

CAVEAT
**Prohibiting Recording of a Dealing or Plan
or Granting of a Possessory Application
New South Wales**
Section 74F Real Property Act 1900

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

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

Office of State Revenue 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
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(C) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and LLPN if any Reference (optional):	CODE X
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(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 residential address
Postcode:

(F) **NAME AND ADDRESS IN NEW SOUTH WALES FOR SERVICE OF NOTICES ON THE CAVEATOR**

<i>The address must be a street address. If desired, a Document Exchange box in NSW may be provided in addition.</i>	
Name:	
Street Address:	
Postcode:	
Document Exchange Box in NSW (additional):	

*NOTE: if the caveator's name or address for service of notices changes, the Department of Lands, Land and Property Information Division, **must** be notified on form 08CX.*

(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dealing, the action specified above unless the caveator has consented in writing or this caveat has lapsed or been withdrawn.

A set of instructions for completing this form is available from the Department of Lands, Land and Property Information Division.

WARNING: care should be exercised in completing a caveat form. An insupportable caveat may be challenged in the Supreme Court; damages may be awarded for lodging a caveat without justification; and penalties could be imposed for a breach of the Oaths Act 1900 and section 117 of the Real Property Act 1900. Furthermore failure to observe the requirements of section 117 of the Real Property Act 1900 and regulations 7 and 8 of the current Real Property Regulation may make the caveat invalid.

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

Nature 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 plan¹ No.
4. The granting of any possessory application² with respect to the land 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 DECLARATION³**

I solemnly and sincerely declare that—

1. To the best of my knowledge, information and belief the caveator has a good and valid claim to the estate or interest set out in Schedule 1.
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—

Signature of witness: Signature of declarant:
 Name of witness: Capacity of declarant if other than the caveator:
 Address of witness:
 Qualification of witness: Justice of the Peace Practising Solicitor Other qualified witness [*specify*]

(L) **CONSENT OF THE REGISTERED PROPRIETOR of the estate or interest affected by the caveat (section 74F Real Property Act 1900)**

I, the registered proprietor named at letter (D), for the purposes of section 74F(6) Real Property Act 1900 only, consent to this caveat.

Signature of registered proprietor

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 Department of Lands may not be able to provide the services of a justice of the peace or other qualified witness, the statutory declaration should be signed and witnessed prior to lodgment at Land and Property Information Division.