**Real Property as Security for Bail**

This page sets out the Supreme Court’s requirements where real property is used as security for bail. These requirements only apply to land registered under the *Land Title Act*.

All documents should be lodged with the Sherriff’s Office.

**A. If the surety owns the property with no encumbrances**

1. The Certificate of Title (if any)\* for the property,
2. Written evidence of the value of the property, i.e. a letter from a licensed valuer referencing the volume and folio number of the Certificate of Title,
3. A title search of the property obtained through the [Land Title](http://www.lpi.nsw.gov.au/)s Office on the same day,
4. A registrable form of mortgage (2 copies) and a non-lapsing caveat with a form 93 consent signed by the registered owners (an example mortgage, caveat and consent can be found on the Supreme Court website),
5. A cheque payable to the Land Titles Office for the registration of the caveat (a list of fees can be found on the Land Titles Office website).

The mortgage will not be registered unless the accused person does not comply with the bail conditions and there is an order made by the Supreme Court. The caveat is signed by the Solicitor for the Northern Territory and will be registered with [Land](http://www.lpi.nsw.gov.au/) Titles Office.

**B. If the property is encumbered by a mortgage**

1. Written evidence of the value of the property, i.e. letter from a licensed valuer referencing the volume and folio number of the Certificate of Title,
2. A title search of the property obtained through the [Land Title](http://www.lpi.nsw.gov.au/)s Office on the same day,
3. A registrable form of mortgage (2 copies) and a non-lapsing caveat with a form 93 consent signed by the registered owners (an example mortgage, caveat and consent can be found on the Supreme Court website),
4. A letter from the lender whose mortgage appears on the Certificate of Title, showing:
	* Whether the lender consents to a further mortgage being entered into with the Northern Territory of Australia; and
	* The amount still owing on the loan,
5. An irrevocable authority signed by the borrower(s) and lodged with the bank/building society directing that lender, upon payment of its mortgage over the property, to hand both the Certificate of the Title and a [Discharge of Mortgage](http://www.supremecourt.justice.nsw.gov.au/Documents/Other%20Forms/05DM.pdf) in registrable form to the Solicitor for the Northern Territory,
6. A cheque payable to the Land Title Office for the registration of the caveat (a list of fees can be found on the Land Titles Office website).

**C. If the property is already encumbered by a caveat**

1. The Certificate of Title (if any)\* for the property,
2. Written evidence of the value of the property, i.e. a letter from a licensed valuer referencing the volume and folio number of the Certificate of Title,
3. A title search on the property obtained through the [Land Title](http://www.lpi.nsw.gov.au/)s Office on the same day,
4. A registrable form of mortgage (2 copies) and a non-lapsing caveat with a form 93 consent signed by the registered owners (an example mortgage, caveat and consent can be found on the Supreme Court website),
5. A letter from the lender whose mortgage appears on the Certificate of Title, showing:
	* Whether the lender consents to a further mortgage being entered into with the Northern Territory; and
	* The amount still owing on the loan,
6. An irrevocable authority signed by the borrower(s) and lodged with the bank/building society directing that lender, upon payment of its mortgage over the property, to hand both the Certificate of the Title and a [Discharge of Mortgage](http://www.supremecourt.justice.nsw.gov.au/Documents/Other%20Forms/05DM.pdf) in registrable form to the Solicitor for the Northern Territory,
7. A copy of the caveat so that the reason for the caveat and the value of the interest claimed by the caveator can be ascertained,
8. A cheque payable to the Land Title Office for the registration of the Caveat (a list of fees can be found on the Land Titles Office website).

If the caveator no longer claims to have an interest in the property, a Withdrawal of Caveat (LTO Form 83) signed by that person should be obtained and lodged with the Land Titles Office.