

A guide to applying to ASIC for a discharge/release of mortgage

Before you make an application Have you contacted the relevant state or territory land titles office to see if the Registrar has the power to discharge/release the mortgage where the mortgagee is deregistered?

Requirement 1 Do you have a copy of ALL the documents requested?

Requirement 2 Is your statutory declaration a Commonwealth statutory declaration?
Does your statutory declaration address ALL the required matters, in numbered paragraphs?
If there is any document you are unable to provide (see requirement 1) you must explain why the document is not available in your statutory declaration.
If you do not address all of the matters, you may be required to do another statutory declaration.

Requirement 3 Is your cheque or money order payable to ASIC?

Requirement 4 Is the indemnity dated, executed by required parties and witnessed?

Requirement 5 Do you have the relevant discharge/release form for ASIC to execute, with ASIC's representative and sealing clauses already inserted in the right places?

Submitting your application Have you emailed, in PDF format:
 requirement 1 (documents)
 requirement 2 (statutory declaration)
 requirement 4 (indemnity)
Have you posted
 requirement 3 (fee)
 requirement 5 (original discharge/release form)
If you are unable to email, have you posted all 5 requirements?
Have you enclosed an express-post envelope (if you want the executed discharge/release form returned through a faster postal method)?

ASIC will assist you if you have any questions about the requirements - please contact ASIC's Property Law Group on property.law@asic.gov.au. If your application needs further material, ASIC's Property Law Group will advise you and give you an opportunity to provide this material. ASIC cannot consider your application until all the requirements have been met.