

LAND TITLES

OFFICE OF REGULATORY SERVICES
Department of Justice and Community Safety

CAVEAT OF A SUBLEASE / UNDERLEASE



Form 060 - XSL

Land Titles Act 1925

IMPORTANT INFORMATION

This form is to be used to lodge a caveat of a sublease or underlease under the *Land Titles Act 1925* (the Act). You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at www.ors.act.gov.au.

PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the information required by this form. The Registrar-General provides identifiable information to various agencies including, but not limited to, the ACT Planning and Land Authority, ACT Treasury, Canberra Connect and ACTEWAGL for conveyancing, municipal account administrative, statistical and valuation purposes. These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

CONTACT INFORMATION

Lodge in person at the **Office of Regulatory Services:** 255 Canberra Avenue, Fyshwick ACT 2609
Office Hours: 9:00am to 4:30pm Monday to Friday

General enquiries telephone number: (02) 6207 0491
Website address: www.ors.act.gov.au

INSTRUCTIONS FOR COMPLETION

- 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.
- The certificate of title is not required for lodgement of this document.
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached. If there is insufficient space in any panel, please use an Annexure Sheet.
- Execution by:
 - a) A Natural Person Should be witnessed by an adult person who is not a party to the document.
 - b) **Attorney** if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority e.g. "AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation". (This execution requires a witness).
 - c) **Corporation** Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
 - i. Two directors of the company;
 - ii. A director and a secretary of the company; or
 - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. (No witness is required for this execution).
- The following forms of execution are suggested -

a)	With A Common Seal
	The common seal of ABC Pty Ltd/Ltd ACN
	was affixed in the presence of-
	(signature)
	(director/secretary)*
	(*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state
	'director/secretary') - (No witness is required for this execution).
b)	Without A Common Seal
	Signed by ABC Pty Ltd/Ltd ACN
	(signature)
	(director/secretary)*
	(*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state
	'director/secretary') - (No witness is required for this execution).



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I/We forbid the registration of any instrument affecting the land as stated in "Action required by this Caveat" 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.

LODGING PARTY DETAILS							
Name		Postal Address			Contact Telephone Number		
TITLE AND LAND DETAILS							
Volume & Folio		District/Division	Section	Bloc	k Unit		
REGISTERED S	SUBLEASE / UNDER	LEASE NUMBER (Associated de	aling number)				
CAVEATOR (Su	urname Last) (ACN requi	red for all companies)	FULL POSTAL ADDR	ESS (include p	ostcode)		
REGISTERED PROPRIETOR/S (Surname Last) (ACN required for all companies) FULL POSTAL ADDRESS (include postcode)							
NATURE OF THE ESTATE OR INTEREST IN THE LAND (for information regarding what is considered a caveatable interest see notes on page 3)							
ACTION REQUIRED BY THIS CAVEAT (Tick the appropriate box – one box should be Ticked)							
(a) [(a) Prevention of all instruments with the land (refer to statutory exceptions overleaf).						
(b) F	Prevention of all instruments with the land other than those dealings as identified at \$104(5) Land Titles Act 1925						
(c) F	(c) Prevention of instruments as follows;						

ADDRESS FOR SERVICE OF NOTICES (Must be an address in the Australian Capital Territory – including postcode)
DECLARATION BY CAVEATOR / CAVEATOR'S SOLICITOR OR CAVEATOR'S AGENT (Delete whichever is not applicable)
I, (insert full name/address/occupation)

Do solemnly and sincerely declare that to the best of my knowledge, information and belief, that the Caveator has a good and valid claim to the Estate and Interest set out in "Nature of Estate"; and the caveat does not require leave of the Supreme Court (S107c(1) Land Titles Act 1925).

I make this solemn declaration by virtue of the Statutory Declarations Act 1959 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.

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Declared on - day of 20

CAVEATOR/S EXECUTION				
Print full name of Caveator/Caveator's Solicitor making declaration	Print full name and address and qualification of witness			
Signature of Caveator	Signature of qualified witness			

OFFICE USE ONLY				
Lodged by		Certificate of title lodged		
Data entered by		Certificates attached to title		
Registered by		Attachments / Annexures		
Registration date		Production number		

INFORMATION ON COMPLETION OF FORM

- 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.
- Item (a) of Action required by this Caveat 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); dealing by a prior mortgagee; or a correction by the Registrar-General.
- If you tick item (b) of Action required by this Caveat 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.
- Item (c) of Action required by this Caveat Care should be taken not to forbid registration of any instrument for which the Caveator has no right to forbid.
- Section 10 Land Titles (Unit Titles) Act 1970 does not allow caveats to carry forward to a Units Plan.