

2. On the _____ day of _____, 18____, I served upon the said A. B. a notice in writing whereof the document produced to me at the time of my swearing this affidavit and marked _____ is a true copy. The said notice was served upon the said A. B. by _____

[Here state what was done with the document in order to bring it to the knowledge of debtor.]

3. There is now due to me on the security of the above-mentioned mortgage a sum of £ _____

(Signed.) L. M.

Sworn before me,

FORM B. (S. 6.)

To A. B. of _____

Take notice that there is now due to me the sum of £ _____ on the security of a mortgage made by you on the _____ day of _____, 18____, whereby you secured to me the repayment of a sum of £ _____ with interest thereon at the rate of _____ per cent. per annum and nominated _____ your attorney to sell the property hereinafter described, that is to say,

[Here describe the property according to registered description.]

if you should fail to pay the said sum of £ _____ on the _____ day of _____

And take notice that you are hereby required to pay the sum of £ _____ now due as aforesaid; and that if you shall not within _____ calendar months hereof pay the said sum in full together with such further interest as may accrue due on the said principal sum up to the day of payment, the said property may be sold without further notice to you.

(Signed) L.M.,
Mortgagee.

19 OF 1890.

TO SIMPLIFY AND AMEND THE LAW AS TO THE REGISTRATION OF SALES AND MORTGAGES OF IMMOVABLE PROPERTY.

HENRY BULWER.]

[June 13, 1890.]

1. No sale or mortgage of any immovable property in pursuance of any contract shall be registered at the Land Registry Office until the proceedings and formalities specified in sections 2, 3, and 4 have been complied with.

Sales and mortgages not registered unless formalities complied with.

Proceedings
by person
desiring to
sell or
mortgage.

2. Any person desiring to sell or mortgage any immovable property shall produce to the proper Land Registry Official, (a) the gochan for the property; (b) a receipt from the tax collector of the division in which the property is situate showing that all verghi due on it has been paid; and (c) in the case of a mortgage, the contract of mortgage duly stamped, (d) a statement in writing setting forth that he is the owner of the property and the person in whose name it is registered in the books of the Land Registry Office, the nature and extent of the property and its boundaries (if any) and that he has agreed to sell or mortgage it for a specified consideration, and requesting, in the case of a sale, that the property may be registered in the name of the intending purchaser, and in the case of a mortgage that the mortgage may be registered.

Proceedings
to be taken
by person
desiring to
purchase or
advance
money on
security of
property.

3. The person desiring to purchase the property or to advance money on the security thereof shall, together with the vendor or mortgagor, appear before the proper Land Registry official and produce a statement in writing setting forth that he has agreed to purchase the property for the specified consideration or to advance money on the security of the property and requesting, in the case of a sale, that the property may be registered in his name and, in the case of a mortgage, that the mortgage in his favour be registered.

Declarations
to be made
by parties.

4. The written statement or statements so produced to the Land Registry official shall be read over to the parties by whom they were produced and the contents thereof shall be declared by them to be true in the presence of the Land Registry official.

The parties producing the statement or statements shall thereupon, if they are able to do so, sign the same, or, if illiterate, affix their marks thereto, and they shall then be signed by the Land Registry official before whom the declarations were made.

Form of
declarations.

5. The written statements hereinbefore mentioned may in the case of a sale be in the Form No. 1 in the Schedule, and in the case of a mortgage in the Form No. 2 in the Schedule.

Issue of
qochans.

6.—(1.) When the declarations of the parties to the sale or mortgage have been signed as hereinbefore mentioned, the proper Land Registry official may, notwithstanding that any further or other formalities are prescribed by any law, order, or regulation, on payment of the fees, effect the necessary registrations and issue the proper qochans.

Proviso as to
time within
which

(2.) The proper Land Registry official may decline to issue the qochans unless they are applied for and the prescribed fee paid within

twenty days of the date of the signing of the declarations; and if the gochans are not so applied for and the fees paid within the said period of twenty days may require the proceedings and formalities required by sections 2, 3, and 4 to be again complied with.

gochans are applied for.

(3.) The Principal Officer of Land Registry of the district within which the property is situate may for reasonable cause direct that the sale or mortgage be not registered unless and until the person desiring to sell or mortgage the property shall furnish him with such further evidence as to the ownership of the property or nature, extent, and boundaries thereof and the price for which it has been agreed to be sold as to the officer shall seem fit, or until such local inquiry shall have been held as he shall consider necessary.

Principal Officer of Land Registry of District may require further evidence of certain matters.

7. Any person who knowingly and with fraudulent intent makes or causes to be made a false statement in any declaration made under section 4 of this Law shall be guilty of an offence and shall be punishable in the same way as though he had given false evidence in any judicial proceeding.

Penalty for false declaration.

8.—(1.) Any declaration under section 4 may be made either personally or by any person who shall prove to the satisfaction of the Land Registry official before whom the declaration is made that the person in whose behalf it is made has authorized him by a document in writing duly certified by a competent authority to appear and consent to the transfer or to the registration of the mortgage.

Declarations to be made either personally or by duly authorized representative.

(2.) Where a declaration is made by such representative, the representative shall produce to the Land Registry official before whom the declaration is made the document in writing authorizing him to make it and shall deposit it in the Land Registry office; and no transfer or registration of a mortgage shall be made in pursuance of such declaration until the document has been so deposited.

Where declaration is made by representative the authority must be deposited.

9. The fee to be taken on the mortgaging of Arazi-Mirié lands shall be one per cent. on the amount secured by the mortgage.

Fees on mortgaging Arazi-Mirié.

10.—(1.) All or any of the proceedings or declarations prescribed in sections 2, 3, 4, and 8 may be taken and made before the Land Registry official in charge of a District other than that in which the immovable property the subject of such proceedings or declarations is situate upon payment of the fee of one shilling.

Proceedings or declarations under Sections 2, 3, 4 and 8.

7. 1913, 2.

(2.) The Land Registry official before whom any such proceeding or declaration is taken or made shall forward the documents to the proper Land Registry official in charge of the District in which the

said immovable property is situate and such Land Registry official may thereupon act as if such proceeding or declaration had been taken or made in his presence.

Short title.

11. This Law may be cited as the Land Transfer Amendment Law, 1890.

SCHEDULE. (S. 5.)

FORM No. 1.

I, A. B., of [or X. Y. the duly authorized agent of A. B. of] for myself declare that I am [or that A. B. is] the person in whose name the property described in gochan [No. and dated] is registered in the books of the Land Registry Office, that I am [or that A. B. is] the owner of the said property, and that the said property consists of bounded by and that I have agreed [or the said A. B. has agreed] to sell the same for the sum of £ to C. D. of and I hereby request that the said property be registered in his name. And I, the said C. D. of [or W. Z. the duly authorized agent of C. D. of] for myself hereby declare that I have agreed [or that C. D. has agreed] to purchase the property hereinbefore described for the sum above mentioned and I hereby request that the said property may be registered in my name [or the name of the said C. D.]

(Signed) A. B.
C. D.

[or X. Y. agent for A. B.]
[W. Z. agent for C. D.]

Read over to and signed by the said A. B. [or X. Y.] and C. D. [or W. Z.] in my presence this day of 18 .

P. Q.
Tapou Clerk.

FORM No. 2.

I, A. B., of [or X. Y. the duly authorized agent of A. B. of] for myself declare that I am [or that A. B. is] the person in whose name the property described in gochan No. and dated is registered in the books of the Land Registry Office, that I am [or that A. B. is] the owner of the said property, and that the said property consists of bounded by and that I have agreed [or the said A. B. has agreed] to mortgage the

same for the sum of £ _____ to C. D., and I hereby request that the said mortgage be registered in favour of the said C. D. and I, the said C. D. [or W. Z. the duly authorized agent of C. D. of _____] for myself hereby declare that I have agreed [or that C. D. has agreed] to advance the said sum of £ _____ upon the security of the said property and I request that the mortgage in my favour [or the mortgage in favour of C. D.] be registered.

(Signed) A. B.

C. D.

[or X. Y. agent of A. B.]

[W. Z. agent of C. D.]

Read over to and signed by the said A. B. [or X. Y.] and C. D. [or W. Z.] in my presence this _____ day of _____ 18 _____

P. Q.

Tapou Clerk.

12 OF 1907.

TO MAKE BETTER PROVISION FOR THE REGISTRATION OF TITLE TO AND THE VALUATION OF IMMOVABLE PROPERTY AND TO AMEND THE LAW RELATING TO IMMOVABLE PROPERTY IN CERTAIN RESPECTS.

C. A. KING-HARMAN.]

[February 10, 1909.

*Repealed
wholly &
Lew 26/45-*

1. This Law may be cited as the Immovable Property Registration and Valuation Law, 1907 Short title.

2. In this Law unless the context otherwise requires:— Definitions.

“Immovable property” means and includes lands, trees, vines, houses and other buildings and constructions of all descriptions and of any category and any share or interest (not being a leasehold interest) therein, but does not include any lands, trees, vines, houses or other buildings or constructions whereof the ownership is by any law or custom not required to be registered in the books of the Land Registry Office.

“Unregistered owner” means any person whether in the occupation or not of any immovable property, who is entitled to be registered in the books of the Land Registry Office as the owner or possessor of such immovable property.

“Owner or occupier” and “owner” mean the person registered or entitled to be registered in the books of the Land Registry Office as the owner of the property. 13. 1913, 9.