

Document Class:	EXEMPTIONS
Document Name:	Mortgages/Discharge of Mortgage or Encumbrance
Document Description:	Non Dutiable Mortgage / Discharge
Document Code:	MEX

Introduction

This guide note applies to a mortgage which is:

- executed on or after 1 July 2009, or
- is executed prior to 1 July 2009 but the funds are advanced on or after 1 July 2009.

This guide note also applies to a Discharge of Mortgage and Discharge of Encumbrance dated on or after 1 July 2005.

The Lands Titles Office (LTO) will accept an unstamped mortgage for registration, which is dated on or after 1 July 2009, and an unstamped Discharge of Mortgage and Discharge of Encumbrance dated on or after 1 July 2005.

This document type is provided for the convenience of paying registration fees via RevNet, rather than lodging a mortgage, Discharge of Mortgage or Discharge of Encumbrance with a cheque for the registration fee directly with the LTO.

What documents can I stamp under this document heading?

The mortgage document can be in the form of (and is not limited to) a:

- RPA mortgage
- Bill of Sale
- Consumer mortgage
- Charge
- Debenture
- Stock mortgage
- Fruit/Wool lien

The discharge document can be in the form of:

- a LTO Form D1 (or D2) – Discharge of Mortgage
- a LTO Form D3 – Discharge of Encumbrance; or
- a LTO Form RTC – Application to Deposit a Plan of Division

What stamp duty is payable on the document?

The document is not dutiable with stamp duty.

What evidence do I need to retain for audit purposes?

No documentation is required to be retained for audit purposes.

Example 1

Fred has contracted to purchase a home and settlement has been scheduled for 2 July 2009. Fred has executed a mortgage with Friendly Financial Services to finance the purchase. Friendly Financial Services has decided to stamp the mortgage on RevNet to enable the remittance of the LTO fees via RevNet, rather than writing a cheque and lodging this with the LTO. The LTO fees field on the RevNet screen has been ticked to record this. The document is stamped “Exempt” from stamp duty.

What section of the SD Act applies?

For a Discharge, Schedule 2, Clause 16, Exemption 27.