

Cancellation of Caution form 17CC: Instructions for Completion

Note: Do not use this form if applying to cancel a caution affecting land the applicant holds by adverse possession (the caution will normally refer to section 28J(1B) of the Real Property Act 1900). Use form 97-11R and attach the requisite evidence.

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). Lodgment of the certificate of title is optional.
6. The following instructions relate to the marginal letters on the form.

(A) FOLIO OF THE REGISTER

Insert the numbers of the folios of the Register for all the land affected by the caution.

(B) CAUTION

In the case of an individually numbered caution, insert the number; 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) APPLICANT

The application must be made by at least one registered proprietor, or by at least one transferee in a preceding transfer for value (a transfer by way of discharge of mortgage is not acceptable for this purpose).

Insert the full name. Address and occupation are not required. In the case of a corporation, include the ACN or ARBN.

(E) STATUTORY DECLARATION

Declarant

Insert the full name. Address and occupation are not required. The declarant must be the applicant, or the applicant’s solicitor, barrister, licensed conveyancer or attorney. Where the applicant is a corporation the declarant must be an authorised officer of the corporation.

Clause 1

Complete the appropriate statement, 1(a)(i), 1(a)(ii), 1(b)(i), 1(b)(ii) or 1(c), and rule through the other four. If in doubt, see Baalman & Wells: *Land Titles Office Practice*, 1998, paragraphs 485.300-550 for an explanation of these statements.

Clause 2

Complete only if the land is occupied by someone other than the applicant, or by a person entitled to do so under a registered dealing, e.g. a lease. Insert the full name of the occupant and the nature of the occupation. Otherwise rule through this item.

Clause 3

After “except”, insert the full name and address of any claimant to a subsisting interest, and the nature of the claim. If no such claim exists, rule through “except”.

NOTE: As LPI 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 of the form at LPI.

(F) SIGNATURES, ETC

Insert the place and date of the declaration. The declarant’s signature must be witnessed by a justice of the peace, practising solicitor, notary public, commissioner of the court for taking affidavits, or any person authorised to administer an oath.

Where appropriate insert the declarant’s capacity, for example, “applicant’s solicitor”, “authorised officer of applicant”, beneath the signature. In the case of an attorney for the applicant, add the registration number of the power of attorney.

If signed outside New South Wales, rule through “Oaths Act 1900” and substitute the local Act; the witness must be a person qualified by that Act to administer an Oath.

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.