



CAVEAT

Land Titles Act 1925



Form 036 - X

IMPORTANT INFORMATION
This form is to be used to lodge a caveat 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;
 - 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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DEPARTMENT OF JUSTICE & COMMUNITY SAFETY

I/We forbid the registration of any instrument affecting the land stated below in the "Action required by this Caveat" section of the form, 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	Block	Unit

CAVEATOR (Surname Last) (ACN required for all companies)	FULL POSTAL ADDRESS (including postcode)

REGISTERED PROPRIETOR/S (Surname Last) (ACN required for all companies)	FULL POSTAL ADDRESS (including 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) 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 as identified at <i>S104(5) Land Titles Act 1925</i>	<input type="checkbox"/>
(c) Prevention of instruments as follows;	<input type="checkbox"/>

ADDRESS FOR SERVICE OF NOTICES FOR THE CAVEATOR (Must be an address in the Australian Capital Territory – including postcode)

DECLARATION BY CAVEATOR / CAVEATOR'S SOLICITOR (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 or Interest in the land"; 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.

Declared at -

Declared on - day of 20

CAVEATOR/S EXECUTION

Print full name of Caveator/Caveator's solicitor making declaration

Print full name, 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 lapsing, withdrawal, cancellation or removal of a writ; the entry of, lapsing, withdrawal or removal of a caveat); dealing by a prior mortgagee; or a correction by the Registrar-General.
- If you tick item (b) the following dealings will be permitted: Notice of death, vesting, resumption or withdrawal of land; discharge of mortgage; registration, extinguishment or variation of an easement; transmission application; registration of new or additional trustees; registration of a declaration by an executor.
- 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.