

Form 036 - X

Land Titles Act 1925

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.act.gov.au/accesscbr.

PRIVACY NOTICE

The collection of personal information in this form is required by law under the *Land Titles Act 1925*, to ensure accurate and legal transfer of title or registration of other interests relating to land and for maintaining publicly searchable registers and indexes. Personal information collected on this form will be handled in accordance with the Territory Privacy Principles in Schedule 1 of the Information Privacy Act 2014. More detailed information about how Access Canberra handles this personal information is available at: <https://www.act.gov.au/acprivacy>

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.**
- A simple debt owed to a person by a registered proprietor of land would not in itself, entitle that person to lodge a caveat against the land.
- Item (a) of action required by the Caveator – A Caveat cannot prohibit the registration of a lapsing, withdrawal, cancellation or removal of writ; the entry of, lapsing, withdrawal or removal of a caveat; dealing with 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 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 unit's plan.
- 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.

CERTIFICATIONS

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by the Certifier, being one of the following:

- A legal practitioner**
- If the applicant is not represented by a legal practitioner – the applicant (i.e. self- represented party)**
- If a party to an instrument is not represented by a legal practitioner – that party (i.e. self-represented party)**

All certifications apply where the Certifier is a legal practitioner.

The first listed certification does not apply where the Certifier is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

By certifying this form, the legal practitioner acknowledges they have taken reasonable steps to verify that their client or his, her or its administrator or attorney is a legal person and has the right to enter into the conveyancing transaction.

Note: - An attorney or a body corporate cannot make certification statements.

LODGEMENT INFORMATION

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)

CONTACT INFORMATION

Email: actlandtitles@act.gov.au
Phone: (02) 6207 0491

CAVEAT

Form 036 - X

Land Titles Act 1925

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	Email Address	Customer Reference Number	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)

REPRESENTING SOLICITOR DETAILS FOR CAVEATOR (Complete if applicable – otherwise state below "Not Applicable")		
Name of Firm	Solicitor Email Address	Solicitor Name

FORM OF TENANCY – (to be completed where more than one Caveator is listed)
<input type="checkbox"/> Joint Tenants <input type="checkbox"/> Tenants in Common in Equal Shares <input type="checkbox"/> Tenants in Common in (the following shares) - (Please state Caveator's name and shares out in full)

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 instructions)

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

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;

CERTIFICATION *Delete the inapplicable**Caveator**

- *The Certifier has taken reasonable steps to verify the identity of the Caveator or his, her or its administrator or attorney.
- *The Certifier has retained the evidence to support this Registry Instrument or Document.
- *The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

<Name of certifying party>
 <Capacity of certifying party>

for: <Company name>

on behalf of the Caveator

OFFICE USE ONLY

Lodged by		Registered date / by	
Data entered by		Attachments/Annexures	