

FOR USE IN CERTIFICATION WHERE THE PERSON(S)
SIGNING IS A THIRD PARTY, GUARANTOR, SURETY
MORTGAGOR OR INDEMNIFIER FOR THE PRINCIPAL
BORROWER



**LAW
INSTITUTE
VICTORIA**

(Schedule 2) July 2015

Australian Legal Practitioner's Certificate 2

PART A

TO:

THIS CERTIFICATE IS PROVIDED BY:

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:

(called "the guarantor")

I HAVE BEEN PROVIDED WITH THE FOLLOWING DOCUMENTS:

(1)

(2)

(3)

(4)

(5)

(6)

PART B EXPLANATIONS GIVEN BY THE AUSTRALIAN LEGAL PRACTITIONER

I CERTIFY that in the absence of the borrower and before the guarantor signed the documents, I EXPLAINED to the guarantor:

- the general nature and effects of the documents required to be signed by the guarantor;
- that if the borrower defaults in payment or in other obligations to you the guarantor would be liable to make good that default which could involve all amounts owed by the borrower to you and substantial arrears of interest; and
- that the giving of a guarantee involves considerable risk, including the risk of losing any security, property and other assets and requires very careful thought.

PART C EXCLUDED EXPLANATIONS

I INFORMED the guarantor in very clear terms that I was not expressing any opinion nor advising on:

- the viability of the transaction which the borrower was undertaking;
- the borrower’s ability to make the required payments to you; and
- the client’s (guarantor’s) ability to make payment to you.

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

PART D STATEMENTS BY THE PERSONS SIGNING DOCUMENTS

FOLLOWING THE ABOVE EXPLANATIONS, the guarantor stated to me:

- that he / she / they understood the general nature and effect of the documents and the obligations and risks involved in signing those documents. It appeared to me that they did have such understanding;
- that he / she / they were signing these documents freely, voluntarily and without pressure from the borrower or any other person.

PART E IDENTIFICATION OF PERSONS SIGNING DOCUMENTS

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

PART F TRANSLATION/INTERPRETATION

An independent interpreter, was present at this interview with the guarantor and interpreted the statements made by all parties. A certificate by the interpreter is held by me.

AUSTRALIAN LEGAL PRACTITIONER’S CERTIFICATE

I CERTIFY the above information. The borrower was not present during my interview with the guarantor.

SIGNED: DATED:

CLIENTS CERTIFICATE

I CERTIFY that;

- I have been handed a copy of this certificate.
- I have read this certificate.
- I am the client named.
- The above information is true.

SIGNED: DATED: