

Application for Preparation of Lapsing Notice form 08LX: Instructions for Completion

1. Complete the form in dense black or dark blue ink. If handwriting, use block capitals only.
2. Do not use an eraser or correction fluid to make alterations: rule through rejected material and initial the left-hand margin.
3. If the space provided at any point is insufficient, insert "See Annexure" at that point and include the required material on sheets of white A4 paper at least 80gsm (ordinary copier paper satisfies these requirements) using one side only. Insert a heading beginning "Annexure to ..." and specifying the type of form, the date and the parties to the transaction. Identify the material included, where possible by referring to the relevant marginal heading on the form. In the case of signatures which could not be fitted in the space provided, reproduce the text and layout used on the form. Number all pages in sequence with the form using the format "Page ... of ..."; the number must be placed at the foot of each page and must be centred. The first and last pages must be signed by the parties and any witness. Securely attach the additional pages to the upper left-hand corner of the form: a Nalclip is preferred; stapling should be avoided.
4. Insert the total number of pages, including any additional pages (see above), in the space provided at the foot of the form.
5. Lodge the completed form by hand at the Department of Lands, Land and Property Information Division, Queens Square, 1 Prince Albert Road, Sydney (adjacent to Hyde Park Barracks). Do not lodge the relevant certificate of title.
6. The following instructions relate to the marginal letters on the form.

(A) FOLIO OF THE REGISTER

If the caveat affects land, insert the number of the relevant folio of the Register; otherwise leave this panel blank.

(B) REGISTERED DEALING

If caveat was drawn against a registered lease, mortgage or charge, rather than the fee simple, insert the registration number only of the lease, mortgage or charge and the relevant folio of the Register; otherwise leave this panel blank.

(C) LODGED BY

This section must be completed by the person or firm lodging the form at LPI ("the lodging party"). If the lodging party does not have a LPI document collection box, leave the relevant panel blank. If the lodging party has a Listed Lodging Party Number ("LLPN") insert it as the first item of the first line in the relevant panel; use the following format: "LLPN: 123456". Provision of a reference is optional.

(D) CAVEAT

Insert the registration number of the caveat and the full name of the caveator.

(E) APPLICANT

The applicant must be the proprietor of the estate or interest affected by the caveat. The executor or administrator of a deceased proprietor may also apply, in which case evidence in the form of the probate or letters of administration, or a copy certified by a solicitor to be a true copy, is required. Insert the full name; in the case of an executor or administrator, add the applicant's capacity.

(F) COMPLETE EITHER PART A OR PART B

Rule through either whichever does not apply.

(G) PART A Section 74I OR 74JA

Choose Part A if applying on the basis of an unregistered dealing, plan, possessory application or request to extinguish a restrictive covenant adversely affected by the caveat. The applicant must be the registered proprietor of the land in the folio of the Register, or be entitled to an estate or interest pursuant to the dealing, plan or possessory application, or be the applicant in the request. Choose either (a), (b), (c) or (d), complete where necessary, and rule through the others.

(H) SECTION 74I / 74JA

Rule through whichever does not apply.

(I) THE ABOVEMENTIONED CAVEAT PROHIBITS THE REGISTRATION OF ...

Insert the number of the relevant unregistered dealing or plan.

(J) PART B Section 74J

Choose Part B if Part A does not apply. The applicant must be the registered proprietor of an estate or interest affected by the caveat. Choose either (a) or (b), complete where necessary, and rule through the other.

(K) EXECUTION

The completed form must be executed by or on behalf of the applicant. Any witness must be an adult who knows the person executing. Where the form is executed—

By an individual on his/her own behalf The signature must be witnessed.

By an attorney The power of attorney must be registered at LPI. In addition to the attorney's signature, a statement in the following format must be added: "John Smith by his attorney Jane Smith pursuant to power of attorney Book 1234 No. 567". The signature must be witnessed.

By a receiver or delegate Use the format given in "By an attorney" suitably modified. The signature must be witnessed.

Under authority Disclose the nature of the authority. The signature must be witnessed.

By a solicitor or licensed conveyancer on behalf of the applicant Add the signatory's full name and capacity in block capitals. It is not necessary for the signature to be witnessed.

By a corporation The form of execution must include reference to the power or authority relied on by the signatories. Where an authorised officer signs, the signature must be witnessed.

If you have any questions about this form or privacy matters, please call Department of Lands, Land and Property Information Division, Client Services on 02 9228 6713 or visit our website at www.lands.nsw.gov.au.