



## Guide to the Application : Notification of Encumbrance

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Clause 45 of the *Entitlements Contract* provides that a Customer may grant and register with the company a lien, mortgage or charge to any third party over the Customer's water entitlements, subject to various conditions. This application is used to notify the company of such an interest.

### 1 Checklist

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The following is a list of documentation required for processing of this application:

#### 1.1 Required for Registration:

- Form 19 (NX), duly completed
- Statutory declaration by the encumbrancee (included in this application)
- Original Water Entitlements Certificate
- \* Entitlements Contract, latest version duly executed by the customer, in duplicate
- The prescribed fee (refer to "Other Dealings", Schedule of Standard Service Charges)

\* Not required if being provided with another application (e.g. Form 3 or 9)

The Schedule of Standard Service Charges, and any other forms referred to in this application can be found at [www.murrayirrigation.com.au](http://www.murrayirrigation.com.au) under Forms.

### 2 General Notes

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- 1) The company is not bound to recognise any security interest in a customer's water entitlements unless such interest has been notified to the company using this application.
- 2) Only one security interest may be recorded in the company's registers
- 3) Recording of an encumbrance does not create any legal or equitable interest.
- 4) Any encumbrance over a water entitlement is subject to the terms of the *Entitlements Contract*.
- 5) Murray Irrigation does not offer recording of interests in shares and/or delivery entitlements.
- 6) Where an encumbrance is registered with the Land and Property Management Authority (LPMA) or Australian Securities and Investments Commission (ASIC), such registration details may be provided in this application and will be recorded in the register.
- 7) An encumbrance recorded in Murray Irrigation's registers may be discharged using a Form 20 (NXD) application.



### **3 Completing the Application**

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- 1) Only original, current forms will be accepted. Fax and email copies are not accepted.
- 2) All handwriting should be in BLOCK letters in blue or black ink.
- 3) The application must be executed by ALL registered proprietors. If executing as attorney, please make appropriate note of the power of attorney.
- 4) Only one water entitlements holding may be specified per application
- 5) Do not submit this guide with the application.

### **4 Submission and Enquiries**

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Submit completed applications to:

Murray Irrigation Limited  
PO Box 528  
DENILIQUIN NSW 2710.

For all enquiries regarding this application, please contact Murray Irrigation on:

Telephone: 03 5898 3367 or 03 5898 3368.

Email: [register@murrayirrigation.com.au](mailto:register@murrayirrigation.com.au)



**Application : Notification of Encumbrance**

**Customer**

Name(s):

Address:

Water Allocation Account:

**Encumbrancee**

Name(s) and ABN:

Address:

**Particulars of Encumbrance**

Nature of Encumbrance:

Number of Water Entitlements:

Date:

Registered Number:

Parties:

The Encumbrancee and the Customer request that Murray Irrigation Limited records in its Water Entitlements Register the particulars of the Encumbrance specified above.

**Dated:**

**Signed by the Customer in the presence of:**

Where the Customer is a company, this application is executed in accordance with section 127 of the Corporations Act 2001:

\_\_\_\_\_  
*Signature of witness*

\_\_\_\_\_  
*Signature of Customer –or– Director/Secretary*

\_\_\_\_\_  
*Name of witness (BLOCK LETTERS)*

\_\_\_\_\_  
*Signature of additional Customer –or- Director*

**Signed by the Encumbrancee in the presence of:**

\_\_\_\_\_  
*Signature of witness*

\_\_\_\_\_  
*Signature of Encumbrancee / Authorised Officer of Encumbrancee*

\_\_\_\_\_  
*Name of witness (BLOCK LETTERS)*

\_\_\_\_\_  
*Position Held*



**Statutory Declaration : Encumbrancee**

I/We  [Name(s)]

of  [Address]

solemnly and sincerely declare and affirm that:

1. I/We are the encumbrancee/the proper officer of the encumbrancee and authorised to make this declaration on behalf of the encumbrancee;
2. I declare that:
  - a. the Particulars of Encumbrance specified in the *Application : Notification of Encumbrance* are true and correct; and
  - b. the encumbrance was validly executed by the Customer for valuable consideration; and
  - c. there remains outstanding monies due and payable to the encumbrancee under the said encumbrance.
3. I acknowledge that the encumbrance is held subject to the terms of the Entitlements Contract between the Customer and Murray Irrigation Limited

and I/We make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900. \*\*

MADE and declared at  in the state of

on  in the presence of:

\_\_\_\_\_  
*Signature of Justice of the Peace / Solicitor*

\_\_\_\_\_  
*Signature of Encumbrancee / Authorised Officer of Encumbrancee*

\_\_\_\_\_  
*Name of Justice of the Peace / Solicitor*

\_\_\_\_\_  
*Financial Institution*

\_\_\_\_\_  
*Position Held*

\*\* If making this declaration outside New South Wales, the text above may need to be replaced with the appropriate text for making a statutory declaration in the relevant state.