

Where banks and other lending institutions grant loans to Borrowers accompanied by a third party guarantee for repayment, the lender will often require the Guarantor to obtain independent legal advice about their rights and obligations, and potential consequences in the event that the Borrower defaults in their repayments. This is called an Acknowledgment of Independent Legal Advice – or – ‘**Solicitor Certificate**’, for short.

There are various relationships in which Lenders will require the Guarantor to provide a Solicitor Certificate, including where;

- The Borrower is married or in a de-facto relationship with the Guarantor;
- The Borrower is the child of the Guarantor;
- The Borrower is a significant credit risk; or
- The Borrower is Trustee company transacting on behalf of the Trust (in which case they will require the beneficiaries of the Trust, as well as the director/s of the Trustee Company to provide individual guarantees)

This will involve the Guarantor providing an independent third party solicitor¹ with **all documents** associated with the loan and guarantee, as well as **100 points of identification (link to 100 points ID list)**, so that the solicitor can provide the guarantor with informed advice about the guarantee they’re providing. It involves significant preparation, and unfortunately is not simply matter of signing a certificate.

For more information about Solicitor Certificates, click **here (link to brochure)**

Our staff are experienced in the preparation and execution of Solicitor Certificates, and can process your request with **one day’s notice**, provided they have received all relevant loan and guarantee documents, as well as any associated Trust Deeds.

Moreover, Rule 11 of the *Legal Profession Uniform Legal Practice (Solicitors) Rules 2015* provides that a solicitor **must** be physically present with a client to verify their identification for the purposes of signing a Solicitor Certificate. As such, our staff must attend your home to verify your identification before they can sign your Solicitor Certificate. We understand that this prospect could be stressful during the Pandemic, however we assure you that we will take all necessary precautions to mitigate any risk of transmission for your peace of mind.

If you require assistance in the preparation of an acknowledgment of Independent Legal Advice for a loan, or another legal document which requires remote witnessing, call Prompt Legal Services Pty Ltd at any time on **(03) 9379 0877** for a free consultation. We are currently offering free home attendance to witness signings for properties located within 5 kilometers of our offices at 259A Keilor Road in Essendon.

¹ that is – a legal practitioner within the meaning of the *Legal Profession Uniform Law (Vic)*, who has **no interest** in the Lender granting the loan to the Borrower.