

## **Guidelines for making an application for the Commissioners' consent to a Mortgage of Charity property**

Brief particulars of the application should also be set out in the enclosed printed form entitled "Memo for the Board".

When returning the completed forms, I would be obliged for:-

1. A copy of the Deed vesting the property in the Charity applicants for the Board's consent.
2. A copy of the Deed or other Instrument setting out the charitable trusts affecting the property (in the absence of a declared Charitable Trust please specify the charitable purposes for which the property is used on the form entitled "Memo for the Board" at item 9).
3. Copies of the last Audited Accounts- showing income and expenditure.

Photocopies of documents submitted with applications will not be returned when the application has been processed unless a specific request to return them is received.

It should be understood that the Commissioners will not deal with incomplete applications.

Applications for consent to Mortgage must be completed in duplicate and signed by not less than two-thirds of the trustees (see note on trustees).

**MEMO FOR THE BOARD FOR THE**

Title:

Registered Charity No.:

RE:

1. **APPLICATION:** To sanction Mortgage of Trust Property.

2. **APPLICANTS:**

(Applicants who must be all or  
at least two-thirds in number  
of the Trustees)

3. **MORTGAGEE:**

4. **PROPERTY TO BE MORTGAGED:**

5. **LOAN TO BE SECURED BY MORTGAGE:**

6. **TRUSTEES REASONS FOR MORTGAGING THE PROPERTY:**

\_\_\_\_\_  
Solicitor

Date

## **NOTE ON TRUSTEES**

A Deed appointing New Trustees should be signed by:-

- (a) a person said to have been given a power of appointment in the Original Trust Deed, or
- (b) a surviving or continuing Trustee who signed the Deed at a time when there was a vacancy for a new Trustee or,

if there were no Trustees available to make the application and the personal representative of the last surviving Trustee is alive, he may make the application for liberty to sell the property in his capacity as a personal representative of the last surviving Trustee, or he should appoint new trustees. If this is not possible, an application should be made to the Board.