

# CAVEAT

Leave this space clear. Affix additional pages to the top left-hand corner.

## Prohibiting Recording of a Dealing or Plan or Granting of a Possessory Application New South Wales

Section 74F Real Property Act 1900

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

**STAMP DUTY**

|                      |
|----------------------|
| Revenue NSW use only |
|----------------------|

(A) **TORRENS TITLE**

|   |
|---|
| If the claim relates to less than the whole of the land in the Torrens Title, a description of the part or premises affected, consistent with the claim set out on page 2 of this form and in the terms specified by Schedule 4 of the current Real Property Regulation, is required. |
|   |

(B) **REGISTERED DEALING**

|        |               |
|--------|---------------|
| Number | Torrens Title |
|        |               |

(C) **LODGED BY**

|                         |  |          |
|-------------------------|--|----------|
| Document Collection Box | Name, Address or DX, Telephone, and Customer Account Number if any | CODE     |
|                         | Reference (optional):  | <b>X</b> |

(D) **REGISTERED PROPRIETOR**

|   |
|---|
| Show only the registered proprietor(s) against whom the claim is made: insert the full name and address |
|   |
| Postcode:   |

(E) **CAVEATOR**

|  |
|--|
| Insert the full name and address (residential if individual/registered office if body corporate) |
|  |
| Postcode:  |

(F) **NAME AND ADDRESS IN AUSTRALIA FOR SERVICE OF NOTICES ON THE CAVEATOR**

|  |
|--|
| <b>IMPORTANT NOTE:</b> The address <i>must</i> be a street address. If desired, a Document Exchange box in NSW may be provided <i>in addition</i> . If the caveator's name or address for service of notices changes, notification <i>must</i> be lodged on form 08CX. |
| Name:  |
| Street Address:  |
|  |
| Postcode:  |
| Document Exchange Box in NSW (additional):   |

(G) **ACTION PROHIBITED**

|   |
|---|
| List by number only the items in Schedule 2 prohibited by this caveat |
|---|

(H) The caveator claims to be entitled to the estate or interest specified in Schedule 1 in the above land / registered dealing by virtue of the instrument / facts set out in that schedule and prohibits the Registrar General from taking, with respect to the land / registered dealing, the action specified above unless the caveator has consented in writing or this caveat has lapsed or been withdrawn.

**WARNING:** care should be exercised in completing a caveat form. An unsupported caveat may be challenged in the Supreme Court; compensation may be awarded for lodging a caveat without justification (section 74P Real Property Act 1900). Failure to observe the requirements of regulations 7 and 8 of the current Real Property Regulation may make the caveat invalid.

(I) **SCHEDULE 1 Estate or interest claimed**

|  |      |         |
|--|------|---------|
| Particulars of the estate or interest in the land/registered dealing |      |         |
|  |      |         |
| By virtue of the instrument referred to below                        |      |         |
| Nature of Instrument   | Date | Parties |
|  |      |         |
| By virtue of the facts stated below                                  |      |         |
|  |      |         |

(J) **SCHEDULE 2 Action prohibited by this caveat**

1. The recording in the Register of any dealing other than a plan affecting the estate or interest claimed by the caveator and set out in Schedule 1.
2. The registration or recording of any plan other than a delimitation plan affecting the estate or interest claimed by the caveator and set out in Schedule 1.
3. The registration of delimitation plan<sup>1</sup> No. ....
4. The granting of any possessory application<sup>2</sup> with respect to the land in the Torrens Title referred to above.
5. The recording in the register of any dealing affecting the estate or interest of which the caveator is registered proprietor.
6. The granting of an application to extinguish the restrictive covenant / easement created by dealing / deposited plan No. ....
7. The recording in the Register of a writ affecting the estate or interest claimed by the caveator and set out in Schedule 1.

(K) **STATUTORY DECLARATION<sup>3</sup>**

I ..... solemnly and sincerely declare that—

1. To the best of my knowledge, information and belief
  - (a) the caveator has a good and valid claim to the estate or interest set out in Schedule 1
  - (b) the address specified at (D) as the address of the registered proprietor is the correct address.
2. This caveat does not require the leave of the Supreme Court or the endorsed consent of the registered proprietor / possessory applicant.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1900, and I certify this caveat to be correct for the purposes of the Real Property Act 1900.

Made and subscribed at ..... in the State of ..... on .....  
in the presence of ..... of .....

- Justice of the Peace (J.P. Number: ..... )     Practising Solicitor  
 Other qualified witness [*specify*].....

**\*\* who certifies the following matters concerning the making of this statutory declaration by the person who made it:**

1. I saw the face of the person *OR* I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and
2. I have known the person for at least 12 months *OR* I have confirmed the person's identity using an identification document and the document I relied on was a ..... [*Omit ID No.*]

Signature of witness: ..... Signature of declarant: .....

Capacity of declarant if other than the caveator:  
.....

(L) **CONSENT ( section 74O Real Property Act 1900)<sup>4</sup>**

I, the registered proprietor named at (D)/possessory applicant, for the purposes of section 74O only, consent to this caveat.

Signature of registered proprietor/possessory applicant.....

1. A plan defining the boundaries of land in a limited folio of the Register. See Part IVB Real Property Act 1900.
2. An application made by a person claiming title to land by virtue of adverse possession. See Part VIA Real Property Act 1900.
3. As the services of a qualified witness cannot be provided at lodgment, the declaration should be signed and witnessed prior to lodgment. **\*\* If made outside NSW, cross out the witness certification. If made in NSW, cross out the text which does not apply.**
4. Only one capacity can be selected, either registered proprietor or possessory applicant, cross out whichever does not apply.