

Schedule 1B: Declaration by Borrower/Grantor of a Security Interest (Trustee)

*Delete words that do not apply

I, _____ (declarant)

of _____

DO SOLEMNLY AND¹ SINCERELY DECLARE AS FOLLOWS:

1. I am
- the borrower
 - the grantor of a security interest
 - an officer of the borrower
 - an officer of the grantor of a security interest
 - a person involved in the management of the borrower
 - a person involved in the management of the grantor of a security interest
- named in certain loan and security documents in favour of _____

_____ (proposed lender)

relating to property (specify address or other description) _____

being property vested in me/the borrower *as duly appointed Trustee of the _____

_____ Trust

pursuant to a duly constituted and subsisting Deed of Trust dated _____

or *as duly appointed Trustee of the Estate of _____

to whom a Grant of Probate /Letters of Administration* was made on _____

2. I have received independent legal advice regarding the loan and security documents referred to in paragraph 1 which I declare that I am/the borrower / grantor of a security interest is legally entitled and authorised to execute as Trustee under such Trust/Grant of Probate/Letters of Administration* and pursuant to the provisions of the *Trustee Act 1925* (NSW) / *Trustees Act 1962* (WA)*.

3. After receiving that advice I have/the borrower/the grantor of a security interest has freely and voluntarily signed the following documents:
(specify the documents produced for signature)

(a) _____

(b) _____

(c) _____

¹ When the legal advice has been given by a solicitor holding a Western Australian practising certificate, delete the words *DO SOLEMNLY AND*

4.* Name: _____ (interpreter)
was present at the conference.

Note: The interpreter must complete a certificate in the form of Schedule 3 before the conference concludes.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the contents to be true and by virtue of the *Oaths Act 1900*.

MADE AND SUBSCRIBED by) _____
)
the said Declarant at) _____ the _____ day of _____ 20..

(Signatory)

Before me: _____
A Justice of the Peace/Solicitor

I [*insert name of authorised witness*], a [*insert qualification to be authorised witness*], certify 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.

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 [*describe identification document relied on*].

[*insert signature of authorised witness*]

Date: _____

WHERE THE LEGAL ADVICE HAS BEEN GIVEN BY A SOLICITOR HOLDING A WESTERN AUSTRALIAN PRACTISING CERTIFICATE, DELETE THE SIGNING SECTION ABOVE AND USE THE SIGNING SECTION BELOW

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at
on _____ day of _____ :-

by: _____
Name of person making the declaration Signature of person making the declaration

In the presence of:

Signature of authorised witness

Name of authorised witness

Qualification of authorised witness