

|   |               |                      |
|---|---------------|----------------------|
| <b>CAVEAT</b><br>affecting a Primary Application<br>New South Wales<br>Section 74B Real Property Act 1900 | Form: 00PAX   | Revenue NSW use only |
|   | Edition: 2309 |                      |

When completed, this form must be lodged at the Plan Lodgment counter, NSW Land Registry Services. **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) **LODGED BY**

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

(B) **PRIMARY APPLICATION**

|        |           |
|--------|-----------|
| Number | Applicant |
|--------|-----------|

(C) **LAND AFFECTED BY CAVEAT**

|   |  |
|---|--|
| <b>Whole</b> of the land in the above primary application | <b>Part</b> of the land in the above primary application being |
|---|--|

(D) **CAVEATOR**

|   |          |
|---|----------|
| Full name and address (residential if individual/registered office if body corporate) | Postcode |
|---|----------|

(E) **NAME AND ADDRESS IN AUSTRALIA FOR SERVICE OF NOTICES ON THE CAVEATOR**

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

The caveator claims to be entitled to the estate or interest in the above land specified in the following schedule by virtue of the instrument / facts set out in that schedule, and prohibits the Registrar General from bringing the above land under the provisions of the Real Property Act 1900 pursuant to the above primary application.

(F) **SCHEDULE estate or interest claimed**

|   |                    |                       |
|---|--------------------|-----------------------|
| Particulars of the estate or interest in the land                 |                    |                       |
| by virtue of the instrument referred to below/facts stated below— |                    |                       |
| Nature of instrument  | Date of instrument | Parties to instrument |
| Facts referred to   |                    |                       |

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

1. To the best of my knowledge, information & belief the caveator has a good & valid claim to the estate or interest set out in the schedule;
2. This caveat does not require the leave of the Supreme Court or the endorsed consent of the primary 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 ..... 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.

(H) **CONSENT (section 74O Real Property Act 1900)**

I, the primary applicant named at (B), for the purposes of section 74O only, consent to this caveat.

Signature of primary applicant. ....

**WARNING: Care should be exercised in completing a caveat form. An unsupported caveat may be challenged in the Supreme Court; compensation may be awarded for lodging a caveat without justification (section 74P Real Property Act 1900). Furthermore failure to observe the requirements of section 74B of the Real Property Act 1900 and regulation 7 of the current Real Property Regulation may make the caveat invalid. See also section 74C of the Real Property Act 1900 which limits the life of this type of caveat.**