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| NOTICE TO MORTGAGEE / CHARGEE UNDER SECTION 129C (1a) OF THE TLA |

# **TO:**

Insert full name and address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

You are the Mortgagee of Mortgage number \_\_\_\_\_\_\_\_\_\_\_\_or Chargee of Charge number \_\_\_\_\_\_\_\_\_\_\_\_\_\_that is first in order of priority of Lot \_\_\_\_\_\_ on Plan/Diagram/Strata/Survey-Strata Plan \_\_\_\_\_\_\_\_\_\_\_ being the whole of the land comprised in certificate of title Volume \_\_\_\_\_\_\_\_ Folio \_\_\_\_\_\_, (“the Encumbered Lot”) situated at

# \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Insert Street address of above Lot

# **I/We:**

Insert full name and address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“the Applicant”) am/are the registered proprietor(s), (owners) of Lot \_\_\_\_\_\_\_\_\_\_\_\_\_ on Plan/Diagram/Strata/Survey-Strata Plan \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ being the whole of the land comprised in certificate of title Volume \_\_\_\_\_\_\_\_ Folio \_\_\_\_\_\_\_\_ (“My/our Lot”) situated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Insert Street address of above Lot

I / we intend to make an application to the Supreme Court under section 129C (1a) of the *Transfer of Land Act 1893* to remove the restriction from my/our Lot which limits the building to only one dwelling house. This restriction is known at law as a single dwelling restrictive covenant.

Before I / we can make an application I/we am/are required to satisfy the Supreme Court that I/we have obtained written consent from the registered proprietors and also from their Mortgagee or Chargee, (whichever is first in order of priority), of the majority of the Lots with the benefit of a single dwelling restrictive covenant and which are located in close proximity to my Lot.

As the Encumbered Lot is located in close proximity to my/our Lot and the Encumbered Lot also has the benefit of a single dwelling covenant, I request your written consent to my/our application.

If you agree to the removal of the single dwelling covenant from my/our Lot, please sign the consent below and return this whole form to me. A second copy of this form is enclosed for your records.

SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant Applicant

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| WRITTEN CONSENT UNDER SECTION 129C (1a) OF THE TLA |

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| **Please note: This is the part of the notice that you sign if you consent to the Applicant being able to remove the restriction from their land.** |

# **I/We:**

Insert full name and address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Mortgagee of Mortgage number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_or Chargee of Charge number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that is first in order of priority of Lot \_\_\_\_\_\_\_\_\_\_\_ on Plan/Diagram/Strata/Survey-Strata Plan \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and being the whole of the land comprised in certificate of title Volume \_\_\_\_\_\_\_\_\_\_\_\_ Folio \_\_\_\_\_\_\_\_\_\_ **HEREBY CONSENT** to the proposed application under section 129C (1a) of the TLA to extinguish, discharge or modify the single dwelling restrictive covenant over the Applicant’s Lot being Lot \_\_\_\_\_\_\_\_\_\_\_ on Plan/Diagram/Strata/Survey-Strata Plan \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ being the whole of the land comprised in certificate of title Volume \_\_\_\_\_\_\_\_\_\_\_\_ Folio \_\_\_\_\_\_\_\_\_\_.

SIGNED:

**DATED Day of Year**

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| **Note:** Each individual co-mortgagee/chargee who consents should sign this form. Private mortgagees/chargees should sign and print their full name. Formal execution is required by Corporations. Additional forms should be signed if more than two owners. |