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Form: 04FM
Release: 4·6

FORECLOSURE

New South Wales
Section 61 Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) **TORRENS TITLE**

(B) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	CODE
	Email:	FM
	Reference:	

(C) **REGISTERED PROPRIETOR**

Of the above folio of the Register

(D) **APPLICANT**

mortgagee under **MORTGAGE No.**

The applicant applies for an order for foreclosure in respect of the above mortgage.

STATUTORY DECLARATION *

(E) I _____ solemnly and sincerely declare that—

(F) 1. Default has been made in payment of the _____ secured by the mortgage for the period of _____ and still continues;

(G) 2. Notice was served on the mortgagor on _____ by _____ at _____ demanding the money due and owing and stating that the property would be sold unless the default was remedied;

(H) 3. The sale was advertised in _____

4. The land contained in the above folio of the Register and subject to the mortgage was offered for sale at public auction, and the result was insufficient to satisfy the debt secured by the mortgage together with the expenses occasioned by the sale;

(I) 5. Notice of intention to make this application was served on the mortgagor on _____ by _____ at _____

(J) 6. The full name and address for service of notice on the mortgagor and any other person appearing from the Register to have an interest in the land subject to the mortgage is:

Documents lodged herewith

(K) The following documents are lodged herewith—

(L) 1. Copies of the newspapers in which the sale was advertised with the relevant advertisements clearly marked.

(M) 2. A certificate by the licensed auctioneer who conducted the auction giving details of the auction.

(N) 3. A statement of accounts.

(O) 4. Evidence of service of notice on any subsequent _____

5. The relevant certificate of title.

6. The relevant memorandum of mortgage.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900, and I certify this application to be correct for the purposes of the Real Property Act 1900.

(P) Made and subscribed at _____ in the State of New South Wales on _____
in the presence of _____ of _____,
☐ Justice of the Peace (J.P. Number: _____) ☐ Practising Solicitor
☐ Other qualified witness *[specify]* _____,
who certifies the following matters concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person *OR*** I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and
2. I have known the person for at least 12 months *OR*** I have confirmed the person's identity using an identification document and the document I relied on was a _____ *[Omit ID No.]*

Signature of witness: _____ Signature of applicant: _____

* As the services of a qualified witness cannot be provided at lodgment, the statutory declaration should be signed and witnessed prior to lodgment of the form. ** Cross out the text which does not apply.

(Q) The applicant certifies that the eNOS data relevant to this dealing has been submitted and stored under eNOS ID No. _____ Full name: _____ Signature: _____