

Ref. No.

Date:-

To,  
The Branch Manager  
\_\_\_\_\_

**LEGAL OPINION**

- 1) **Sub:** - Title report on properties owned by:-
- 2) **Name of the Branch:** -
- 3) **Name of the borrower(s):-**
- 4) **Description of Documents scrutinized:-**

Sr.No .	Date of Execution of Document	Details of registration of Document / conveyance	Place sub-regd office	Property falls under sub-registrar	Remarks
1.					

**5) Description of Property/properties/ Nature of title**

(a) Name of the owner/ Mortgagor	
(b) Extent of area(in acres/hect)	
(c)Survey no/ Gut No./CST No. / House no.	
(d) Is property leasehold/ freehold/Govt. grant etc.	
(e) Nature of property	
(f) Location	
(g) Boundaries	

**6) Trace of Title/ History of Passing of title. Details of antecedent title deeds**

Details of chain of title .....

**Detailed information about property to be mortgaged:**

Details	Remark of counsel
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1. Whether the documents of title given raise any doubts or suspicion	
2. Have the title deeds been compared with those at registrars office & particulars tally.	
3. Whether any of the property intended to be given by way of mortgage is subject to any minor's or any other claims? If yes, state whether requisite permission from the concerned court has been obtained and produced?	
4. Whether the property proposed to be mortgaged is subject to the provisions contained under any special enactment /local laws. State implications of such enactment on the charge proposed to be created?	
5. Whether property to be mortgaged is coming under any restrictions on transfer & whether required permission/ consent as per terms of grant/allotment etc. obtained	
6. Whether provisions of urban ceiling Act are applicable? If applicable whether permission obtained.	
7. Whether the user land has been converted under land revenue law? Whether N.A. Permission /change of user permission is obtained?	
8. Whether required documents are available for creating valid equitable mortgage?	
9. What is the tenure of land? (In case of Lease Property) and	

whether necessary consent permission of lessor obtained.	
10. Whether the land is adiwasi (Tribal) Land?	
11. Whether the land /property is joint family property? If yes are other joint owners ready to mortgage their share or give consent for mortgage by borrower.	
12. Whether any prohibitory order from Income Tax/ Wealth Tax or other authorities?	
13. Is land/ property subject to any reservations/ acquisitions/ requisitions?	
14. Whether plans for constructions are sanctioned?	
15. Whether Commencement certificate issued?	
16. Whether Completion certificate obtained?	
17. Whether there are any restriction from Corporation such as “education Zone”, “Green Zone” Etc.?	
18. Is the land taken on lease from State Industrial Development Corporation? If yes whether tripartite agreement executed?	
19. Whether there are any prior encumbrances. If yes details thereof?	
20. Evidence of possession -- Findings on documents and	

revenue records, details of property tax, land revenue, society maintenance charges or any other statutory dues paid upto date or payable.)	
21. In case of companies /societies /association /trust Whether	
a) Memorandum/byelaws of the company /society/association authorize to offer its property (ies) as security.	
b) Requisite resolutions have been duly passed by the Company/Society/Association permitting mortgage of the properties in favour of the Bank.	
c) Such resolution sets out the names of the persons who are authorized to create charge over the properties.	
d) Resolution U/s. 293 (i) (a) and 293 (i) (d) of Companies Act passed.	
e) Details of the properties together with the documents are mentioned under such resolutions.	
f) In case of Public Limited Companies, certificate of commencement of business has been obtained and affixation of common seal is necessary in terms of articles of association.	
g) In case of public charitable trust whether permission of charity commissioner for borrowing & mortgaging trust property is obtained and conditions stipulated if any.	

22. In case of devolution of property by a will/ succession,	
A) Whether probate of will/ succession certificate/Letters of Administration obtained? Details thereof	
B) If probate/ succession certificate/ Letters of Administration not obtained, then how the mortgagor proposes to prove the title?	
C) The safeguards suggested to ensure title to the property offered as security.	
26) Whether title deeds perused are in conformity with the search taken	
Whether the chain of title is complete without any missing links	
Whether any other documents to be obtained/compliances to be made so as to create valid mortgage.	

***Certificate of title and No encumbrance***

I have examined the title deeds relating to the property/ies mentioned in column No. 5 of the opinion, situated at \_\_\_\_\_, and offered as security by way of simple mortgage/Equitable Mortgage.

I have also taken search with the Sub-Registrar of Assurances & Record of Rights for last 30 years ie. from \_\_\_\_\_ to till date (Original fee receipts enclosed).

I certify that Mr. ----- S/o ----- R/o -----  
----- has an absolute, clear and marketable title over the property/ies shown above.

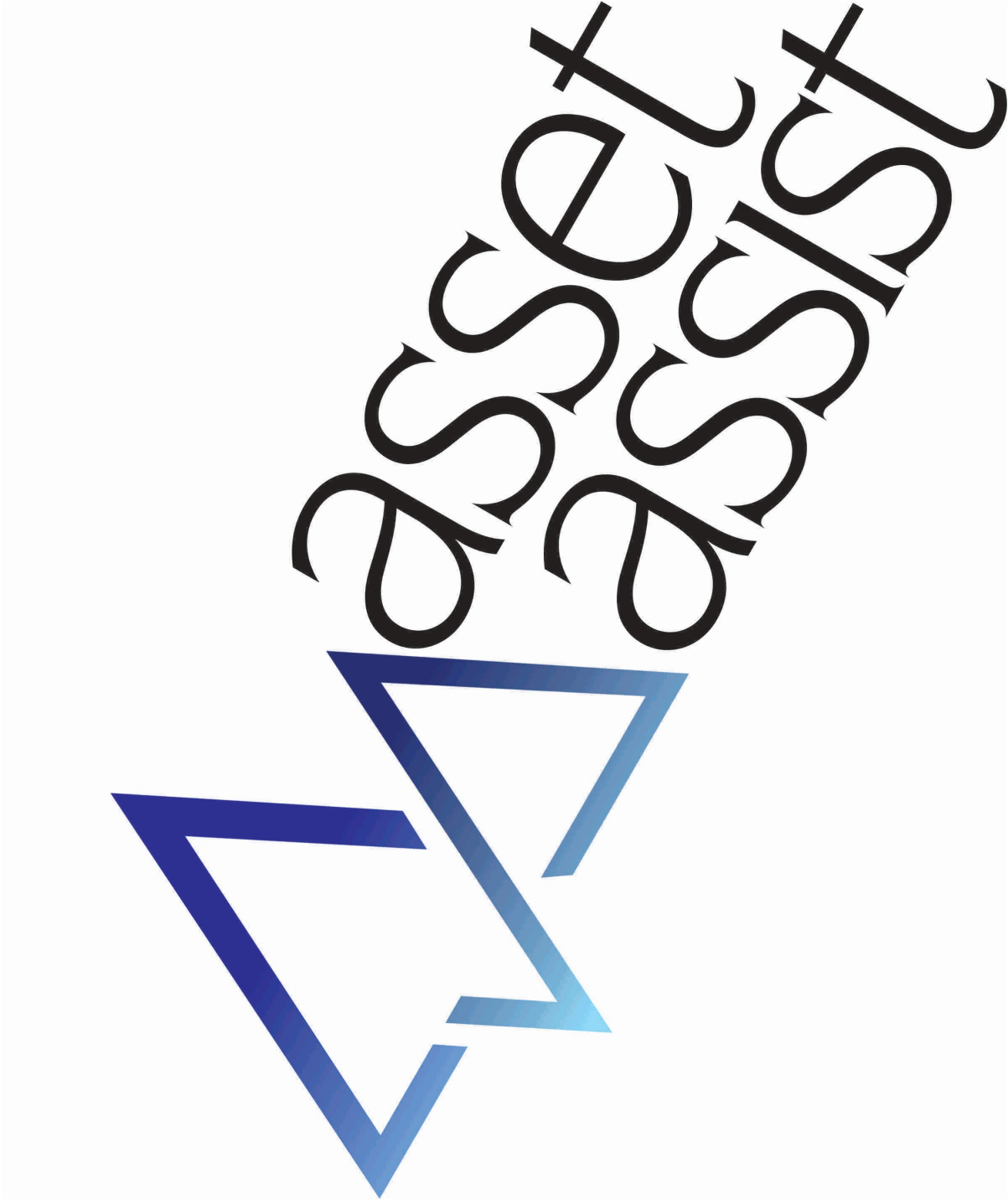
I further certify that after obtaining the documents of title referred to under the opinion which are perfect evidence of right, title and interest of the borrower / mortgagor and that if the said simple mortgage/equitable mortgage by deposit of title deeds created in the manner required by law, it will satisfy the requirements of creation of simple mortgage/equitable mortgage.

**List of title deeds to be deposited for creating Equitable Mortgage.**

**Date:-**

**Place: -**

Signature & Seal of Advocate





Ref. No.

Date:-

**SUMMARY LEGAL TITLE SEARCH REPORT**

Summary Title Search Report on Properties owned by:

Sr. No.	Particulars	Compliance
1.	Name of the Branch	
2.	Name of the Borrower	
3.	Name of the Advocate/Firm	
4.	Searches made with Registrar of conveyance, Revenue Records and Municipality/ Corporation record and verified	
5.	Description of Property / Properties/ Nature of the	
a)	Name of the owner/ Mortgagor as per title deed	(1) Owner:- (2) Mortgagor:-
b)	Extent of area (in acres/hectors/Sq. Mtrs/Sq. Ft.)	
c)	Survey No./ Cut No./ CST No./ House No.	
d)	Boundaries	
e)	Type of land	
f)	Nature of Property	
g)	Location	
h)	Appears in Land Acquisitions/ requisitions/ reservations	
i)	Plans for constructions are sanctioned	
j)	Taxes paid up to date	
k)	Trace of Title/ History of Passing of title deed (Details of antecedent of title deeds)	
l)	Encumbrance Status	

I have examined the copy of title deeds relating to the property/ies situated at \_\_\_\_\_ and offered as security by way of simple mortgage/ Equitable Mortgage. I have also taken search with the Sub-Registrar \_\_\_\_\_, Dehra Dun for Last 30 years (original fee receipts enclosed). I certify that \_\_\_\_\_, has an absolute clear and marketable title over the property/ies shown above as per the records. I further certify that after obtaining the documents of title in original referred to under the opinion shall be the perfect evidence of right, title and interest of the borrower / mortgagor and that if simple mortgage/equitable mortgage by deposit of title deeds is created in the manner required by law, it will satisfy the requirements of creation of simple mortgage/equitable mortgage. The property is situated outside the limits of

\_\_\_\_\_, the Bank have all the rights to recover any due amount under the SARFAESI Act.

**Date:-**

**Place:-**

Signature & Seal of Advocate

