

NOTICE TO LODGING PARTIES

LAND SERVICES GROUP

101 Grenfell Street

ADELAIDE 5000

IN THIS ISSUE:

1. Caveat Panel Form
2. Change of Name Panel Form

No. 122

New Real Property Act panel forms have been prepared and will be released on 4 January 2000. Significant changes have been made to the **Caveat** and the **Application to Note Change of Name of a Natural Person**. A more detailed Notice to Lodging Parties will advise clients of all revised forms and changes to office practice.

1. Caveat (Form C1)

The operative clause of the existing Form C1 contains an absolute prohibition against the registration of dealings. To lodge a permissive caveat, additional words must be included after the pre-printed clause. Clients have not addressed this matter sufficiently, resulting in the unnecessary lodgment of many absolute caveats.

To alleviate this situation, the effect of the operative clause of the new Form C1 has been reversed. If the clause is left unaltered, a **permissive** caveat only will be lodged. To impose an **absolute** caveat, the inapplicable portion of the clause must be deleted.

2. Change of Name of Natural Person (Form A4)

A new form has been designed for applications to note the change of name of a **natural person**. The form caters for all of the circumstances in which a natural person alters his or her name.

The change of name will now be substantiated by a pre-printed statutory declaration. The declaration must be signed in the presence of an authorised functionary, such as a Justice of the Peace. It will no longer be acceptable to produce documentary evidence of the change or alteration.

A similar requirement will be introduced for all other panel forms in conjunction with the introduction of Form A4. That is, the production of documentary evidence to support a change of name will no longer be acceptable. In all cases, the change must be substantiated by a statutory declaration. For example, when a transferor

has changed his or her name from that which is registered on the certificate of title, the change will be identified in the transferor panel and a supporting statutory declaration attached to the transfer in lieu of documentary evidence. A pro-forma declaration (which may be photocopied) will be available from the Ground Floor Information Counter free of cost.

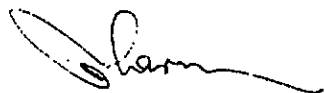
An application to note the change of name of a **body corporate** will continue to be made on Form A3 and be supported by documentary evidence. In the case of a dealing (for example, a transfer) by a body corporate that has changed its name, documentary evidence of the change will continue to be required.

Period of Grace

The existing caveat and change of name panel forms (and the practice of supplying documentary evidence of name changes by natural persons) may continue to be used until 30 June 2000. They will not be accepted from then on unless they had been executed prior to that date.

New Forms attached

A copy of the new Caveat and Change of Name panel forms, the notes that will be issued to assist with their preparation and the pro-forma declaration are attached for your information.



ALAN J. SHARMAN
REGISTRAR-GENERAL
7 December 1999

GUIDANCE NOTES:

CAVEAT

Form C1

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.

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

CERTIFICATE(S) OF TITLE BEING CAVEATED

Indicate whether caveating 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.

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

PORTION - eg. "Allotment 4 in DP 4236 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 _____".

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 or address has changed, identify as "formerly"

GROUNDS FOR CAVEAT - "The Caveator Claiming"

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

TYPE OF CAVEAT

- (a) Absolute - amend the operative clause by deleting the words "unless such dealing is made subject to the caveator's claim."
- (b) Permissive - the operative clause as presented, is of a permissive nature; if you wish to make further qualification(s) then you may add to the existing clause.

EXECUTION

If the caveator is a natural person who is signing in his or her own right, he or she must sign his or her usual signature in the place indicated on the form. A different format must be used where a person is not signing in his or her own right (eg. he or she is signing as attorney for the caveator).

Pursuant to Section 267 of the Real Property Act 1886, the witness must be aged 18 years of over and must know the caveator personally or have satisfied him or herself as to the identity of the caveator. The witness cannot be a party to the instrument. The witness must sign his or her name and print his or her full name, address and business hours telephone number legibly beneath his or her signature.

Pursuant to Section 268 of the Real Property Act 1886 a witness is guilty of an offence if he or she does not know the person executing the instrument personally and has no reasonable ground on which to be satisfied as to the person's identity OR knows or has reasonable grounds for suspecting that the person signing the instrument is not a party to the instrument or does not have the authority to sign on behalf of the party - *Maximum Penalty - \$2,000 or 6 months imprisonment.*

If the party executing the Caveat is a body corporate its execution must conform to any prescribed formalities relating to the affixing of the common seal.

All handwriting must be in a permanent, dense, rapid drying black or blue ink.

DECLARATION

The declaration must be made and signed by the declarant before an authorised functionary, i.e. Justice of the Peace, A Commissioner for taking Affidavits in the Supreme Court of South Australia, Proclaimed Bank Manager, etc.

CERTIFICATION

This instrument must be "*Certified correct for the purposes of the Real Property Act 1886*". Print the initials and surname of the certifying party beneath his or her signature.

ANNEXURE

If there is insufficient room in a panel for the text, it will be necessary to use an annexure sheet (Form B1).

An annexure sheet to an instrument shall:

- (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.

When an additional or inserted sheet being a *certificate, statutory declaration or writing* of a similar nature is intended to form part of an instrument ensure:

- (a) it is affixed securely and permanently to the top left hand corner of the instrument; and
- (b) the printing or handwriting thereon is clear and legible and in permanent form.

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

CAVEAT

CERTIFICATE(S) OF TITLE BEING CAVEATED

CAVEATOR - PERSON LODGING CAVEAT (Full Name and Address)

CAVEATEE - REGISTERED PROPRIETOR (Full Name and Address)

THE CAVEATOR CLAIMING

FORBIDS THE REGISTRATION OF ANY DEALING WITH THE ESTATE OR INTEREST OF THE ABOVENAMED CAVEATEE IN THE SAID LAND * UNLESS SUCH DEALING IS MADE SUBJECT TO THE CLAIM OF THE CAVEATOR.

Address for Service of Notices and Proceedings _____
(Insert Address within South Australia)

DATED

Signed *by the Caveator / As Agent for the Caveator

Signature of WITNESS - Signed in my presence by the CAVEATOR / AGENT who is either personally known to me or has satisfied me as to his or her identity. **

Print Full Name of Witness (BLOCK LETTERS)

Address of Witness

Business Hours Telephone Number.....

DECLARATION

If declared by agent with no personal knowledge add *AS I HAVE BEEN INFORMED AND VERILY BELIEVE*

DECLARE THAT THE ALLEGATIONS IN THE ABOVE CAVEAT ARE TRUE IN SUBSTANCE AND IN FACT

DECLARED AND SUBSCRIBED AT _____

DECLARATION BY CAVEATOR OR HIS/HER AGENT

BY THE SAID _____

.....
Signature of Declarant

THIS _____ DAY OF _____ 20 _____

BEFORE ME

LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA

CAVEAT

FORM APPROVED BY THE REGISTRAR-GENERAL

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1886
_____ Solicitor/Registered Conveyancer/Caveator

Lodged by:

AGENT CODE

Correction to:

Series No.	Prefix
	X

BELOW THIS LINE FOR OFFICE USE ONLY

Date	Time:
FEES - R.G.O.	

Produced on _____ Noted Names and Addresses Correct
REGISTRAR-GENERAL

CORRECTION	PASSED
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ENTERED ____ / ____ / ____ AND NOTICES SENT TO THE CAVEATEE
REGISTRAR-GENERAL

GUIDANCE NOTES ONLY:

**APPLICATION TO NOTE CHANGE OF NAME
(of a natural person)**

Form A4

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.

Use this form when effecting a change of name by natural persons (i.e. formal change, marriage, alteration or correction etc.). Use Form A.3 for a change of name of company. Multiple applicants must use separate forms. All panels must be completed or deleted.

NOTE: This application incorporates a **statutory declaration** made pursuant to the Oaths Act 1936, Section 27 of that Act provides: *"Any person who wilfully makes any declaration by virtue of this Part, knowing that declaration to be untrue in any material particular, shall be guilty of an offence, and shall be liable, upon conviction thereof, to be imprisoned for any term not exceeding four years, with hard labour"*

CERTIFICATE(S) OF TITLE AFFECTED

If the whole of the land comprised in a CERTIFICATE OF TITLE (CT) and or CROWN LEASE (CL) indicate in the following manner;

- "Whole of the land in CT Volume _____ Folio _____"
- OR**
- "Whole of the land in CL Volume _____ Folio _____".

ESTATE AND INTEREST

Insert "FEE SIMPLE", "CROWN LESSEE", "MORTGAGEE under Mortgage No....." or "LESSEE under Lease No..... etc." whichever the case may be.

APPLICANT

Current full name and address to be stated and in turn be identified with the name registered on the Certificate of Title.

An explanation as to the reason for the change of name is required; eg., as a "consequence of marriage", "..... having reverted to maiden name" or "change of name by deed poll".

A statutory declaration must be signed before an authorised functionary e.g.: Justice of the Peace; a Commissioner for taking Affidavits in the Supreme Court of South Australia etc. who must provide; full name, address and telephone number at which he or she can ordinarily be contacted during business hours (Sec.267 RPA).

In the event of a statutory declaration being made outside of South Australia ensure it has been made before a person authorised to take statutory declarations by virtue of the law in force in the jurisdiction in which it is made.

Information regarding the appropriate form of such declarations and before whom they can be made is contained in "JESSUP'S LANDS TITLES OFFICE FORMS AND PRACTICE".

All handwriting must be in a permanent, dense, rapid drying black or blue ink.

APPLICATION TO NOTE CHANGE OF NAME (of a natural person)

CERTIFICATE(S) OF TITLE AFFECTED

ESTATE AND INTEREST

APPLICANT

I

of

do solemnly and sincerely declare that I am registered in the name

of

as ***the / one of** the proprietor(s) of the land above described

and that I *** have changed my name / am registered incorrectly** as a consequence

of

and I apply to have my name ***changed / corrected** on the Certificate(s) of Title above described and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1936.

DATED

Declared and subscribed at

by the said

who is either personally known to me or has satisfied

me as to his or her identity thisday

.....
(Signature of Declarant)

of 20.....

before me.

.....
(Signature of Authorised Functionary)

.....
Print Full Name of Authorised Functionary

.....
Address of Authorised Functionary

.....
Business Hours Telephone Number.....

*Delete the inapplicable

**LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA**

**APPLICATION
TO NOTE CHANGE OF NAME
FORM APPROVED BY THE REGISTRAR-GENERAL**

BELOW THIS LINE FOR AGENT USE ONLY

<p>CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1886</p> <hr style="width: 80%; margin: 10px auto;"/> <p style="text-align: center;">Solicitor/Registered Conveyancer/Applicant</p>

Lodged by:

AGENT CODE

Correction to:

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

_____ Assessor

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

- 1.....
- 2.....
- 3.....

DELIVERY INSTRUCTIONS (Agent to complete)
PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE UNDERMENTIONED AGENT(S)

ITEM(S)	AGENT CODE

Series No.	Prefix
	CN

BELOW THIS LINE FOR OFFICE USE ONLY

Date	Time:	
FEES		
R.G.O.	POSTAGE	NEW C.T.

CORRECTION	PASSED
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REGISTERED	
REGISTRAR-GENERAL	

STATUTORY DECLARATION

I, (print full name).....

of (print address).....

do solemnly and sincerely declare that I am one and the same person as the

named in Certificate(s) of Title.....

and that I have *changed my name / am registered incorrectly as a consequence of.....

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1936.

Declared and subscribed at

by the said

this day of 20.....

before me.

.....
(Signature of Declarant)

.....
(Signature of Authorised Functionary)

Delete the inapplicable

NOTE:

In the event of a statutory declaration being made outside of South Australia, ensure it is made before a person authorised to take statutory declarations by virtue of the law in force in the jurisdiction in which it is made. Information regarding the appropriate form of such declarations and before whom they can be made is contained in "JESSUPS LANDS TITLES OFFICE FORMS AND PRACTICE".