

This guide sets out the requirements to lodge a Discharge of mortgage or charge form under the *Transfer of Land Act 1958*. This form is used to discharge a registered mortgage or charge.

Note:

If a discharging mortgagee is an Authorised Deposit-taking Institution within the meaning of the *Banking Act 1959*, a discharge of mortgage signed on or after 1 August 2016 must be lodged using an electronic lodgement network (e.g. PEXA). This guide does not apply to those lodgements.

A discharge of mortgage can be lodged on paper at Land Victoria if it is lodged with a transfer of land or mortgage over the same title(s). This guide applies to those lodgements.

Documents required by Land Victoria

Discharge of mortgage or charge form

A Discharge of mortgage or charge form must be fully completed and is available on the [Transfer of Land Act](http://www.delwp.vic.gov.au/property-forms) page at www.delwp.vic.gov.au/property-forms>Transfer of Land Act>Mortgage.

Note: If a discharging mortgagee is an Authorised Deposit-Taking Institution within the meaning of the *Banking Act 1959*, a discharge of mortgage signed on or after 1 August 2016 must be lodged using an electronic lodgement network, unless the discharge of mortgage is lodged with a transfer of land or mortgage over the same title(s).

Certificate(s) of Title

The Certificate(s) of Title must be supplied. It/they will be:

- in possession of the lodging party; or
- held by a financial institution, legal practitioner or other party who must provide Land Victoria

with the Certificate(s) of Title to enable the transaction to be lodged.

In most cases, the party providing the Certificate(s) of Title will charge a fee.

After your transaction has been processed, a new Certificate of Title will be issued.

Verification of identity

All parties to a conveyancing transaction must have their identity verified.

When a conveyancer or lawyer represents a client, the conveyancer or lawyer is responsible for verifying their client's identity. For further information, refer to [Guide to verification of identity for paper conveyancing transactions for conveyancers, lawyers and mortgagees](#) available at www.delwp.vic.gov.au/property-forms>Verification of identity.

If a party to a conveyancing transaction is not represented by a conveyancer or lawyer (a non-represented party), verification of identity needs to be undertaken by Australia Post – the Approved Identity Verifier. In addition, Australia Post will witness the non-represented party signing any conveyancing documents. For further information, refer to [Guide to verification of identity for people not using a conveyancer or lawyer](#) available at www.delwp.vic.gov.au/property-forms>Verification of identity.

Fees

Land Victoria fees are payable at lodgement.

Acceptable payment methods and lodgement fees are available on the [Forms, guides and fees](#) page at www.delwp.vic.gov.au/property-forms>Payment and lodgement.

Before lodging at Land Victoria

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Prior to lodgement, the lodging party must also be in possession of the Certificate(s) of Title or ensure that the Certificate(s) of Title has/have been provided to Land Victoria through the nomination process.

To ascertain whether or not the Certificate(s) of Title has/have been nominated, a single Property Transaction Alert on Title or one or more Pre-lodgement Check(s) can be made through [LANDATA®](#).

Customers who subscribe to a Property Transaction Alert on Title are notified by email when a Certificate of Title has been nominated at Land Victoria.

A Pre-lodgement Check is made prior to lodgement to confirm that the Certificate(s) of Title has/have been nominated, to inform of a prior dealing affecting that title or to provide details of the controlling party of Certificate(s) of Title.

A Property Transaction Alert on Title or Pre-lodgement Check(s) product can be obtained through:

- Document Tracking at www.landata.vic.gov.au or
- a [title information broker](#) found at www.delwp.vic.gov.au/property>Property information>Buying and selling property>Brokers and data service providers.

How to complete the Discharge of mortgage or charge form

This form should be completed online and printed for lodgement.

When you have completed the form and are ready to print, click the 'Print Form' button at the end of the form – do not use 'File' then 'Print' or the quick print button at the top of the form.

An error message will appear if all of the mandatory sections are not completed.

If sections of the form are being completed manually rather than online:

- the writing must be clear and legible and in BLOCK LETTERS
- only use black or blue pen
- correction fluid must not be used
- the back of the form must not be used.

The points below assist in completing the Discharge of mortgage or charge form

Land

Allows entry of the Volume and Folio number of the land mortgaged. This number is located in the top right hand corner of your Certificate of Title.

Folio range group

- Ranges can be created on the form by selecting the Folio Range Group box and then keying the Folio...to...

Check this box if you have multiple consecutive Volume and Folio numbers to enter.

Enter Volume number and first and last Folio number of range.

If your range of Folios goes across Volume boundaries or you have another range of titles to key, click the Add Land button (see below), check the Folio Range Group button and key the second range.

Volume Folio

- Individual titles can be entered here.

Key the Volume and Folio of the title. If you have a parchment title, with more than three characters for the Folio, key the last three digits only.

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Part of the land

- Land description can be keyed.
- Key Volume and Folio number.
- Check 'Part of Land' button.
- When data box opens key land description – e.g. Lot 3 on PS546896P.

Add land

- Any number of Volume Folios may be added in this way.

Check this button to open a new land panel to allow another Volume and Folio, Range of titles or Part of Land to be entered.

Additional notes for Land panel

- The land panel may be left blank to allow the later addition of Volume and Folio if not known at the time of printing. Leave the Volume and Folio blank, save and print.
- Part of land panel to only be used for Partial Land Transfers e.g. LOT 1 on PS123456L. If used as a reference until Volume and Folio are available it must be deleted before printing the form.

Mortgage or charge number

Allows entry of the mortgage or charge number being removed from the title.

Mortgage number

- Mortgage or charge number being removed.

Select the appropriate 'Mortgage number' or 'Charge number' radio button.

Key the number exactly as shown on the title.

Mortgagee/s

Allows for entry of the mortgagee/s.

Mortgagee/s

Mortgagee name must be entered.

- Individual
 - enter the given name/s of the mortgagee as it/they appear/s on the title

- enter the family name of the mortgagee as it appears on the title.

For long names the panel will wrap the text as it is keyed – TAB out of the panel to see what has been keyed.

For single names (e.g. Madonna), these are to be keyed in the Family Name panel. The Given Name panel is to be left blank.

- Corporation

- click on Corporation radio button
- enter the name of the corporation as it appears on the title
- select the appropriate ABN/ACN/ARBN radio button
- enter ABN/ACN/ARBN if known, if not known enter a '0' in the first box
- enter Australian Credit Licence number if known, leave blank if not known.

When entering the corporation's name DO NOT use punctuation unless it forms part of the official name of the corporation, e.g. W. H. HAIL PTY LTD.

Add Mortgagee/s

Allows for the entry of additional mortgagees

- Check this button to open a new Mortgagee/s panel to allow another mortgagee to be entered.

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Signing

Allows for the mortgagee to sign the form. Depending on whether the mortgagee is an individual or corporation the signing clause will differ.

- For an individual the options are below:
 - Individual's Name – the individual will sign in his/her own right
 - Other Power of Attorney – certified copy of Power of Attorney is required
 - General/Enduring Power of Attorney – no copy required if in the Victorian form
 - Leave Blank – allows for a manual keying of signing clause

The form must be signed by the mortgagee or their attorney and witnessed by an independent adult.

If a Power of Attorney option is chosen separate boxes will open to allow for the attorney's name and the date of the power to be entered.

- For a corporation the options are below:
 - Leave Blank – used for Power of Attorney signing and allows for signing clause to be entered manually
 - Execute using a Common Seal – three options
 - Multi-person Company
 - Sole-person Company
 - Multi-person Company – one director only signs
 - Execute without a Common Seal – three options
 - Multi-person Company
 - Sole-person Company
 - Multi-person Company – one director only signs.

If choosing 'Execute using Common Seal' or 'Execute without Common Seal' you will be given three options to choose from. With each option extra boxes will appear where the director's or secretary's full name and usual address must be keyed.

The form must then be signed by the director and/or secretary and the Common Seal affixed (if applicable).

If using the third option, Multi-person Company – one director only signs, the usual proofs (copy of company constitution or letter from legal practitioner) are required to be presented at the time of lodging the mortgage.

Date

Allows for the form to be dated.

- Enter the date via the drop down calendar or key the date in the following format DD/MM/YYYY.

Lodging party

This section of the forms allows for the entry of the details of the person or corporation lodging the form at Land Victoria.

Lodging party has a customer code

- Enter customer code in the data box provided.

Lodging party does not have a customer code

- Check 'the lodging party does not have a customer code' button. Extra boxes will open.
- Enter given and family names of lodging party or check the 'Corporation' button and enter corporation name.
- Enter address of lodging party.

Reference field

- This is used to indicate the reference for YOUR client.
- It may also be used to show a phone number.

Save button

To save your completed or partially completed form, click the 'Save' button and chose where on your computer to store your document.

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Case scenarios not supported

Instructions for customers

These instructions are for the instances when unusual circumstances exist in a discharge of mortgage.

If there is insufficient space in any panel an Annexure Page (A1) must be used, which is available on the [Forms, guides and fees](#) page at www.delwp.vic.gov.au/property-forms>Annexure Page pdf form.

How an Annexure Page would be used to discharge an old law mortgage

- In the Mortgage or Charge Number panel the customer would leave the selection as 'Mortgage number' and key 'A000000'.
- On an Annexure Page, complete the top panel key 'Mortgage being Discharged – BK 125 PG 658'.

How an Annexure Page would be used to discharge a mortgage over a lease or sub-lease

- Customer would key Volume and Folio affected by the lease or sub-lease.
- The Part of Land panel would then be selected and the words 'See Annexure Page' keyed in.
- Mortgage number being discharged would be keyed in the 'Mortgage or Charge number' panel.
- In the Annexure Page the wording 'Lease affected – AB123456L' or 'Sub-lease affected – AB123456L' would be keyed.

Contact us

For [location and contact details](#), refer to www.delwp.vic.gov.au/property>Contact us.

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