

ACT GOVERNMENT
Land Titles Act 1925
Registrar-General's Office



X Form 036

Lodging Party
Box Number

CAVEAT

PRIVACY COLLECTION STATEMENT (PRIVACY ACT 1988 (C'WLTH)) OVERLEAF

I/We forbid the registration of any instrument affecting the land as required in item 5 unless this caveat:

- Is withdrawn by me/us or by order of the court; or
- Lapses fully or partially in order to allow registration of an instrument. **REFER WARNING OVERLEAF.**

1. LAND

Vol:Fol	District/Division	Section	Block	Unit	Instrument No/ Associated Dealing No

2. CAVEATOR

Full name (Surname Last)	Full postal address
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3. REGISTERED PROPRIETOR/S

Full name (Surname Last)	Full postal address for service of notice
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4. NATURE OF THE ESTATE OR INTEREST IN THE LAND (Information regarding what is considered a caveatable interest - overleaf)

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5. ACTION REQUIRED BY THIS CAVEAT (Tick appropriate box or boxes)

(a) Prevention of all instruments with the land (refer to statutory exceptions overleaf).	<input type="checkbox"/>
(b) Prevention of all instruments with the land other than those dealings in S104(4) Land Titles Act 1925	<input type="checkbox"/>
(c) Prevention of instruments as follows (refer overleaf)	<input type="checkbox"/>
Example: Transfers (T)	

6. ADDRESS OF CAVEATOR FOR SERVICE OF NOTICES (Must be an address in the Australian Capital Territory (ACT))

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7. DATE

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8. DECLARATION BY CAVEATOR

<p>I, ... of</p> <p>Do solemnly and sincerely declare that to the best of my knowledge, information and belief, the Caveator has a good and valid claim to the Estate and interest set out in item 4; and the caveat does not require leave of the Supreme Court (<i>S107c(1) Land Titles Act 1925</i>).</p> <p>I make this solemn declaration by virtue of the <i>Statutory Declarations Act 1959</i> and subject to the penalties provided by that Act for the making of false statements in Statutory Declarations, conscientiously believing the statements contained in this declaration to be true in every particular.</p>	
<p>In the presence of the caveator/ caveator's solicitor or caveator's agent</p> <p>Signature of caveator/ caveator's solicitor or caveator's agent</p>	<p>Full name of witness</p> <p>Signed in my presence</p> <p>Signature of witness Qualification of witness</p>

9. OFFICE USE ONLY

Lodged by		Certificates Lodged	
Data Entered by		Attachments Lodged	
Examined by			
Registered by		Registration Date	

PRIVACY STATEMENT

S.43 of the *Land Titles Act 1925 (LTA)* authorises the Registrar-General to collect the information required by this form for the establishment and maintenance of the Land Titles Register. S.65-67 LTA requires that the Register be made available to any person for search, upon payment of a fee. The information is regularly provided to various ACT Government agencies, including the ACT Department of Urban Services, ACT Planning and Land Authority (ACTPLA), ACT Treasury, Canberra Connect and ActewAGL for conveyancing, municipal account, administrative, statistical and valuation purposes. ACTPLA and agencies within the ACT Department of Urban Services may also use the information supplied to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

SCHEDULE OF NOTES

- WARNING: CARE SHOULD BE EXERCISED IN COMPLETING THIS FORM. AN INSUPPORTABLE CAVEAT MAY BE CHALLENGED IN THE SUPREME COURT; AND DAMAGES MAY BE AWARDED FOR LODGING A CAVEAT WITHOUT JUSTIFICATION.**
- A simple debt owed to a person by a registered proprietor of land would not of itself, entitle that person to lodge a caveat against the land.
- A caveat cannot prohibit the registration of a writ (lapsing, withdrawal, cancellation or removal of a writ); the entry of a caveat (lapsing, withdrawal or removal of a caveat); a dealing by a prior mortgagee; or a correction by the Registrar-General.
- If you tick item 5(b) the following dealings will be permitted: Notice of death, vesting, resumption or withdrawal of land; discharge of mortgage; registration/extinguishment/variation of easement; transmission application; registration of new or additional trustees; registration of a declaration by an executor or executrix.
- Care should be taken not to forbid registration of any instrument for which the Caveator has no right to forbid.
- Documents must be typed, or completed in black ink or biro.
- Alterations to information entered on the form should be made by crossing out (not erasing or obliterating by painting over) and should be initialled by the parties.
- If there is insufficient space in any panel use an annexure sheet.
- Volume and Folio references must be given.
- Provide full name and address of the caveator.
- Provide full name and address of the registered proprietor for the purposes of serving notice.
- Provide detailed information on the nature and/or interest in the land held by the caveator.
- Carefully identify the action required to be taken by this caveat.
- Provide the full postal address for the service of notices on the caveator.
- Statutory Declaration must be made by the caveator and witnessed by an appropriate witness.
- Execution should be in accordance with execution provisions in the *Land Titles Act 1925*.