

# CANCELLATION OF CAUTION

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

New South Wales  
Sections 28M, 28MA & 28MC  
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.

(A) **TORRENS TITLE**

(B) **CAUTION No.**

(C) **LODGED BY**

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

(D) **APPLICANT**

(E) **STATUTORY DECLARATION\*** I ..... solemnly and sincerely declare that—

1. [choose one of the following five statements and delete the other four]
  - (a) By transfer No. .... the registered proprietor acquired, for value and without fraud, the whole of the estate or interest in the abovementioned land and a period of 6 years has elapsed since—
    - (i) the creation of the folio of the Register from an Old System deed for value [caution will refer to section 28J(1) of the Real Property Act 1900];
    - (ii) the registration of an initial transfer No. .... for value [caution will refer to s28J(1A) RP Act 1900];
  - (b) A period of 12 years has elapsed since—
    - (i) the creation of a qualified folio of the Register for the abovementioned land from an Old System deed for value [caution will refer to s28J(1) RP Act 1900];
    - (ii) the registration of a transfer No. .... for value [caution will refer to s28J(1A) RP Act 1900].
  - (c) A search certificate pursuant to section 197 of the Conveyancing Act 1919, No. ...., has been issued by the Registrar General regarding the abovementioned land [cancellation pursuant to s28MC RP Act 1900].
2. The whole of the abovementioned land is occupied by .....  
by virtue of .....
3. I am not aware that any person has or claims—
  - a title by possession, or
  - a right of way or other easement, or
  - any title to or exception of any mineral, or
  - any other interest whatsoever
 which affected the abovementioned land at the date of the creation of the qualified folio and is not recorded thereon or the subject of a caveat, except .....

(F) I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1900; I hereby apply for cancellation of the caution affecting the above folio of the Register; and I certify this application 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 applicant: .....  
\*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.