

Update on the Registration of Mortgages at the Dubai Land Department

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Article (7) of Law No. 14 of 2008 Concerning Mortgages in the Emirate of Dubai provides that a mortgage is not valid unless it is registered with the Land Department and any agreement to the contrary is void. Article (8) of Law No. 14 requires the mortgagor and mortgagee (and the guarantor in rem, if any) to sign a mortgage application containing the following information:

- a) All information related to the property;
- b) Value of the property;
- c) Value of the debt;
- d) Mortgage term; and
- e) Personal details of the mortgagor, mortgagee and guarantor in rem (if any), including domicile and place of residence.

Law No. 14 refers to two documents: the mortgage application and the Land Department's standard form of Mortgage Contract. In practice, the parties to the mortgage need to sign only the Land Department's standard form of Mortgage Contract in order to register the mortgage and there is no separate application form.

The parties can attach their special terms and conditions to the Land Department's standard Mortgage Contract, which then become incorporated into the Mortgage Contract.

Due to the large number of mortgage registrations in Dubai, the Dubai Land Department recently decided to ease the process of registration by allowing the mortgagor to sign the Mortgage Contract at the premises of the mortgagee (the lending financial institution) and there is no longer any need for the mortgagor to attend at the Land Department. The parties are requested to sign three original counterparts of the Mortgage Contract which are each stamped by the Land Department.

The Land Department has amended its Mortgage Contract to ensure that all information required by Article (8) of Law No. 14 is captured in the document.

The above changes are a welcome improvement in the process of mortgage registration at the Dubai Land Department.