

## **Cancellation or Extinguishment of Easement form 20ECE: Instructions for Completion**

1. Glossary
  - Dominant Tenement:* the land having the benefit of the easement.
  - Servient Tenement:* the land containing the site of the easement.
  - Cancellation:* may be effected only by the registered proprietor of the dominant tenement.
  - Extinguishment:* may be effected only by an order of the Supreme Court.
2. Complete the form in dense black or dark blue ink. If handwriting, use block capitals only.
3. Do not use an eraser or correction fluid to make alterations: rule through rejected material and initial the left-hand margin.
4. 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 to be placed at the foot of the form in the centre. 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.
5. Insert the total number of pages, including any additional pages (see above), in the space provided at the foot of the form.
6. 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), together with any necessary consent, and in the case of an extinguishment, an office copy of a relevant court order (see below). Lodgment of the certificates of title is optional.
7. The following instructions relate to the marginal letters on the form.

### **(A) FOLIO OF THE REGISTER**

Insert the number of the folio of the Register for the dominant and servient tenements in the appropriate panels. In the case of a profit à prendre without a dominant tenement an easement in gross, leave the dominant tenement panel blank.

### **(B) EASEMENT CANCELLED/EXTINGUISHED**

Rule through the inapplicable word, and insert the registration number and nature of the easement in the appropriate panels.

### **(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**

Insert the full name. Address and occupation are not required. In the case of a corporation, include the ACN or ARBN. In the case of a cancellation of easement, the applicant must be the registered proprietor of the dominant tenement.

### **(E) CANCELLATION/EXTINGUISHMENT**

Complete the applicable section, ruling through any text which does not apply. Rule through the inapplicable section.

### **(F) EXECUTION**

The completed form must be executed by or on behalf of the applicant. Any witness must be an adult who is not a party to the transaction and 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 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.

**NOTE:** it is not acceptable for a solicitor or licensed conveyancer to sign on behalf of the applicant.

*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](http://www.lands.nsw.gov.au).*