



C	LODGED BY:	DOCUMENT NUMBER

**NORFOLK ISLAND
CAVEAT
LAND TITLES ACT 1996**

1. LAND AFFECTED BY CAVEAT

LOT	SECTION	PORTION	TITLE NO / EDITION

I/We forbid the registration of any instrument affecting the land as required in Item 5 unless this caveat -

- is withdrawn by me/us or by order of the court; or
- lapses fully or partially in order to allow registration of the instrument (refer Warning overleaf)

2. CAVEATOR (FULL NAME AND ADDRESS)

3. REGISTERED PROPRIETOR (FULL NAME & ADDRESS FOR SERVICE OF NOTICES)

4. NATURE OF ESTATE OR INTEREST IN THE LAND (NB REFER OVERLEAF)

5. ACTION REQUIRED BY THIS CAVEAT (TICK APPROPRIATE BOX OR BOXES)

PREVENTION OF ALL INSTRUMENTS WITH THE LAND (N.B. Refer Statutory exceptions overleaf)

PREVENTION OF ALL INSTRUMENTS WITH THE LAND OTHER THAN THOSE DEALINGS IN S.99 (2) OF THE LAND TITLES ACT 1996 (NB Refer overleaf)

PREVENTION OF ALL INSTRUMENTS AS FOLLOWS (NB Refer overleaf)

.....

.....

6. ADDRESS OF CAVEATOR FOR SERVICE OF NOTICES (Must be an address on Norfolk Island)

7. DATE

8. DECLARATION BY CAVEATOR

I, of

solemnly and sincerely declare that -
to the best of my knowledge, information and belief, the Caveator has a good and valid claim to the Estate and Interest set out in Item 4 overleaf;

.....
CAVEATOR/CAVEATOR'S SOLICITOR/CAVEATOR'S AGENT

.....
SIGNATURE OF WITNESS

INSTRUCTIONS FOR COMPLETION

- ◆ The information collected by this form is authorised by the Land Titles Act 1996 and may be used for the purposes of that Act, and will be available for search pursuant to Section 30 of that Act. It will also be made available to Government agencies for statistical and administrative purposes and to non government persons and organisations concerned with land. A fee may apply to any or all of the above
- ◆ **Warning: care should be exercised in completing this form. An insupportable Caveat may be challenged in the Supreme Court; and damages may be awarded for lodging a Caveat without justification.**
- ◆ Item 4 A simple debt owed to a person by a registered proprietor of land would not of itself, entitle that person to lodge a Caveat against the land
- ◆ Item 5(a) A Caveat cannot prohibit matters set down in Section 99 (2) of the Land Titles Act 1996 as follows:
99. (2) Lodgement of a caveat does not prevent registration of the following:
 - (a) an instrument specified in the caveat as an instrument to which the caveat does not apply;
 - (b) an instrument if the caveator consents to its registration
 - (c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if-
 - (i) the mortgagee has power under the mortgage to execute te instrument; and
 - (ii) the caveator claims an interest in the parcel as security for the payment of money or money's worth;
 - (d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat
 - (e) another interest that, if registered, will not affect the interest claimed by the caveator
- ◆ Item 5(b) If you tick Item 5(b) overleaf the following dealings will automatically be permitted-
Notice of Death; Vesting Application; Resumption/Withdrawal of land; Discharge of Mortgage; Registration/Extinguishment/Variation of Easement; Registration/Extinguishment of an Incorporeal Right; Transmission Application; Registration of New or Additional Trustees; Registration of a Declaration by an Executor or Executrix and Registration of a Dealing by a Lessor under a prior registered lease ie Termination of a lease by re-entry.
- ◆ Item 5(c) Care should be taken not to forbid any instrument which the Caveator has no right to forbid
- ◆ Delete where applicable
- ◆ At Item 6 the Caveator should state distinctly an address on Norfolk Island at which notices relating hereto may be served.
- ◆ Execution of document by attorney -
If this document is executed by an attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority eg "AB by his/her attorney XY pursuant to Power of Attorney registered no..... of which he/she has had no notice of revocation."
- ◆ A Caveat may be entered by
 - the Caveator
 - the solicitor for or agent of the Caveator (where authorised)
- ◆ A Caveat may be withdrawn by the Caveator, the solicitor for or agent of the Caveator where authorised in writing or any other person authorised under Section 100 of the Land Titles Act 1996.

OFFICE USE ONLY

CERTIFICATE OF REGISTRATION	
EXAMINED	
DOCUMENT NO.	
DATE	