witnessed.
    - Under authority:* Disclose the nature of the authority. The signature must be witnessed.
    - By a solicitor or barrister on behalf of the mortgagee:* Add the signatory's full name and capacity. It is not necessary for the signature to be witnessed. NOTE: it is not acceptable for a solicitor or barrister to sign on behalf of the mortgagor.
    - By a corporation:* An authorised officer may sign on behalf of the corporation: the signature must be witnessed.

ENSURE THAT THE TOTAL NUMBER OF PAGES, INCLUDING ANY ANNEXURE (SEE 3 ABOVE), IS INSERTED IN THE SPACE PROVIDED AT THE FOOT OF THE FORM.

*If you wish to make an enquiry relating to the terms and conditions of the licence, please call the local office of the Department of Water and Energy or visit the Department's website at [www.dwe.nsw.gov.au](http://www.dwe.nsw.gov.au). If you have a question about the form, please call the Department of Lands, Land & Property Information Division on 02 9228 6713.*