

Your guide to caveat

C Approved Form

The C Approved Form

This section is to be completed by the party lodging the application at Land Victoria. Insert name, telephone number, postal address for the return of any documents, your reference (if any) and customer code. If you do not have a code, one will be allocated and inserted by Land Victoria staff at time of lodgement.

If the caveat affects the whole of the land in a certificate of title, insert the Volume and Folio numbers only (they appear at the top right-hand corner of the front of the certificate of title).

If the caveat affects only part of the land in a certificate of title, this should be stated, and a lot and plan number or Crown description given in addition to the Volume and Folio numbers. Any necessary diagrams should be endorsed on an approved Annexure Page (Form A1).
If the caveat affects a mortgage, charge or lease the type and reference number of the instrument should be given.

Insert the full name and address of the caveator.

Insert the estate or interest claimed in the land e.g. "an estate in fee simple", "an interest as mortgagee". Legal advice may be needed to complete this panel.

Insert the grounds or particulars of claim. The names of the parties and the date of the document must be shown where appropriate. Legal advice may be needed to complete this panel.

If other than absolutely, delete the word ABSOLUTELY, and specify the conditions under which registration may be effected e.g. "unless such instrument is expressed to be subject to my claim".

Insert a Victorian address for the service of notice of instruments lodged after the registration of the caveat.

The caveat must be signed by the caveator(s), current practitioner for the caveator(s), or an authorised agent in the appropriate area of the panel. Written proof of agency must be supplied where an agent signs for the caveator(s) except when the agent is a practising current practitioner.

CAVEAT

Section 89 Transfer of Land Act 1958

Lodged by:
Name:
Phone:
Address:
Ref:
Customer Code:

The caveator claims the estate or interest specified in the land described on the grounds set out and forbids the registration of any person as proprietor of and of any instrument affecting the estate or interest to the extent specified.

Land: *(title, mortgage, charge or lease)*

Caveator: *(full name and address)*

Estate or Interest claimed:

Grounds of claim:

Extent of prohibition: *(if not ABSOLUTELY delete and insert desired text)*
ABSOLUTELY

Address in Victoria for service of notice: *(include postcode)*

Dated:

Signature of caveator
or
Signature of agent being a
Current Practitioner under the
Legal Practice Act 1996
or
Signature of agent

Privacy Collection Statement
The information from this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry.

Approval No.

C

OFFICE OF TITLES
VICTORIA

STAMP DUTY USE ONLY

THE BACK OF THIS FORM MUST NOT BE USED

Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

If there is insufficient space in any panel an Annexure Page (Form A1) must be used.

The back of the C Approved Form must not be used.

When to use the C form

The C caveat form is for entry of a caveator's interest in land* under Section 89 of the *Transfer of Land Act 1958*.

The caveat should be typed or legibly written in ink. The use of self-correcting typewriter ribbon or correction fluid is not permitted. The back of the form must not be used, the approved Annexure Page (Form A1) must be used for any additional pages.

* *land includes vacant land, house and land, strata units etc.*

Stamp duty

Before lodging your caveat at Land Victoria you should inquire as to the assessment and payment of any stamp duty at the –

State Revenue Office
121 Exhibition Street
Melbourne 3000
Phone (03) 9628 6312

What does it cost?

Land Victoria fees for lodging your caveat are set out in the current Transfer of Land (Fees) Regulations and the fees brochure.

Note, additional fees are payable if you lodge your caveat by post.

Documents to be lodged at Land Victoria

A completed C transfer form

Supporting documentation is not required to be produced at Land Victoria to substantiate the claim in the caveat.

When the caveat is recorded the Registrar of Titles notifies the registered proprietor.

The Registrar of Titles will notify the caveator (at the address for service of notices set out in the caveat) of any dealing lodged for registration where the dealing:

- does not satisfy the interest of the caveator;
- is not allowed for in the caveat; or
- is excepted under Section 90(1) of the *Transfer of Land Act 1958*.

The caveator then has 30 days to either:

- consent to registration of the dealing; or
- legally restrain the Registrar of Titles from registering the dealing.

Further Information

Land Registration Services
Land Victoria
Level 9
570 Bourke Street
Melbourne, 3000
Telephone (03) 8636 2010
Office Hours 8:30am – 4:00pm