

These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.

Please Note that the Land Services SA does not provide legal advice in respect to the claim.

Form C1 is to be used for noting a caveat.

Where the estate or interest being dealt with is a:

- a. Freehold or Crown Leasehold estate, use a prefix of X.
- b. Subsidiary interest (e.g. a registered Lease), use a prefix of X2

All handwriting must be clear and legible in permanent, dense, rapid drying black or blue ink.

All panels must be completed. If insufficient space, use approved annexure sheets. If more than one page is used, each must be numbered consecutively, e.g. 1-10, 2-10; 1/10, 2/10 or 1 of 10, 2 of 10.

The Registrar-General *may refuse* to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of LTO panel form standards.

CERTIFICATE(S) OF TITLE BEING CAVEATED

Freehold or Crown Leasehold estates

Indicate whether the caveat is to be over the whole or portion of the land comprised in the CERTIFICATE OF TITLE (CT) or CROWN LEASE (CL). If portion only then identify the relevant portion by reference to an appropriate plan and parcel.

WHOLE - e.g. "Whole of the land in CT Volume _____ Folio _____"
or "Whole of the land in CL Volume _____ Folio _____".

PORTION - e.g. "Allotment 4 in DP 42361 being portion of the land in CT Volume _____ Folio _____".
or "Shop 4 in GRO Plan 1/1999 being portion of the land in CT Volume _____ Folio _____".

Subsidiary Interests

Describe subsidiary interest and CT or CL that interests are registered on
e.g. "Mortgage 1234567 registered over the whole of CT Volume _____ Folio _____"

CAVEATOR (Person Lodging Caveat)

Full name and address to be stated.

CAVEATEE (Registered Proprietor)

Full name and current address to be stated. If the Caveatee's name has changed a tie-up is required. For example, "[New or correct name] of [insert address] registered as [old or incorrect name] as a consequence of [inset reason]".

GROUNDS FOR CAVEAT – “The Caveator Claiming”

The Caveator must state the nature and quantum of the estate or interest being claimed. A caveat that only claims “an estate or interest in land” will be rejected. The grounds upon which the caveat is based must also be stated.

OPERATIVE CLAUSE (TYPE OF CAVEAT)

Absolute - delete the second listed clause.

Permissive – delete the first listed clause and further qualify by deleting either a) or b), whichever is inapplicable.

ADDRESS FOR SERVICE OF NOTICES AND PROCEEDINGS

A caveat must contain an address within South Australia to which notices may be sent or at which proceedings may be served.

CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by a prescribed person, being one of the following:

- a. A legal practitioner
- b. A registered conveyancer
- c. If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- d. If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Prescribed Person is a registered conveyancer or legal practitioner.

The first listed certification does not apply where the Prescribed Person is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

Note: - An attorney or a body corporate cannot make certification statements.

The Registrar-General’s [Verification of Identity](#) requirements must always be complied with.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*.

ANNEXURE

It will be necessary to use an annexure sheet (Form B1) if there is insufficient space in a panel for the text or to complete remaining certifications.

An annexure sheet to an instrument must:

- a. be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- b. be referred to in the appropriate panel in the body of the instrument;
- c. be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- d. comply with the requirements in Form B1 Guidance Notes.

FORM C1 (Version 1)



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