

# Independent legal advice – Borrowers (MIC)

## Solicitor's Certificate of advice to Borrowers

### Part A – TO MACQUARIE BANK LIMITED (the “Lender”)

THIS CERTIFICATE IS PROVIDED BY (insert Solicitor's name)

of (insert Solicitor's address)

An Australian legal practitioner holding a current practising certificate under the Legal Profession Uniform Law (Victoria) and not acting for you in this transaction

I HAVE BEEN ASKED TO INTERVIEW  
(insert Borrower(s) name(s))

of (insert Borrower(s) address)

(the “Borrower(s)”)

I HAVE BEEN PROVIDED WITH THE FOLLOWING DOCUMENTS:

- ▶ Loan agreement between the Lender and the borrower (s).
- ▶ Mortgage over the property:

(insert security address)

### Part B – Explanations given by the certifying solicitor

I explained to the borrower, before the Borrower(s) signed the documents, the general nature and effect of the documents required to be signed by the Borrower(s) including the risk of loss of any security property and other assets owned by the Borrower(s).

### Part C – Excluded explanations

I INFORMED the Borrower(s) in very clear terms that I was not expressing any opinion nor advising on:

- ▶ the viability of the transaction; and
- ▶ the Borrower(s)' ability to make the required payments to the Lender

I FURTHER INFORMED the Borrower(s) that if in any doubt on those aspects the Borrower(s) should obtain independent financial advice before signing the documents.

### Part D – Statements by the persons signing documents

FOLLOWING THE ABOVE EXPLANATIONS, the Borrower(s) stated to me:

- ▶ that he/she/they understood the general nature and effect of the documents. It appeared to me that they did have such an understanding; and
- ▶ That he/she/they were signing these documents freely, voluntarily and without pressure from any other person.

### Part E – Identification of persons signing documents

The identity of the Borrower(s) has been verified in accordance with rule 11.2 of the *Legal Profession Uniform Practice (Solicitors) Rules 2015*

### Part F – Translation/interpretation\*

An independent interpreter

was present at this interview with the Borrower(s) and interpreted the statements made by all parties. A certificate by the interpreter is held by me.

\* Delete if no interpreter used.

continued >

## AUSTRALIAN LEGAL PRACTITIONER'S CERTIFICATE

I CERTIFY the above information.

Dated

Solicitor's Signature:

### Client's Certificate

I/WE CERTIFY that

- ▶ I/We have been handed a copy of this certificate.
- ▶ I/We have read this certificate.
- ▶ I/We am/are the Borrower(s) named.
- ▶ The above information is true.

Dated

Borrower's Signature:

Borrower's Signature:

### Certificate by translator/interpreter (complete only if required)

1. This certificate is provided by:

Name

Address

Occupation

2. On  /  /  I attended a meeting at

the office of

3. Present at the meeting were

I spoke to

in the

language and I established that is his/her/their customary language.

3. I am fluent in the English language and the

language and I am competent to translate between both those languages.

4. In the presence of

and

before any documents were signed, I translated the explanations by the Australian legal practitioner and the statements made by

and from the English language to the

language and I translated all statements made by the Borrower(s) from the

language to the English language.

5. It was stated by

that they understood the matters translated and they did appear to me to so understand.

6. I am independent and not related to

Dated

Translator/interpreter's signature