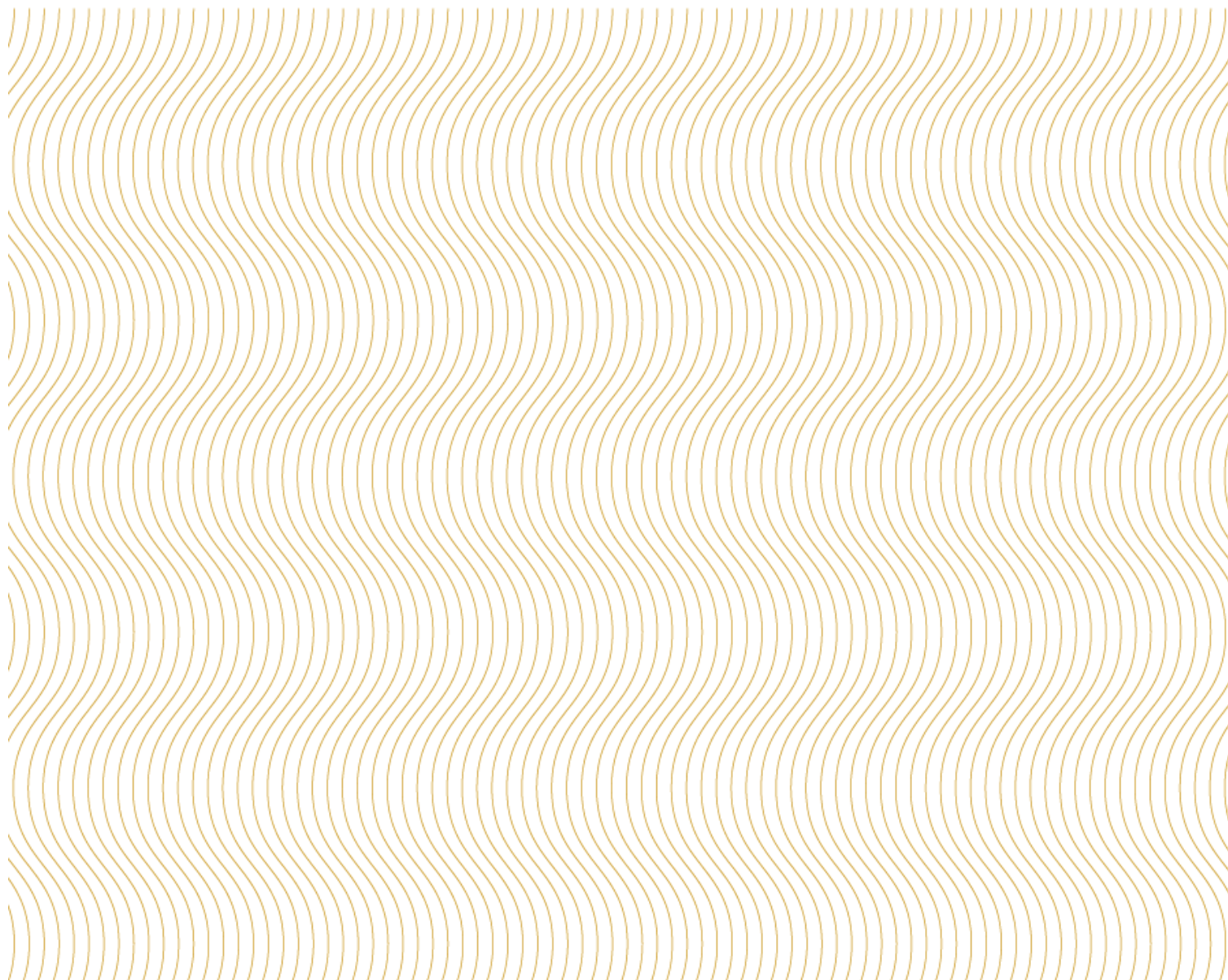


# Registration of a Mortgage (paper form) Guidance Notes



**ABU DHABI GLOBAL MARKET**  
**سوق أبوظبي العالمي**



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## **Introduction**

Abu Dhabi Global Market (“ADGM”) was established pursuant to Abu Dhabi Law No. 4 of 2013 as a financial free zone in the Emirate of Abu Dhabi, with its own civil and commercial laws. ADGM offers market participants a world-class legal system and regulatory regime.

This document has been written to guide potential applicants through the process of registration of a mortgage. This document gives a comprehensive step by step guide to the practicalities of registering a mortgage in ADGM, providing greater understanding of what is required from the potential applicants and highlighting some of the issues to be aware of.

## **Registration Authority Office**

The Registration Authority (the “Registrar”) is one of the core pillars of ADGM. The Registrar is an independent authority which has the powers granted to it under the Abu Dhabi Law No. 4 of 2013. The Registrar’s office is located at 3rd floor, ADGM Building, Abu Dhabi Global Market Square, Al Maryah Island, Abu Dhabi, United Arab Emirates.

## **The Registrar’s main functions under Real Property Regulations 2015 are:**

- To register real property interests and all related transactions
- To maintain registration records
- To maintain real property interests register
- To issue search certificates in relation to real property interests

## ***Opening Hours***

The Registrar’s office is open from Sunday to Thursday, 9:00am to 3:00pm and may be contacted during normal working hours at +971 2 3338888 or by email at [ra@adgm.com](mailto:ra@adgm.com)

## Registration of a Mortgage

### Application Form

The application for registration of a mortgage is a prescribed form to be used for the purpose of registration of a mortgage with ADGM Registration Authority.

Customers who are interested in registering a mortgage need to download the application form from ADGM’s website. The correct form to be used is entitled “RP-M01 Application to Register Mortgage”.

The form must be accompanied by supporting documents as listed on the form. The documents must be submitted as certified true copies only. The Registration Authority does not intend to keep any originals, except for some documents issued by the mortgagee which are directly addressed to the CEO of ADGM Registration Authority. Details of those documents are prescribed in the sections of this guidance note that follow. The certified copies will be retained by Registration Authority.

The application form together with the supporting document and fees must be delivered together. ADGM Registration Authority cannot retain an incomplete application whilst missing documents are submitted.

### Supporting Documents

Every application for the registration of a real property interest must be accompanied by supporting documents as prescribed in the form.

The following documents are required for application to register a mortgage:

	<b>Required documents</b>	<b>Explanatory notes on the form of a document that can be accepted by Registrar</b>
1.	Evidence of mortgage approval from the bank	This is a letter issued by the mortgagee confirming that the application for a mortgage is preliminary approved by the mortgagee and the mortgagee will grant the facility once the mortgage certificate is issued by ADGM Registration Authority. Please see appendix B for the proposed form of a mortgage approval.
2.	In case of second or later mortgage, mortgagee’s consent.	Mortgagee of the first ranking mortgage must issue a letter of consent confirming the mortgagee has no objection for the second/later ranking mortgage being registered. Please see explanatory notes in the appendix C.

3.	Evidence of the details of real property.	This is a copy of a title deed or a search document evidencing the details of registration of the real property with the relevant authority
4.	Evidence of the mortgage.	This can be a long form of a loan facility agreement or a mortgage agreement or a document of similar effect. This documents needs to be signed by both parties and signatures witnesses. A certified true copy of this document can be lodge with the Registrar.
5.	Copy of passport (for individual) or certificate of incorporation or any equivalent document (for body corporate) of the mortgagor and mortgagee.	<p>A simple clear passport copy along with the Emirates ID (if applicable) is sufficient.</p> <p>Certificate of incorporation of a company must be certified by the issuing authority in the jurisdiction of origin as a true and correct/complete copy of the original.</p> <p><u>Note:</u> in relation to commercial licences issued by Department of Economic Development in the UAE, a copy certified by in-house legal advisor or external counsel is sufficient.</p>
6.	Copy of proof of address of the mortgagor	This can be a copy of the utility bill or bank statement.
7.	Copy of ID or passport of the Conveyancer / Trustee / Professional Advisor/Solicitor	A simple clear copy of a document. Personal data pages of passport of all individuals listed on the Application to register a mortgage must be included in the application.
8.	Copy of power of attorney (or equivalent document) authorizing the Conveyancer / Trustee / Professional Advisor/Solicitor to act on behalf of the applicant	<p>Power of attorney must be notarized and attested. If power of attorney is issued overseas then attestation up to a ministry of foreign affairs is required too.</p> <p>In some cases a resolution is issued instead of a power of attorney. A copy of such resolution or a certified extract of it can be issued by a company secretary to the board of directors or one of the board of directors' members.</p>
9.	Copy of trust deed or any evidence of trust deed's existence	Trust deed refers to a trustee who acts on behalf of a trust and lodges the documents on behalf of a trust. If one of the parties to the transaction is a trust, then trust deed or any evidence of trust deed being in existence would be sufficient. If no trust is involved in the transaction, then this requirement is obsolete.

10	Translation of documents	All documents in the language other than English must be translated into English language by a certified legal translator.
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## **Annotations to the sections of the application to register a mortgage**

### Section 1

Application date: this is the date when the applicant lodges the application with the office of the Registrar.

### Section 2

Details of the mortgage: please provide a unique identifier reference number of a mortgage generated by the mortgagee (bank application number, document number, provisional approval number, etc). This number is a significant component of the requirements for the purpose of mortgage registration and must be provided to ADGM Registration Authority on the application form in section 2. Note: this is not the same number which will be issued by ADGM Registration Authority as ‘mortgage registration number’ upon approval of the ADGM application form, preceded by satisfactory review of the supporting documents and receipt of mortgage registration fee.

The remaining parts of this section are self-explanatory.

### Section 3

Particulars of the real property: include details from the title deed issued to this real property. If the details are based on the search certificate, please extract information from such search certificate.

### Section 4

- Description of the debt or liability secured by the mortgage: please provide applicable reference number – either number generated by the bank or a document number.
- Maturity date is the date stated on the loan facility agreement or long form mortgage agreement. Should maturity date change in the future, the applicant will be required to lodge variation of mortgage form.
- Amount of debt/liability – this is a principal amount excluding interest or other charges owed by the mortgagor.

### Section 5

Particulars of the mortgagor:

- if body corporate – please provide current details as stated on the commercial licence or certificate of registration issued in the place of origin. Details in this section must match the details on the commercial licence or certificate of registration, whichever is applicable; and
- if individual – please enter the name as per passport and other details requested on the form.

### Section 6

Particulars of the mortgagee: same as in section 5.

### Section 7

Signatures: each party must sign application in person or based on the power of attorney or any other authorization document. Each signature must be witnessed by a professional as prescribed on the form.

The person who can witness the signature can be, other than those professions listed on the form, a lawyer practicing in the UAE.

The persons who sign the form and witnessed the signature on the form may appear in person before the Registrar and sign the form. Alternatively, a person witnessing the signature can sign an affidavit confirming the signature was affixed before such person and attach affidavit to the application form.

Please refer to appendix A for the proposed format of the affidavit.

Signing on behalf of body corporate: each body corporate must appoint a signatory to sign on its behalf. An authorization document evidencing such appointment must be attached to the application form.

Company stamp: each body corporate that has company's stamp must arrange for the stamp affixed in this section below signature.

### Section 8

Party lodging the application: this is the person who lodges the application with the office of the Registrar. This person takes responsibility of confirming on behalf of both parties that the information in the form is true, accurate and complete.

The declaration relates not just to part 8, it relates to the entire application. Therefore, care must be taken by the person giving this declaration. The Registrar's office accepts documents and completed forms in good faith without any need for the Registrar to inquire into the veracity and accuracy of every filing received by the Registrar's office.

The responsibility for accuracy of information and its veracity lies on the person who signs section 8 of the application form.

### **Submission of Application to register a mortgage**

There are two ways to submit the application.

### **PAPER-BASED**

The Registrar is currently offering a paper-based registration. To complete your application through paper-based channel, please download the application for registration form which is available via ADGM website or from the office of the Registrar.

For further information, please refer to ADGM Paper Form Rules 2015 located in ADGM website.

### **SERVICE PROVIDER**

Applicants will be able to complete the registration process via the use of the third party service provider. Service provider will be tasked with representing their clients and will be able to complete registration via the same channels.

### **Fees**

Below are the schedule of fees in registering a mortgage in ADGM.

<b>Transactions</b>	<b>Figures in US\$</b>
Application to register a mortgage	0.001 per AED1,000 on the value of a mortgage per transaction capped at USD300,000 (or equivalent in AED1,104,000, i.e. US\$1=AED3,68)
Application to register a variation of a mortgage	TBC
Application to register a discharge of a mortgage	TBC
Application to register a transfer of a mortgage	TBC
Application to register a foreclosure of a mortgage	TBC

Note: mortgage registration fee will not be calculated based on draw downs, this will be one-off fee as prescribed in the table above.

For the remaining details of fees, please refer to Fees Rules 2015 and table of fees published on ADGM website.

### **Payment of Fees**

Payment to the Registrar can be made via the following channels:

#### **Bank Transfer**

#### **USD Account**

Bank Name: National Bank of Abu Dhabi

Account Name: ADGM Registration Authority



Account Number: 6205791613  
IBAN Number: AE28035000006205791613

#### **AED Account**

Bank Name: National Bank of Abu Dhabi  
Account Name: ADGM Registration Authority  
Account Number: 6205791532  
IBAN Number: AE81035000006205791532

#### **Cheque**

Cheque issued to ADGM Registration Authority

#### **Errors on the application form or in the documents**

If the form contains errors, the Registrar's office will normally reject it and return it to the applicant for resubmission. The Registrar's office does not correct errors on forms. The applicant will be informed by email about the errors and the actions that need to be taken.

#### **Approval Process**

All documents submitted to the Registrar are subject to checks. In addition to documents' checks it is mandatory to obtain confirmation from the bank that the cheque payment or electronic funds transfer (whichever is applicable) is cleared. If the application is in order and the fees are received, a certificate of registration will be issued to the applicant. The original certificate if registration of a mortgage is handed over to the mortgagee and the certified true copy of the original certificate is handed over to the mortgagor.

#### **Disclaimer**

This Guidance Note (the "Note") provides answers to many frequently asked questions and provides information on completing the application to register and maintain records of a mortgage. This is only a guide and should be read together with the relevant legislation, in particular, ADGM Real Property Regulations 2015 and any other relevant regulations and enabling rules. The Note only refers to the procedures that need to be completed in relation to the Registrar. It does not cover other requirements as set out in the relevant legislation (which includes contact with the court and other obligations of an applicant). Further advice from a specialist professional may be required.

For more information, you may contact the Registrar:

Telephone No.: 00 971 2 338888

Email: [ra@adgm.com](mailto:ra@adgm.com)

Address: 3rd floor, ADGM Building, Abu Dhabi Global Market Square, Al Maryah Island, Abu Dhabi, United Arab Emirates.

## TEMPLATE OF AFFIDAVIT

### Appendix A

#### SAMPLE 1

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### AFFIDAVIT OF SIGNATURE CONFIRMATION

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I, [insert name of the person witnessing the signature on the form], of [insert name of the organization, i.e. Bank], [insert address of the organization], Abu Dhabi, United Arab Emirates SOLEMNLY AND SINCERELY AFFIRM that:

1. I witnessed [xxxxxxx'] signing the attached Mortgage Application Form on [xxxxxxx'].
2. The identity of [xxxxxxx'] is known to me.

Affirmed by [insert name of the person witnessing the signature]

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Affirmed at [xxx'] on [xxx].

#### SAMPLE 2

### AFFIDAVIT OF SIGNATURE CONFIRMATION

I, [insert name of the person witnessing signature], [insert your professional capacity in which you confirm this signature and details of your current registration with Law Society (or other applicable professional body)], enclose this affidavit of signature confirmation for the use by ADGM Registration Authority in relation to the application for registration of a mortgage.

The application form was signed before me by [insert name], and no one else, of [insert organization name] who has the authority to sign on behalf of [insert organization name] according to [specified document which sets out the authority to sign].

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Name, signature, date

## **TEMPLATE OF LETTER OF APPROVAL**

### **Appendix B**

This document must be issued on the letter head of the mortgagee, addressed to the 'CEO of ADGM Registration Authority'. This letter must be submitted in its original form.

Date: dd/mm/yyyy

Addressed to: CEO of ADGM Registration Authority

Text of the letter should state the following or close to the following:

This is to confirm that [the bank] (the 'Mortgagee') has approved entry into the mortgage to be registered with the ADGM Registration Authority over the property described below:

[list details of the property as per title deed/musataha/usufruct, etc registered with relevant authority, i.e. Department of Municipal Affairs or ADGM Registration Authority, whichever is applicable].

Signature of authorized person

Stamp of the organization

## **EXPLANATORY NOTES RE THE LETTER OF CONSENT**

### **Appendix B**

This letter is required in the event of second or subsequent mortgage. This letter is issued by the first mortgagee. This letter must be submitted in its original form, printed on the letter headed paper of the mortgagee and addressed to the CEO of ADGM Registration Authority.

This letter should make a reference to the first ranking mortgage and list details of the real property over which the first ranking and second ranking mortgage is secured.

The text of the letter should state the facts of the first mortgage registered with ADGM Registration Authority and confirm that the first mortgagee is granting its consent for the mortgagor to register a second ranking mortgage. i.e. 'The Mortgagee hereby consents to the registration of a second ranking/subsequent/later mortgage over the mortgaged property in favour of [insert second ranking mortgagee name].