

PANEL FORMSC1 - CAVEATS

The information contained in these notes is to be read in conjunction with "GENERAL NOTES RELATING TO PANEL FORMS".

NOTES

Instructional notes contained on the form must be read carefully before attempting to complete the information required.

CERTIFICATES OF TITLE BEING CAVEATED.

See Note 3 on the form.

Insert in this panel "The whole of the land comprised in Certificate of Title (or Crown Lease) Register Book Volume ..... Folio ....."

If only portion of the land is being caveated then refer to a Section number or to an Allotment in a Filed Plan or Deposited Plan. The portion may also be identified by means of a plan attached to the form which accurately fixes that portion either by monument or measurements relative to the title data.

CAVEATOR.

Show the full name, address and occupation of the caveator(s).

CAVEATEE

See Note 4 on the form.

Here insert the full name, address and occupation of the parties being caveated against, or identify with the title as "formerly of ...."

THE CAVEATOR CLAIMS

Here state the nature and quantum of the interest claimed and the ground upon which such claim is made. If insufficient space to set forth the grounds, a B1 Annexure form should be used.

OPERATIVE CLAUSE

If the Caveator is claiming a share only of the Caveatee's estate and interest in the land then the grounds should clearly set out the circumstances and, if necessary, the operative clause should be amended to forbid the registration of any dealing with the share claimed.

PERMISSIVE Caveats can be created by adding to the operative clause "unless such dealing shall be made subject to the Caveator's claim", or such other acceptable phraseology.

ADDRESS FOR NOTICES

An address must be provided within South Australia to which notices may be sent or at which proceedings may be served.

SIGNED

To "Signed by" add "the caveator" or "as agent for the caveator" as the case may be. The form of signing remains unaltered.

If this part is witnessed by an unauthorised functionary, then the long form of proof must be used. In this case the words "in the presence of" must be added to provide for a witness. This is rarely done of course as the caveat and declaration are almost invariably signed at the same time before the witness to the declaration.

DECLARATION

The full name address and occupation of the agent must be shown and add "As agent for the caveator declare, etc." or "as Secretary (or Director) of and as agent for the caveator declare, etc." as the case may be.

As the marginal note instructs, add "as I have been informed and verily believe" when the agent has no personal knowledge of the grounds for the claim.

The declaration must be completed by the inclusion of the place, full name of the declarant, and date. It must then be signed, and witnessed by an authorized functionary.

PROOF

The full name of the caveator or agent is not required in the proof. Merely substitute "Caveator" "Agent" or "Attorney" as the case may be.

FORMS AND PRACTICE

The notes relating to caveats contained in "Forms and Practice" will still apply.

The current panel form Caveat does require some minor amendments. These will be incorporated when reprinting the form. Caveats presented on the currently available form will not be invalidated by reason of this, and will be accepted for registration with the appropriate amendments.



(B.J. KILEY)

ACTING REGISTRAR-GENERAL.

15th July, 1980