

Land as security-(when lodging property as security on bail)

Encumbered

Fact Sheet

What does encumbered mean?

Encumbered means land or property which has a mortgage (money owing) or has another debt attached.

Acceptable person / bail surety required to lodge security:

- Meet all conditions as per the bail surety factsheet
- There is sufficient equity in the land to cover the bail deposit
- All mandatory documents required to be lodged are discussed below

Is the property in your name?

If the land or property has additional persons listed on the mortgage (including a company), a link must be established between you and the third-party or company. If the property is solely owned by a company, all directors should sign and date the Mortgage and accompanying Annexure A.

Verification of identity

You will be required to verify your identity, which is a form owned and lodged through Australia Post.

If there is a difference between your name on the mortgage or certificate of title and the identity verification, you will be required to complete a statutory declaration explaining the name difference.

Letter from the mortgagee

You will require a letter from the mortgagee. This is usually a bank or other financial institution. The letter must state they are consenting to a second mortgage and specify the current amount owing on the property.

Current title search

You must provide a current title search for your land or property.

National mortgage form and Annexure A

You must provide:

- a national mortgage form, which can be completed on the [Australian Registrars National Electronic Conveyancing Council website](#). and
- Annexure A to the mortgage which can be found on the [Local Court website](#).

Recent property valuation

You may be required to obtain a recent (less than 3 months old) property valuation. This will depend on the value of your land or property, the size of your mortgage and the amount of money required for the bail.

For example – if the amount of money required is \$10,000.00 and your property is located in Sydney, it is likely you will have the available security to meet the condition of bail.

A valuation can be obtained from a real estate agent or property valuer.

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Unencumbered

Fact Sheet

What does unencumbered mean?

Unencumbered means there is no mortgage or debt on the property.

Acceptable person / bail surety required to lodge security:

- Meet all conditions as per the bail surety factsheet
- There is sufficient equity in the land to cover the bail deposit
- All mandatory documents required to be lodged are discussed below

Is the property in your name?

If the land or property has additional persons listed on the mortgage (including a company), a link must be established between you and the third-party or company. If the property is solely owned by a company, all directors should sign and date the Mortgage and accompanying Annexure A.

Verification of identity

You will be required to verify your identity, which is a form owned and lodged through Australia Post.

If there is a difference between your name on the mortgage or certificate of title and the identity verification, you will be required to complete a statutory declaration explaining the name difference.

Certificate of title search

You must provide a certificate of title if your land **IS NOT** in New South Wales, Queensland, or South Australia

Current title search

You must provide a current title search for your land or property.

National mortgage form and Annexure A

You must provide:

- a national mortgage form, which can be completed on the [Australian Registrars National Electronic Conveyancing Council website](#), and
- an Annexure A to the mortgage which can be found on the [Local Court website](#).

Recent property valuation

You may be required to obtain a recent (less than 3 months old) property valuation. This will depend on the value of your land or property and the amount of money required for the bail.

For example – if the amount of money required is \$10,000.00 and your property is located in Sydney, it is likely you will have the available security to meet the condition of bail.

A valuation can be obtained from a real estate agent or property valuer.