CAVEAT OF A SUBLEASE OR 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.act.gov.au/accesscbr.

INSTRUCTIONS FOR COMPLETION

- **WARNING – CARE SHOULD BE EXERCISED IN COMPLETING THIS FORM. A CAVEAT MAY BE CHALLENGED IN THE SUPREME COURT; AND DAMAGES MAY BE AWARDED FOR LODGING A CAVEAT WITHOUT JUSTIFICATION.**
- **The caveat MUST be signed by the caveator or his/her legal practitioner/agent in the ACT.**
- 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.
- The certificate of title is not required for lodgement of this document.
- All information should be typed or clearly printed.
- 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.
- Execution by: **A Natural Person** – Should be witnessed by an adult person who is not a party to the document and is a qualified witness under the Statutory Declarations Act 1959.

NOTE – **A corporation and/or an Attorney under Power of Attorney cannot execute this form.**

CONTACT AND LODGEMENT INFORMATION

Website:
www.accesscanberra.act.gov.au
Email:
actlandtitles@act.gov.au
General Enquiries:
13 22 81

In Person:
Environment, Planning and Land Shopfront
Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson
Opening hours - Monday to Friday 8:30am to 4:30pm *(excluding public holidays)*

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LODGING PARTY DETAILS

Name	Email Address	Customer Reference Number	Contact Telephone Number

TITLE and LAND DETAILS

Volume / Folio	District/Division	Section	Block	Unit	Instrument Number

REGISTERED SUBLEASE / UNDERLEASE NUMBER (Associated dealing number)

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

FORM OF TENANCY – (to be completed where more than one Caveator is listed)

☐ Joint Tenants
☐ Tenants in Common in

REPRESENTING SOLICITOR DETAILS FOR CAVEATOR (Complete if applicable – otherwise state below "Not Applicable")

Name of Firm	Solicitor Email Address	Solicitor Name

REGISTERED LESSEE/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)

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

Approved form AF 2020-23 approved by Fred Arugay, Deputy Registrar-General on 04/03/2020 under section 140 of the *Land Titles Act 1925* (approved forms)
This form revokes AF2019-19
Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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).	☐
(b) Prevention of all instruments with the land other than those dealings as identified at *S104(5) Land Titles Act 1925*	☐
(c) Prevention of instruments as follows; ………………………………………	☐

STATUTORY DECLARATION

(must be an individual – a corporation cannot make a declaration – this form cannot be executed under Power of Attorney)

I,   of   ,

(occupation)

I am the caveator / I act for the caveator in the capacity of (please state) –

I/we 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*).

And 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 declarations, conscientiously believing the statements contain in this declaration to be true in every particular.

STUATUTORY DECLARATION EXECUTION

Declared at on the day of 20 Signature of person making the declaration	**Full name, qualification* and address of person before whom the declaration is made** (in printed letters*) **(*Must be authorised under the *Statutory Declarations Act 1959*)** Signature of person before whom the declaration is made

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