**Approved Paper Forms for Land Transfer Act 2017**



**Office of the Registrar-General of Land**

26 October 2018

Contents

[Purpose](#_Toc526515368)

[Paper Instruments](#_Toc526515369)

[Forms of Paper Instruments](#_Toc526515370)

[Form 1 Application for correction or change of name](#_Toc526515371)

[Form 2 Application for change of name (company or incorporated society)](#_Toc526515372)

[Form 3 Application for new Record of Title incorporating accretion](#_Toc526515373)

[Form 4 Cancellation of fencing covenant or agreement](#_Toc526515374)

[Form 5 Transfer instrument](#_Toc526515375)

[Form 7 Application for tranmission (personal representatives)](#_Toc526515376)

[Form 8 Application for transmission (amalgamation of companies)](#_Toc526515377)

[Form 9 Application for transmission (survivorship)](#_Toc526515378)

[Form 10 Application for transmission determining life estate or lease for life](#_Toc526515379)

[Form 11 Lease instrument](#_Toc526515380)

[Form 12 Lease variation instrument](#_Toc526515381)

[Form 13 Lease surrender instrument](#_Toc526515382)

[Form 16 Mortgage instrument (all obligations)](#_Toc526515383)

[Form 17 Mortgage instrument (fixed sum)](#_Toc526515384)

[Form 18 Encumbrance instrument](#_Toc526515385)

[Form 19 Mortgage variation instrument](#_Toc526515386)

[Form 20 Mortgage Priority instrument](#_Toc526515387)

[Form 21 Mortgage Discharge instrument](#_Toc526515388)

[Form 22 Easement instrument](#_Toc526515389)

[Form 23 Easement surrender instrument](#_Toc526515390)

[Form 24 Easement variation instrument](#_Toc526515391)

[Form 25 Extinguishment of Easement](#_Toc526515392)

[Form 26 Covenant Instrument to note land covenant](#_Toc526515393)

F[orm 27 Covenant instrument revoking land covenant](#_Toc526515394)

[Form 28 Covenant variation instrument](#_Toc526515395)

[Form 29 Notice to register statutory land charge](#_Toc526515396)

[Form 30 Certificate of release of statutory land charge](#_Toc526515397)

[Form 34 Caveat against dealings with land under the Land Transfer Act 2017](#_Toc526515398)

Form 35 Withdrawal or partial withdrawal of caveat

Form 37 Application for record of title based on adverse possession

Form 38 Caveat against record of title based on adverse possession

Form 39 Application to bring land under the Land Transfer Act 2017

Form 40 Caveat against bringing land under the Land Transfer Act 2017

Form 41 Application for record of title to access strip

Form 42 Caveat against application for record of title to access strip

Form 43 Application for freehold estate in land with limited record of title by adjoining owner

Form 44 Caveat against limited record of title limited as to parcels

Form 45 Matters to be certified

Form 46 Consent form

Form 47 Statutory declaration of signatory

Form 48 Statutory declaration of witness

Purpose

This document provides an approved format pursuant to section 227(4) Land Transfer Act 2017 (the LTA) for supplying prescribed information for paper instruments set out in the Land Transfer Regulations 2018, for registration or noting under the LTA.

Paper Instruments

A paper instrument is an instrument in paper form and is not an electronic instrument. It can be lodged under the LTA by posting to a designated land registry office.

Please see the LINZ identity requirements for paper instruments – Manual Lodgments Guideline 2018 and the LINZ website for further information.

Forms of Paper Instruments

Listed below

## Form 1

**Application for correction or change of name**

(Regulation 17 Land Transfer Regulations 2018)

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|  |  |  |  |  |
|  | **Land registration district(s)** |  | **BARCODE** |  |
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| **Record of Title (unique identifier)** |  |  |

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| **Applicant** | *Surname(s) must be underlined*. |

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| **Estate or interest of Applicant** | *Insert, e.g. fee simple, leasehold in lease, unique identifier* |

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| **Application** | *Delete items listed below that do not apply as appropriate.* |

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| --- |
| **The Applicant applies** to the Registrar, on the grounds set out below:   1. To **Correct** his or her name in the register under regulation 17(1)(a) Land Transfer Regulations 2018. 2. To Record the **change of name** in the register under regulation 17(3) Land Transfer Regulations 2018. |

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| **Grounds for application** | *Delete items listed below that do not apply, or state other grounds as appropriate* |

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| --- | --- |
| For a Correction:   1. The name has been entered in the Register incorrectly: 2. Due to an **error**.   Or  For a Change of Name:   1. The name has been **Changed** by:    1. A Change of name application with Department of Internal Affairs Births, Deaths and Marriages Office.    2. Marriage.    3. Dissolution of Marriage.    4. [Other – please specify]     3) The correct/new name is shown above in the Applicant panel. | |
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| **Evidence to support application** | *Delete items listed below that do not apply as appropriate.* |

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| --- | --- | --- | --- | --- |
| **The following evidence[[1]](#footnote-1)** **accompanies** this application:   1. For change of name applications after 25 January 2009, a certified copy of Name Change Certificate. Or 2. For change of name applications between September 1995 and 24 January 2009, a certified copy of Change of Name by Statutory Declaration. Or 3. For change of name applications before September 1995, a certified copy of deed poll. Or 4. A certified copy of a Marriage Certificate. Or 5. A certified copy of Dissolution of Marriage. | | | | |
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| **Dated** this   day of   20 | | | |  |

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| **Attestation** |

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|  | **Signed in my presence by the Applicant** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Applicant** |  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[2]](#footnote-2)

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|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this change or correction of name instrument.
2. You should not sign this change or correction of name instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the change or correction of name have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the change or correction of name instrument and must be able to confirm the identity of the person signing.
5. When registered this change or correction of name instrument will become part of the public record under the Land Transfer Act 2017.

## Form 2

**Application for change of name (company or incorporated society)**

(Regulation 17, Land Transfer Regulations 2018)

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|  | **Land registration district(s)** |  | **BARCODE** |  |
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| --- | --- |
| **Applicant company or society**  Former name | New name |

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| **Application** |

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| **The Applicant applies** to the Registrar **to enter in the record(s) of title** referred to in the Schedule of estate(s) or interest(s) a memorial of the change of name of the Applicant on the grounds set out below. |

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| **Grounds for application** |  | *Delete words in [  ] as appropriate.* |

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| --- |
| The Applicant has changed its name by resolution under the provisions of the [[Companies Act 1993](http://www.legislation.govt.nz/regulation/public/2002/0213/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_Land+Transfer+Regulations+2002_resel_25_a&p=1&id=DLM319569)] [[Incorporated Societies Act 1908](http://www.legislation.govt.nz/regulation/public/2002/0213/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_Land+Transfer+Regulations+2002_resel_25_a&p=1&id=DLM175774)]. |

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| --- | --- | --- |
| **Evidence to support application** |  | *Delete words in [  ] as appropriate.* |

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| --- |
| The statutory declaration in the **Annexure Schedule** and the certified copy of the certificate of incorporation in the changed name under the provisions of the [[Companies Act 1993](http://www.legislation.govt.nz/regulation/public/2002/0213/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_Land+Transfer+Regulations+2002_resel_25_a&p=1&id=DLM319569)] [[Incorporated Societies Act 1908](http://www.legislation.govt.nz/regulation/public/2002/0213/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_Land+Transfer+Regulations+2002_resel_25_a&p=1&id=DLM175774)]. |

|  |  |  |
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|  | | |
| **Schedule of estate(s) or interest(s)** |  | *Continue in additional Annexure Schedule if necessary*. |

|  |  |  |
| --- | --- | --- |
| Unique identifier(s) of Record of Title(s) | Estate or interest | Instrument identifier (if any) |
|  |  |  |
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***Annexure Schedule***

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| --- | --- | --- | --- | --- |
| Change of name (company or incorporated society) |  |  |  |  |
| Statutory declaration | | | | |

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| *Delete words in [  ] as required.* |

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|  |  |  |  |  |
| **I,**  [[3]](#footnote-3)  , of | | | | |
|  |  |  |  |  |
| **solemnly and sincerely declare that:** | | | | |
|  |  |  |  |  |
| 1 | I am [a director] [an authorised signatory] [the Secretary] of [[4]](#footnote-4). | | | |
|  |  |  | | |
| 2 | I am authorised to make this declaration, having full knowledge of the matters set out below. | | | |
|  |  |  | | |
| 3 | The Applicant is registered under its former name, as set out in the application, as proprietor of the estates and interests specified in the application and of all other estates and interests of which it is the registered proprietor under its former name. | | | |
|  |  |  | | |
| 4 | On the  day of   20    the Applicant changed its name to [[5]](#footnote-5) . | | | |
|  |  | | | |
| 5 | The change of name was delivered to and registered with the Registrar of [Companies] [Incorporated Societies] under the provisions of the [[Companies Act 1993](http://www.legislation.govt.nz/regulation/public/2002/0213/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_Land+Transfer+Regulations+2002_resel_25_a&p=1&id=DLM319569)] [[Incorporated Societies Act 1908](http://www.legislation.govt.nz/regulation/public/2002/0213/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_Land+Transfer+Regulations+2002_resel_25_a&p=1&id=DLM175774)] and a certified copy of the Certificate of Incorporation evidencing the change of name is attached marked ‘A’. | | | |
|  |  | | |  |
| 6 | To the best of my knowledge, information, and belief there is no other person entitled to any estate or interest at law or in equity affecting the estates or interests registered in the Applicant’s former name set out in the application. | | | |
|  |  |  |  |  |
| 7 | I truly believe the Applicant to be entitled to be registered as proprietor in its new name of the estates or interests referred to in the application, of which the Applicant is registered in its former name as proprietor of those estates or interests, and of all other estates and interests of which it is the registered proprietor under its former name. | | | |
|  |  |  |  |  |
| **And I make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957. | | | | |
|  |  |  |  |  |
| **DECLARED** at  this   day of   20  before me: | | | )  )  ) |  |
|  |  |  | |  |
| **A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957** | | | | |
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| **Dated** this   day of   20 |  |

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| **Attestation** |

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| --- | --- |
|  | **Signed in my presence by the Applicant** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Applicant** |  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[6]](#footnote-6)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this change of name instrument.
2. You should not sign this change of name instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the change of name have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the change of name instrument and must be able to confirm the identity of the person signing.
5. When registered this change of name instrument will become part of the public record under the Land Transfer Act 2017.

## Form 3

**Application for new record(s) of title incorporating accretion**

(Regulation 17 Land Transfer Regulations 2018)

|  |
| --- |
| **BARCODE** |

**Land Registration District**

|  |
| --- |
|  |

**Record of Title (unique identifier)**

|  |
| --- |
|  |

**Applicant**

|  |
| --- |
|  |

**New Record of Title (unique identifier)** i*f known* **Lot Plan number**

|  |  |  |
| --- | --- | --- |
|  |  |  |

**Application**

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| --- |
| The **Applicant** **applies** to the Registrar to issue (a) new record(s) of title for the land described above, including accretion shown on the Plan, on the grounds set out below. |

**Grounds for Application**

|  |
| --- |
| 1. The Applicant is the registered owner of the land in the above record of title. 2. The land affected by the boundary change has a moveable water boundary shown on survey plan [*specify number*], which defines the original boundary, and on survey plan [*specify number*], which defines the boundary as changed by the accretion or erosion. 3. The land was originally granted or conveyed on [*specify date*] by [*specify particular Crown grant or instrument*], which did not exclude the doctrine of accretion and erosion. 4. The change in position of the water boundary has occurred gradually and imperceptibly over time. |

**Evidence to Support the Application**

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| --- |
| The following evidence supporting the claim accompanies this Application:   1. Statutory declaration by the Applicant. 2. Statutory declaration by *(insert name)* as disinterested party (i.e. someone who is not employed by or related to the Applicant and does not have any vested interest in the outcome of the Application). 3. Statutory declaration by *(insert name)* of *(insert place of abode)*, *(insert professional occupation)* a person qualified to give expert testimony about the soil composition of the area claimed as accretion. 4. (*Insert details of other evidence*). |

**The full name and address, if known to the applicant, of every owner of land adjoining or opposite the accretion (unless they have consented to this Application)**

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**Attestation**

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| --- | --- |
|  | **Signed in my presence by the Applicant**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *Signature of Witness*  *Witness to complete in BLOCK letters (unless legibly printed):-*  **Witness name**  **Occupation**  **Address** |
| **Signature [Common seal]**  **of Applicant** |

|  |
| --- |
| **Dated** this day of 20 |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[7]](#footnote-7)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this application for accretion or erosion.
2. You should not sign this application for accretion or erosion if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the application for accretion or erosion have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the application for accretion or erosion and must be able to confirm the identity of the person signing.
5. When registered this application for accretion or erosion will become part of the public record under the Land Transfer Act 2017.

## Form 4

**Cancellation of Fencing Covenant or Fencing Agreement**

(Regulation 19 Land Transfer Regulations 2018)

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|  | **Land registration district** |  | **BARCODE** |  |
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| **Record of Title (unique identifier)** | All/part | Area/description of part |

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| **Applicant** | *Surname must be underlined*. |

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**Fencing Covenant or Agreement** *Include unique identifier of fencing covenant or fencing agreement*

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| **Request for cancellation of fencing covenant or agreement** *Remove non-applicable wording* |  |

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| --- |
| The Applicant(s) has a registered estate or interest in the above land, and applies to cancel the above [Fencing Covenant] [Fencing Agreement].   1. Attached in the Annexure Schedule is consent from every person who is, or may become, entitled to the benefit of the fencing [covenant] or [agreement] [[8]](#footnote-8) 2. Consent is not required because [[9]](#footnote-9) |
| |  |  | | --- | --- | |  |  |  |  | | --- | | **Dated** this day of 20 |  |  | | --- | | **Attestation** |  |  |  | | --- | --- | |  | **Signed in my presence by the Applicant** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Applicant** |  | |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[10]](#footnote-10)

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|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this cancellation of fencing covenant or agreement.
2. You should not sign this cancellation of fencing covenant or agreement if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the cancellation of fencing covenant or agreement have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the cancellation of fencing covenant or agreement and must be able to confirm the identity of the person signing.
5. When registered this cancellation of fencing covenant or agreement will become part of the public record under the Land Transfer Act 2017.

#### ANNEXURE SCHEDULE - CONSENT FORM

(Regulation 6 Land Transfer Regulations 2018)

**Person giving consent Capacity and Interest of Person giving consent**

*Surname must be underlined (eg. Mortgagee under Mortgage no.)*

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| --- | --- |
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**Consent**

*Delete words in [ ] if inconsistent with the consent*

*State full details of the matter for which consent is required*

|  |
| --- |
| [Without prejudice to the rights and powers existing under the interest of the person giving consent,]  the **Person giving consent hereby consents** to: |

|  |
| --- |
| **Dated** this day of 20 |

**Attestation**

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|  | **Signed in my presence by the Person giving consent**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  *Signature of Witness*  *Witness to complete in BLOCK letters (unless legibly printed):*  **Witness name**  **Occupation**  **Address** |
| ***Signature [Common seal]***  **of Person giving consent** |

## Form 5

**Transfer instrument**

(Section 73 Land Transfer Act 2017)

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|  | **Land registration district** |  | **BARCODE** |  |
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| **Record of Title (unique identifier)** | All/part | Area/description of part |

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| **Transferor** | *Surname(s) must be underlined*. |

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| **Transferee** | *Surname(s) must be underlined*. |

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| **Estate or interest to be transferred, or easement(s), covenant(s), or *profit(s) à prendre* to be created** State if fencing covenant imposed. |

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| **Operative clause** |

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| **The Transferor transfers to the Transferee** the above estate or interest in the land in the above record(s) of title and, if an easement, covenant, or *profit à prendre* is described above, that easement, covenant, or *profit à prendre* is granted or created. |

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|  | | | |
| **Dated** this   day of   20 | |  | | |
| **Attestation** | | *If the transferee or grantee is to execute this transfer, include the attestation in an Annexure Schedule.* |
|  | **Signed in my presence by the Transferor** | | | | |
|  |  | | | | |
|  | *Signature of witness* | | | | |
|  |  | | | | |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* | | | | |
|  |  | | | | |
|  | **Witness name** | | | | |
|  | **Occupation** | | | | |
|  | **Address** | | | | |
|  |  | | | | |
| **Signature [common seal]** **of Transferor** |  | | | | |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[11]](#footnote-11)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Transferee] or [Transferee] | |
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**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this transfer instrument.
2. You should not sign this transfer instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the transfer have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the transfer instrument and must be able to confirm the identity of the person signing.
5. When registered this transfer instrument will become part of the public record under the Land Transfer Act 2017.

## Form 7

**Application for transmission (personal representatives)**

(Section 87 Land Transfer Act 2017)

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|  | **Land registration district** |  | **BARCODE** |  |
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| **Record of Title (unique identifier)** | All/part | Area/description of part |

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| **Applicant (state whether as executor** **or administrator)** | *Surname(s) must be underlined*. |

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| **Estate or interest claimed** |

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| **Application** |

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| **The Applicant applies** to the Registrar **to register the Applicant as owner(s)** of the estate or interest referred to above in the land comprised in the above record of title on the grounds set out in the statutory declaration in the Annexure Schedule. |

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| |  |  | | --- | --- | | **Dated** this    day of   20 |  |  |  | | --- | |  |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[12]](#footnote-12)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Applicant] or [Applicant] | |

|  |
| --- |
| ***Annexure Schedule 1***  Application for transmission |
| Statutory declaration |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Insert names, addresses, and details where indicated and delete phrases in [  ] as required* | | | | |
|  | |  |  |  |  | |
| **I**,  of    and **I**,  of    **solemnly and sincerely declare that:**    1 I am/we are the executor(s) of the will/administrator(s) of the estate of    deceased, by virtue of Probate/Letters of Administration [with Will annexed] granted to me/us by the  High Court of New Zealand on  under number  a certified copy of which is annexed to this schedule and marked ‘A’.    2 The deceased and the person named as in the record of title(s) referred to in the attached  application were one and the same person.    3 At the time of his/her death, the deceased was the registered owner of the estate or interest claimed in  the application  [in his/her own right and free from all trusts and equities].  [subject only to ].    4 I/We truly believe myself/ourselves to be entitled to be registered as owner(s) of the state or interest  claimed in the application.      **And I/we make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.      **DECLARED** at )  this day of 20 )  before me: )    **A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957** | | | | | | |
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**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this transmission instrument.
2. You should not sign this transmission instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. The witness cannot also be a party to the transmission instrument and must be able to confirm the identity of the person signing.
4. When registered this lease instrument will become part of the public record under the Land Transfer Act 2017.

## Form 8

**Application for transmission – amalgamation of companies pursuant to Part 13 of the Companies Act 1993**

(Section 87 Land Transfer Act 2017)

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|  | **Land registration district** |  | **BARCODE** |  |
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| **Record of Title (unique identifier)** |  |  |

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| **Applicant** | *Insert new Company name* |

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| |  | | --- | | **Estate or interest claimed** |  |  | | --- | |  | |
| **Application** |

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| --- |
| The Applicant hereby applies to be registered as owner of the estates and interests of *[insert name(s) of amalgamating company/companies]* described in the attached declaration on the grounds set out in the attached declaration. |

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| **Dated** this    day of   20 |  |

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|  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[13]](#footnote-13)

|  |  |
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|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Statutory declaration for transmission - amalgamation of companies pursuant to Part 13 of the Companies Act 1993**

**I**, [*name of declarant*], of [*place of abode and occupation*] **solemnly and sincerely declare that**:

1. I am a [*director/authorised signatory*] for [*name of amalgamated company*] (“the company”) and am authorised to make this declaration and have full knowledge of the matters set out below.

2. On [*insert date*] [*names of amalgamating companies*] were amalgamated pursuant to Part 13 of the Companies Act 1993 (“the Act”) to form [*insert name of amalgamated company*]. Annexed hereto and marked “A” is a certified copy of the Certificate of Amalgamation [\*[[14]](#footnote-14)and Certificate of Incorporation] issued under section 224 of the Act by the Registrar of Companies.

3. [*insert name of an amalgamating company*] is registered as proprietor of the land/mortgage(s) described in Schedule 1 below.

4. [\**[[15]](#footnote-15)* *insert name of another amalgamating company if appropriate*] is registered as proprietor of the land/mortgage(s) described in Schedule 2 below.

5. By virtue of section 225(c) and (d) of the Act with effect on [*insert date of amalgamation from Certificate of Amalgamation*] [*insert name(s) of amalgamating company/companies*] is/are deemed to be dissolved and [*insert name of amalgamated company]* is deemed to have succeeded to (amongst other things) all of the property (including the land/mortgages described in the Schedules below) of those amalgamating companies.

6. To the best of my knowledge, information and belief no person holds or is entitled to any estate or interest at law or equity affecting the said land/mortgages of which [*insert name(s) of amalgamating company/companies*] was/were registered as proprietor.

**Schedule 1**

1. an estate in fee simple/leasehold in [*insert description which must include record of title references*]
2. mortgagee under mortgage(s) [*insert mortgage and record of title reference numbers*]

**Schedule 2**

1. an estate in fee simple/leasehold in [*insert description which must include record of title references*]
2. mortgagee under mortgage(s) [*insert mortgage and record of title reference numbers*]\*[[16]](#footnote-16)

**And I make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

**DECLARED** at [*insert location*] this [*insert day*] )

of [*insert month*] [*insert year*] )

before me: )

**A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957**

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this transmission instrument.
2. You should not sign this transmission instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the transmission instrument have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the transmission instrument and must be able to confirm the identity of the person signing.
5. When registered this transmission instrument will become part of the public record under the Land Transfer Act 2017.

## Form 9

**Application for transmission (survivorship)**

(Section 87 Land Transfer Act 2017)

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|  | **Land registration district** |  | **BARCODE** |  |
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| **Record(s) of Title** | All/part | Area/description of part |

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| **Applicant** | *Surname must be underlined*. |

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| **Estate or interest claimed** |

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| --- |
| **Application** |

|  |  |
| --- | --- |
| **The Applicant applies** to the Registrar **to register the Applicant as registered owner(s)** of the estate or interest referred to above in the land comprised in the above Record of Title, on the grounds set out in the statutory declaration in the Annexure Schedule. | |
| |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  | | --- | |  |  |  |  | | --- | --- | | **Dated** this   day of   20 |  |  |  | | --- | |  |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[17]](#footnote-17)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Applicant] or [Applicant] |   ***Annexure Schedule 1***  Application for transmission (survivorship) | | | | | | | |  | | | | | | | |  | | | | | | | | *Insert names, addresses, and details where indicated and delete phrases in [  ] as required.* | | | | | | | |  |  | |  |  | |  | | **I,** of | | | | | | | |  |  | |  |  | |  | | **and I,** of | | | | | |  | |  |  | |  |  | |  | | **solemnly and sincerely declare that:** | | | | | | | |  |  | |  |  | |  | | 1 | I am/we are the survivor(s) of | | | | | | |  |  | |  | | | | | 2 | deceased, a certified copy of the entry of whose death in the Register of Deaths is annexed to this schedule and marked ‘A’.  Date of death | | | | | | |  |  | |  | | | | | 3 | The deceased and the person named as [[18]](#footnote-18)  in the record of title(s) referred to in the attached application were one and the same person. | | | | | | |  |  | |  | | | | | 4 | At the time of his/her death, the deceased and I/we were registered as the owners as joint tenants of the estate or interest claimed in the attached application, [in our own right and free from all trusts and equities].  [subject only to [[19]](#footnote-19) ]. | | | | | | |  |  | | | | |  | | 5 | I/We truly believe myself/ourselves to be entitled to be registered as owners(s) of the estate or interest claimed in the attached application, by virtue or my/our survivorship of the deceased. | | | | | | |  |  | |  |  | |  | | **And I/we make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957. | | | | | | | |  |  | |  |  | |  | | **DECLARED** at  this  day of  20  before me: | | | | )  )  ) | |  | |  |  | |  | | |  | | **A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957** | | | | | | | |  |  | |  |  | |  | |  | |  | | |  | | |  | |  | | |  | | | |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this transmission instrument.
2. You should not sign this transmission instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. The witness cannot also be a party to the transmission instrument and must be able to confirm the identity of the person signing.
4. When registered this transmission instrument will become part of the public record under the Land Transfer Act 2017.

## Form 10

**Application for transmission determining life estate or lease for life on death of life tenant/Lessee**

(Section 87 Land Transfer Act 2017)

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|  | **Land registration district** |  | **BARCODE** |  |
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| **Record of Title (unique identifier)** |  |  |

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| **Applicant(s)** | *Surname(s) must be underlined*. |

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| **Life Tenant(s)** *Surname(s) must be underlined*. |

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| |  |  | | --- | --- | | **Estate or interest** |  |  |  | | --- | |  |  |  | | --- | |  | |
| **Application** |

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| --- |
| **The Applicant applies** to the Registrar to   * record the determination of the life estate of the life tenant(s) * [and issue a new record of title in the name of the applicant as registered owner(s) [[20]](#footnote-20)]   for the estate or interest referred to above in the land comprised in the above record of title(s), on the grounds set out in the statutory declaration in the Annexure Schedule. |

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| --- | --- | --- | --- | --- | --- | --- | --- |
| |  | | --- | | **Dated** this day of 20 |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[21]](#footnote-21)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Applicant] or [Applicant] | |

**ANNEXURE SCHEDULE**

**Statutory Declaration**

Insert names, addresses, and details where indicated and delete phrases in [ ] as required

|  |
| --- |
| **I**, [*insert name here*]  of [*insert address here*]  **solemnly and sincerely declare that:**   1. [I am [a director][an authorised signatory] of the Applicant, and I am authorised to make this declaration, having full knowledge of the matters set out below.] [[22]](#footnote-22) 2. [The Applicant was][I was][we were] entitled to the estate in [remainder][reversion] in the land in the record of title(s) referred to in the attached application during the life of [*insert name here*], the life tenant, who is now deceased*.* 3. A certified copy of the [entry of the death of [*insert name here*] in the Register of Deaths] [Probate/Letters of Administration granted upon the death of [*insert name here*]] is annexed hereto marked ‘A’. The deceased and the person named as [*insert name here*] in the record of title(s) referred to in the attached application were one and the same person. 4. The life tenant’s interest in the land in the record of title(s) referred to in the attached application has determined, and I verily believe [the Applicant is][I am][we are] entitled to be registered as owner(s) of the estate or interest claimed in the application freed from the life tenant’s interest [and to have a record of title issued in [its][my][our] name – where applicable]. [[23]](#footnote-23)   **And I/we make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.  **DECLARED** at )    this day of 20 )  before me: )  **A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957** |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this transmission instrument.
2. You should not sign this transmission instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. The witness cannot also be a party to the transmission instrument and must be able to confirm the identity of the person signing.
4. When registered this transmission instrument will become part of the public record under the Land Transfer Act 2017.

## Form 11

**Lease instrument**

(Section 91 Land Transfer Act 2017)

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|  | **Land registration district** |  | **BARCODE** |  |
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| **Record of Title (unique identifier)** All/part | | |  | Area/description of part |
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| **Lessor** | *Surname must be underlined*. |

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| --- | --- |
| **Lessee** | *Surname must be underlined*. |

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| **Estate or interest\*** | *Insert “fee simple”, “leasehold in lease number”, etc.* |

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| **Lease memorandum number** *(if applicable)* |

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| **Term** |

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| **Rental** |

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| **Operative clause** | *If required, set out the terms of lease in Annexure Schedule(s).* |

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| --- |
| **The Lessor leases to the Lessee and the Lessee accepts the lease** of the above estate or interest in the land in the above record(s) of title for the term and at the rental and on the terms of lease set out in the above lease memorandum or in the Annexure Schedule(s) (if any). |

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| **Dated** this   day of   20 | |  | |
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| --- |
| **Attestation** |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Lessor** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Lessor** |  |

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|  |  |
| --- | --- |
|  | **Signed in my presence by the Lessee** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Lessee** |  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[24]](#footnote-24)

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|  |  |
|  | Certified by [Practitioner for Lessee] or [Lessee] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this lease instrument.
2. You should not sign this lease instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the lease have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the lease instrument and must be able to confirm the identity of the person signing.
5. When registered this lease instrument will become part of the public record under the Land Transfer Act 2017.

## Form 12

**Lease Variation instrument**

(Section 92 Land Transfer Act 2017)

|  |  |  |  |  |
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|  | **Land registration district** |  | **BARCODE** |  |
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| **Record of Title (unique identifier) Lease number** |  |

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| --- | --- |
| **Lessor** | *Surname must be underlined*. |

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| --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | | **Lessee** | *Surname must be underlined*. |  |  | | --- | |  |   **Variation of lease**   |  | | --- | | The covenants and conditions contained in the above lease **are hereby varied** as set out in the Annexure Schedule(s): |  |  | | --- | | **Dated** this day of 20 | |

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|  | **Signed in my presence by the Lessor** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Lessor** |  |

|  |
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|  |  |
| --- | --- |
|  | **Signed in my presence by the Lessee** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Lessee** |  |

|  |
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|  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[25]](#footnote-25)

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| --- | --- |
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|  |  |
|  | Certified by [Practitioner for Lessee] or [Lessee] |

**Variation of Lease** *Continue in Annexure Schedule, if required*

|  |
| --- |
| The covenants and conditions contained in the above Lease **are hereby varied** as set out below :  (a) the term of the Lease is **extended[[26]](#footnote-26)**  to **and/or**  (b) the covenants and conditions contained or implied in the Lease **are varied** as follows: |

|  |
| --- |
| **All signing parties and either their witnesses or solicitors must sign or initial in this box.** |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this lease variation instrument.
2. You should not sign this lease variation instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the lease variation have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the lease variation instrument and must be able to confirm the identity of the person signing.
5. When registered this lease variation instrument will become part of the public record under the Land Transfer Act 2017.

## Form 13

**Lease Surrender instrument**

(Section 94 Land Transfer Act 2017)

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|  | **Land registration district** |  | **BARCODE** |  |
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|  | **Record of Title (unique identifier)** All/part |  | Area/description of part |  |

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| |  |  | | --- | --- | | **Lease number** |  |  |  | | --- | |  | |

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| --- | --- |
| **Lessor** | *Surname must be underlined*. |

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|  |  |
| --- | --- |
| **Lessee** | *Surname must be underlined*. |

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| **Surrender of lease**[[27]](#footnote-27) |

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| --- |
| **The Lessee surrenders** the estate or interest in the above lease **to the Lessor and the Lessor accepts the surrender**. |

|  |  |
| --- | --- |
| |  | | --- | | **Dated** this day of 20 |   **Attestation** |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Lessee** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Lessee** |  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Lessor** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Lessor** |  |

|  |
| --- |
|  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[28]](#footnote-28)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Lessor] or [Lessor] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this lease surrender instrument.
2. You should not sign this lease surrender instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the lease surrender have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the lease surrender instrument and must be able to confirm the identity of the person signing.
5. When registered this lease surrender instrument will become part of the public record under the Land Transfer Act 2017.

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## Form 16

**Mortgage instrument (all obligations)**

(Section 100(1) Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
|  |  |  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Mortgagor** | *Surname(s) must be underlined*. |

|  |
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|  |  |
| --- | --- |
| **Mortgagee** | *Surname(s) must be underlined*. |

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|  |
| --- |
| **Estate or interest to be mortgaged**   *Insert, eg, fee simple, leasehold in lease number, etc.* |

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| --- |
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| --- |
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|  |
| --- |
| **Mortgage memorandum number** |

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |
| --- |
| **Terms** |

|  |
| --- |
| Priority amount: $ |

|  |
| --- |
|  |

|  |
| --- |
| **Operative clause** |

|  |
| --- |
| **In consideration** of the Mortgagee providing, or agreeing to provide, financial service to or for the accommodation of the Mortgagor, the **Mortgagor covenants and agrees with the Mortgagee** so as to incorporate in this mortgage the provisions of the above mortgage memorandum and the terms set out in the Annexure Schedule(s) (if any) **and**, for the better securing to the Mortgagee the payment of the monies secured by this mortgage, and compliance by the Mortgagor with the terms of this mortgage, the **Mortgagor mortgages to the Mortgagee** all the Mortgagor’s estate and interest in the land in the above record of title(s). |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Dated** this   day of    20 |  |

|  |
| --- |
|  |
| **Attestation** |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Mortgagor** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Mortgagor** |  |

|  |
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|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[29]](#footnote-29)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Mortgagee] or [Mortgagee] | |  |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this mortgage instrument.
2. You should not sign this mortgage instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the mortgage have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the mortgage instrument and must be able to confirm the identity of the person signing.
5. When registered this mortgage instrument will become part of the public record under the Land Transfer Act 2017.

## Form 17

**Mortgage instrument (fixed sum)**

(Section 100(1) Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
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|  |  |
| --- | --- |
| **Mortgagor** | *Surname(s) must be underlined*. |

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|  |  |
| --- | --- |
| **Mortgagee** | *Surname(s) must be underlined*. |

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|  |
| --- |
| **Estate or interest to be mortgaged**   *Insert, eg, fee simple, leasehold in lease number, etc.* |

|  |
| --- |
|  |

|  |
| --- |
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|  |
| --- |
| **Mortgage memorandum number** |

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |
| --- |
| **Terms** |

|  |  |  |
| --- | --- | --- |
| Principal sum: $ | Ordinary interest rate: Penalty interest rate: | % per annum % per annum |
| Interest commencement date: Repayment of principal sum: Interest dates: |  |  |

|  |
| --- |
|  |

|  |
| --- |
| **Operative clause** |

|  |
| --- |
| **In consideration** of the principal sum lent to the Mortgagor by the Mortgagee (the receipt of which is acknowledged), the **Mortgagor covenants and agrees with the Mortgagee**, so as to incorporate in this mortgage the provisions of the above mortgage memorandum and the terms set out in the Annexure Schedule(s) (if any), **and** for the better securing to the Mortgagee the payment of the principal sum, interest, and other monies payable under this mortgage, and compliance by the Mortgagor with the terms of this mortgage, the **Mortgagor mortgages to the Mortgagee** all the Mortgagor’s estate and interest in the land in the above record(s) of title. |

|  |
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|  |
| --- |
| **Dated** this day of 20 |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Mortgagor** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Mortgagor** |  |

|  |
| --- |
|  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[30]](#footnote-30)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Mortgagee] or [Mortgagee] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this mortgage instrument.
2. You should not sign this mortgage instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the mortgage have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the mortgage instrument and must be able to confirm the identity of the person signing.
5. When registered this mortgage instrument will become part of the public record under the Land Transfer Act 2017.

## Form 18

**Encumbrance instrument**

(Section 100 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
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|  |  |
| --- | --- |
| **Encumbrancer** | *Surname(s) must be underlined*. |

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|  |  |
| --- | --- |
| **Encumbrancee** | *Surname(s) must be underlined*. |

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| --- | --- |
| **Estate or interest to be encumbered** | *Insert, e.g., fee simple, leasehold in lease number, etc.* |

|  |
| --- |
|  |

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| --- |
|  |

|  |
| --- |
| **Encumbrance memorandum number** |

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Nature of security** | *State whether sum of money, annuity, or rentcharge, and amount*. |

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Operative clause** | *Delete words in [  ], as appropriate*. |

|  |
| --- |
| The **Encumbrancer encumbers for the benefit of the Encumbrancee** the land in the above record of title(s) **with** the above sum of money, annuity, or rentcharge to be raised and paid in accordance with the terms set out in the [above encumbrance memorandum] [Annexure Schedule(s)] **and** so as to incorporate in this encumbrance the terms and other provisions set out in the [above encumbrance memorandum] [and] [Annexure Schedule(s)] for the better securing to the Encumbrancee the payment(s) secured by this encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance. |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | | |  | | --- | | **Dated** this day of 20 | | |  |   **Attestation**   |  |  | | --- | --- | |  | **Signed in my presence by the Encumbrancer** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Encumbrancer** |  |  |  | | --- | |  |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[31]](#footnote-31)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Encumbrancee] or [Encumbrancee] |   ***Annexure Schedule 1***   |  | | --- | |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | | Encumbrance instrument |  |  |  |  |  |  | | --- | |  |  |  |  |  | | --- | --- | --- | | **Terms** |  | *Continue on additional Annexure Schedule(s) if required.* |  |  |  | | --- | --- | | 1 | Length of term | | 2 | Payment date(s) | | 3 | Rate(s) of interest | | 4 | Event(s) in which the sum, annuity, or rentcharge becomes payable | | 5 | Event(s) in which the sum, annuity, or rentcharge ceases to be payable |  |  | | --- | |  |  |  |  |  | | --- | --- | --- | | **Covenants and conditions** |  | *Continue on additional Annexure Schedule(s) if required.* |  |  |  |  |  | | --- | --- | --- | --- | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  |  |  | | --- | |  |  |  |  |  | | --- | --- | --- | | **Modification of statutory provisions** |  | *Continue in additional Annexure Schedule(s) if required.* |  |  |  |  |  | | --- | --- | --- | --- | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  |  |  | | --- | |  | |

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|  |

|  |
| --- |
| **All signing parties and either their witnesses or solicitors must sign or initial in this box.** |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this encumbrance instrument.
2. You should not sign this encumbrance instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the encumbrance have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the encumbrance instrument and must be able to confirm the identity of the person signing.
5. When registered this encumbrance instrument will become part of the public record under the Land Transfer Act 2017.

## Form 19

**Mortgage variation instrument**

(Section 101 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |
| --- | --- |
| **Record of Title (unique identifier)** | **Mortgage number** |

|  |  |
| --- | --- |
|  |  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Mortgagor** | *Surname(s) must be underlined*. |

|  |
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| --- |
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|  |  |
| --- | --- |
| **Mortgagee** | *Surname(s) must be underlined*. |

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|  |
| --- |
|  |

|  |
| --- |
| **Variation**[[32]](#footnote-32) **of mortgage** |

|  |
| --- |
| The above mortgage is **varied** as set out in Annexure Schedule 1. |
|  |
|  |

|  |
| --- |
| **Dated** this day of 20 |

|  |
| --- |
| **Attestation** *The Mortgagor need not execute if the variation operates only to reduce the amount secured or the stated priority limit or the rate of interest.* |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Mortgagor** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal] of Mortgagor** |  |

|  |
| --- |
| *The Mortgagee need not execute if the variation operates only to increase the amount secured or the stated priority limit or the rate of interest.* |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Mortgagee** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal] of Mortgagee** |  |

|  |
| --- |
|  |

|  |
| --- |
|  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[33]](#footnote-33)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Mortgagee] or [Mortgagee] |

***Annexure Schedule 1***

|  |
| --- |
|  |

|  |
| --- |
| *Delete words in [ ] as required. Continue in additional Annexure Schedule if required.* |

|  |  |  |  |
| --- | --- | --- | --- |
| The above mortgage is **varied** as follows: | | | |
| (a) | the amount secured is **[increased] [reduced]** to $ |  |  |
|  | with effect from |  | **and/or** |
| (b) | the rate(s) of interest payable is/are **[increased] [decreased]** to [      % for the ordinary  rate] [and to       % for the penal rate] |  |  |
|  | with effect from |  | **and/or** |
| (c) | the term of the mortgage is **[renewed] [extended] [reduced]** to |  | **and/or** |
| (d) | the covenants, conditions, or powers contained or implied in the mortgage **are varied** as follows: |  |  |
|  |  |  |  |
|  |  |  |  |
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|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this mortgage variation instrument.
2. You should not sign this mortgage variation instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the mortgage variation have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the mortgage variation instrument and must be able to confirm the identity of the person signing.
5. When registered this mortgage variation instrument will become part of the public record under the Land Transfer Act 2017.

## Form 20

**Mortgage priority instrument**

(Section 102 Land Transfer Act 2017, and Schedule 4 Land Transfer Regulations 2018)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
|  |  |  |

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| --- |
|  |

|  |
| --- |
| **Variation**[[34]](#footnote-34) **of priority and/or terms** |

|  |
| --- |
| The priority of the mortgages relating to the land in the above record of title(s) and/or the terms implied by Schedule 4 of the Land Transfer Regulations 2018 is/are **varied** as set out in Annexure Schedule 1. |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | | **Dated** this   day of    20 |  |  |  |  |  | | --- | --- | --- | | **Attestation** |  | *Continue in additional Annexure Schedule if required* |  |  |  | | --- | --- | |  | **Signed in my presence by the Mortgagor** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal] of Mortgagor** |  |  |  |  | | --- | --- | |  | **Signed in my presence by the Mortgagee giving priority** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Mortgagee giving priority** |  | |  | **Signed in my presence by the Mortgagee giving priority** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Mortgagee giving priority** |  |  |  | | --- | |  |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[35]](#footnote-35)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Mortgagee] or [Mortgagee] | |

***Annexure Schedule 1***

|  |
| --- |
|  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Mortgage priority instrument |  |  |  |  |

|  |  |  |
| --- | --- | --- |
|  | | |
| **Variation of priority** |  | *Continue in additional Annexure Schedule if required.* |

|  |  |  |
| --- | --- | --- |
| New ranking | Mortgage number | Mortgagee(s) |
| **First** |  |  |
|  |  |  |
| **Second** |  |  |
|  |  |  |
| **Third** |  |  |
|  |  |  |
| **Fourth** |  |  |
|  |  |  |

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|  |  |  |
| --- | --- | --- |
| **Variation of terms** |  | *Continue in additional Annexure Schedule if required.* |

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| --- |
| Variations of the covenants, conditions, and powers implied by Schedule 4 of the Land Transfer Regulations 2018: |

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|  |

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| **All signing parties and either their witnesses or solicitors must sign or initial in this box.** |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this mortgage priority instrument.
2. You should not sign this mortgage priority instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the mortgage priority have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the mortgage priority instrument and must be able to confirm the identity of the person signing.
5. When registered this mortgage priority instrument will become part of the public record under the Land Transfer Act 2017.

## Form 21

**Mortgage discharge instrument**

(Section 104 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
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|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** |  |  |

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|  |  |
| --- | --- |
| **Mortgagor** | *Surname(s) must be underlined*. |

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| --- | --- |
| **Mortgagee** | *Surname(s) must be underlined*. |

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|  |
| --- |
| **Mortgage number** |

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| --- |
| **Discharge** |

|  |
| --- |
| The **Mortgagee acknowledges receipt from the Mortgagor** of **all** the principal sum, interest, and other monies payable under, or **all** the monies secured by, the above numbered mortgage(s) in **full** satisfaction of the obligations of the Mortgagor under the above numbered mortgage(s) **and discharges and releases** from the mortgage(s) the land in the above record(s) of title. |

|  |
| --- |
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| --- |
| **Dated** this day of 20 |

**Attestation**

|  |  |
| --- | --- |
|  | **Signed in my presence by the Mortgagee** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Mortgagee** |  |

|  |
| --- |
|  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[36]](#footnote-36)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Mortgagor] or [Mortgagor] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this mortgage discharge instrument.
2. You should not sign this mortgage discharge instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the mortgage discharge have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the mortgage discharge instrument and must be able to confirm the identity of the person signing.
5. When registered this mortgage discharge instrument will become part of the public record under the Land Transfer Act 2017.

## Form 22

**Easement Instrument to grant easement or *profit à prendre***

(Section 109 Land Transfer Act 2017)

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| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
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|  |  |
| --- | --- |
| **Grantor** | *Surname must be underlined*. |

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|  |  |
| --- | --- |
| **Grantee** | *Surname must be underlined*. |

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|  |
| --- |
| **Grant[[37]](#footnote-37) of easement or *profit à prendre*** |

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| --- |
| **The Grantor**, being the registered owner of the burdened land set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s). |

**Schedule A** *Continue in additional Annexure Schedule, if required*

|  |  |  |  |
| --- | --- | --- | --- |
| Purpose of  Easement, or *profit* | Shown (plan reference) | Burdened Land  (Record of Title) | Benefited Land  (Record of Title) or in gross |
|  |  |  |  |

|  |
| --- |
|  |

**Easements or *profits à prendre* rights and powers (including** **terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

|  |
| --- |
| Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule Five of the Property Law Act 2007  The implied rights and powers are hereby **[varied] [negatived] [added to]** or **[substituted]** by:  [Memorandum number , registered under section 209 of the Land Transfer Act 2017]  [the provisions set out in Annexure Schedule ] |

|  |  |
| --- | --- |
|  | |
| **Dated** this   day of   20 |  | |

|  |  |
| --- | --- |
|  | |
| **Attestation** | |
|  | **Signed in my presence by the Grantor** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Grantor** |  |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Grantee** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Grantee** |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[38]](#footnote-38)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Grantee] or [Grantee] |   **Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**   1. You should seek independent legal advice before signing this easement instrument. 2. You should not sign this easement instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions. 3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the easement instrument have been made and the corporation is not under statutory management, in receivership or liquidation. 4. The witness cannot also be a party to the easement instrument and must be able to confirm the identity of the person signing. 5. When registered this easement instrument will become part of the public record under the Land Transfer Act 2017. |

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## Form 23

**Easement instrument to surrender easement or *profit à prendre***

(Section 109 Land Transfer Act 2017)

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|  | **Land registration district** |  | **BARCODE** |  |
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| --- | --- |
| **Grantee** | *Surname must be underlined*. |

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|  |  |
| --- | --- |
| **Grantor** | *Surname must be underlined*. |

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| --- |
| **Surrender**[[39]](#footnote-39) **of easement, *profit à prendre* or covenant** |

|  |
| --- |
| **The Grantee**, being the registered owner of the benefited land(s) set out in Schedule A or being the Grantee in gross, **surrenders to the Grantor** the easement(s) or *profit(s) à prendre* set out in Schedule A, **and the Grantor accepts the surrender** of those easement(s) or *profit(s) à prendre*. |

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| --- | --- |
| **Dated** this    day of   20 |  |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Attestation**   |  |  | | --- | --- | |  | **Signed in my presence by the Grantee**  *Signature of witness*  *Witness to complete in BLOCK letters (unless legibly printed)*  **Witness name**  **Occupation**  **Address** | | **Signature [common seal]** **of Grantee** | |  | **Signed in my presence by the Grantor**  *Signature of witness*  *Witness to complete in BLOCK letters (unless legibly printed)*  **Witness name**  **Occupation**  **Address** | | **Signature [common seal]** **of Grantor** |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[40]](#footnote-40)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Grantor] or [Grantor] |   **Schedule A** *Continue in additional Annexure Schedule, if required*   |  |  |  |  | | --- | --- | --- | --- | | Purpose of Easement, or  *Profit* | Creating Instrument number | Burdened Land  (Record of Title)[[41]](#footnote-41) | Benefited Land  (Record of Title) [[42]](#footnote-42) or in gross | |  |  |  |  | |
| |  | | --- | | **All signing parties and either their witnesses or solicitors must sign or initial in this box.** | |
|  |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this easement surrender instrument.
2. You should not sign this easement surrender instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the easement surrender have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the easement surrender instrument and must be able to confirm the identity of the person signing.
5. When registered this easement surrender instrument will become part of the public record under the Land Transfer Act 2017.

## Form 24

**Easement variation instrument to vary easement or profit *à* prendre**

(Section 112 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
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| --- | --- |
| **Grantor** | *Surname must be underlined*. |

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| --- | --- |
| **Grantee** | *Surname must be underlined*. |

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| --- |
| **Variation\*[[43]](#footnote-43) of easement, *profit à prendre* or covenant** |

|  |
| --- |
| The rights and powers that apply to the easement, or profit set out in Schedule A **are varied, added to, or excluded** asset out in Annexure Schedule 1. |
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| --- | --- |
| **Dated** this   day of   20 |  |

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| --- |
| **Attestation** |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Grantor** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal] of Grantor** |  |

|  |  |
| --- | --- |
|  | **Signed in my presence by the Grantee** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature [common seal]** **of Grantee** |  |

|  |
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|  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[44]](#footnote-44)

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| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Grantee] or [Grantee] |

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| --- | --- | --- | --- | --- |
| **Annexure Schedule 1**  Easement variation instrument |  |  |  |  |

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| --- | --- | --- |
| **Schedule A** |  | *Continue in additional Annexure Schedule if required* |

|  |  |  |  |
| --- | --- | --- | --- |
| Nature of easement  or *profit* | Unique identifier (Document number) | Burdened Land (Record of Title) | Benefited Land (Record of Title) orin gross) |
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| **Variations, addition to, or exclusions of the rights and powers**   |  | | --- | |  | |

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|  |
| **All signing parties and either their witnesses or solicitors must sign or initial in this box.** |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this easement variation instrument.
2. You should not sign this easement variation instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the easement variation have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the easement variation instrument and must be able to confirm the identity of the person signing.
5. When registered this easement variation instrument will become part of the public record under the Land Transfer Act 2017.

## Form 25

**Application for Extinguishment of Easement or profit à prendre**

(Sections 113, 114, or 115 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
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|  |  |
| --- | --- |
| **Applicant** | *Surname must be underlined*. |

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| --- |
| **Application** |

|  |
| --- |
| **The applicant applies** to the Registrar **to remove** the easement(s) and/or profit(s) à prendre scheduled below by making an entry on the register that the easement(s) and/or profit(s) à prendre is/are merged, or extinguished on the grounds set out in the statutory declaration in Annexure Schedule 1. |

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| --- | --- | --- |
| **Schedule of easements and profit(s) à prendre** |  | *Continue in additional Annexure Schedule if required.* |

|  |  |  |  |
| --- | --- | --- | --- |
| Purpose (nature and extent) | Shown/document number | Burdened Land (Record of Title) | Benefited Land (Record of Title *or*in gross) |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

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***Annexure Schedule 1***

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| --- |
| *Delete words in [ ] as required.* |

**I**,

of

**solemnly and sincerely declare that:**

1. I am the [owner of the [benefited] [burdened land(s)] [grantee in gross] referred to in the attached application.

2. The [easement(s)] and/or profit(s) à prendre referred to in the Schedule of easements in the application [is] [are] merged, or extinguished on the following grounds –

a) [merger of [[45]](#footnote-45) ] Or

b) Extinguished because it was granted for a fixed period of time that has elapsed[[46]](#footnote-46). Or

c) Extinguished because an event specified in the document creating it occurred and brought it to and end [[47]](#footnote-47);

Or

d) Extinguished because it is redundant, in that –

* All or part of the benefited land no longer adjoins the burdened land as a result of the subdivision shown on [[48]](#footnote-48)
* Or for any other reason [[49]](#footnote-49)

(e) and as a result the easement has no practical effect.

3. Addresses for service of notice are complete and accurate to the best of my knowledge and belief.

**And I make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

**DECLARED** at )

this day of 20 )

before me: )

**A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957**

|  |
| --- |
| **Addresses for service of parties on whom notice to be served** *Continue in additional Annexure Schedule if required. Include all persons entitled to any interest under the easement(s) or profit(s), including mortgages.* |

|  |  |
| --- | --- |
| Full name | Full postal address |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

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| --- | --- | --- | --- | --- |
| **Attestation**   |  |  | | --- | --- | |  | **Signed in my presence by the Applicant**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Signature of Witness*  *Witness to complete in BLOCK letters (unless legibly printed):-*  **Witness name**  **Occupation**  **Address** | | **Signature [Common seal]**  **of Applicant** |  |  | | --- | | **Dated** this day of 20 |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[50]](#footnote-50) |

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|  |  |
|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this application instrument.
2. You should not sign this application instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the application have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the application instrument and must be able to confirm the identity of the person signing.
5. When registered this application instrument will become part of the public record under the Land Transfer Act 2017.

## Form 26

**Covenant Instrument to note land covenant**

(Section 116(1)(a) & (b) Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
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|  |  |
| --- | --- |
| **Covenantor** | *Surname must be underlined*. |

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|  |  |
| --- | --- |
| **Covenantee** | *Surname must be underlined*. |

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| --- |
| **Grant of covenant** |

|  |
| --- |
| **The Covenantor**, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s). |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  | | --- | | **Dated** this day of 20 |  |  |  | | --- | --- | | **Attestation** | | |  | | **Signed in my presence by the Covenantor** | |  | |  | |  | | *Signature of witness* | |  | |  | |  | | *Witness to complete in BLOCK letters (unless legibly printed)* | |  | |  | |  | | **Witness name** | |  | | **Occupation** | |  | | **Address** | |  | |  | | **Signature [common seal] of Covenantor** | |  | |  | |  |  |  |  | | --- | --- | |  | **Signed in my presence by the Covenantee** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Covenantee** |  |  |  | | --- | |  |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[51]](#footnote-51)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Covenantee] or [Covenantee] |   **Schedule A**  *Continue in additional Annexure Schedule, if required*   |  |  |  |  | | --- | --- | --- | --- | | Purpose of covenant | Shown (plan reference) | Burdened Land  (Record of Title) | Benefited Land  (Record of Title) or in gross | |  |  |  |  | |  |  |

|  |
| --- |
| **Covenant provisions**  *Delete phrases in [  ] and insert memorandum number as required*.  *Continue in additional Annexure Schedule if required.* |

|  |
| --- |
| The provisions applying to the specified covenants are those set out in:    [Memorandum number , registered under section 209 of the Land Transfer Act 2017].    [Annexure Schedule ]. |

|  |
| --- |
|  |
| **All signing parties and either their witnesses or solicitors must sign or initial in this box** |
|  |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this covenant instrument.
2. You should not sign this covenant instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the covenant instrument have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the covenant instrument and must be able to confirm the identity of the person signing.
5. When noted on the register this covenant instrument will become part of the public record under the Land Transfer Act 2017.

## Form 27

**Covenant Instrument to revoke land covenant**

(Section 116(1)(c) Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |
| --- | --- |
| **Covenantor** | *Surname must be underlined*. |

|  |
| --- |
|  |

|  |
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|  |  |
| --- | --- |
| **Covenantee** | *Surname must be underlined*. |

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| --- |
| **Revocation[[52]](#footnote-52) of covenant** |

|  |
| --- |
| **The Covenantee**, being the registered owner of the benefited land(s) set out in Schedule A, revokes to the **Covenantor** the covenant(s) set out in Schedule A, **and the Covenantor accepts the revocation** of those covenant(s). |

|  |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  | | --- | | **Dated** this day of 20 |  |  |  | | --- | --- | | **Attestation** | | |  | | **Signed in my presence by the Covenantee** | | |  | |  | | |  | | *Signature of witness* | | |  | |  | | |  | | *Witness to complete in BLOCK letters (unless legibly printed)* | | |  | |  | | |  | | **Witness name** | | |  | | **Occupation** | | |  | | **Address** | | |  | |  | | | **Signature [common seal]** **of Covenantee** | |  | |  |  |  | | --- | --- | |  | **Signed in my presence by the Covenantor** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Covenantor** |  |  |  | | --- | |  |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[53]](#footnote-53)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Covenantor] or [Covenantor] |       **Schedule A** | | | |
|  | | | |
| Purpose of covenant | Creating Instrument number | Burdened land (Record of Title)[[54]](#footnote-54) | Benefited land (Record of Title)[[55]](#footnote-55) *or*in gross | |
|  |  |  |  | |
|  |  |  |  | |
|  |  |  |  | |

|  |
| --- |
|  |
| **All signing parties and either their witnesses or solicitors must sign or initial in this box** |
|  |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this covenant instrument.
2. You should not sign this covenant instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the covenant instrument have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the covenant instrument and must be able to confirm the identity of the person signing.
5. When noted on the register this covenant instrument will become part of the public record under the Land Transfer Act 2017.

## Form 28

**Covenant variation instrument to vary land covenant**

(Section 116(3) Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |
| --- | --- |
| **Covenantor** | *Surname must be underlined*. |

|  |
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|  |  |
| --- | --- |
| **Covenantee** | *Surname must be underlined*. |

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| --- |
| **Variation of covenant** |

|  |
| --- |
| The terms, covenants, or conditions contained in the covenant(s) set out in Schedule A **are hereby affected or modified** as set out in Schedule B. |
|  |
|  |
| |  | | --- | | **Dated** this day of 20 |  |  | | --- | | **Attestation** |  |  |  | | --- | --- | |  | **Signed in my presence by the Covenantor** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal] of Covenantor** |  |  |  |  | | --- | --- | |  | **Signed in my presence by the Covenantee** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Covenantee** |  |  |  | | --- | |  |   I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[56]](#footnote-56)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Covenantee] or [Covenantee] |   **Schedule A** *Continue in additional Annexure Schedule, if required*   |  |  |  |  | | --- | --- | --- | --- | | Purpose of Covenant | Creating Instrument number | Burdened Land  (Record of title) | Benefited Land  (Record of Title) *or*  in gross | |  |  |  |  | |
| |  |  |  | | --- | --- | --- | | **Schedule B** |  | *Continue in additional Annexure Schedule if required.* |  |  | | --- | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | | |
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| --- |
|  |
| **All signing parties and either their witnesses or solicitors must sign or initial in this box.** |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this covenant variation instrument.
2. You should not sign this covenant variation instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the covenant variation have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the covenant variation instrument and must be able to confirm the identity of the person signing.
5. When noted on the register this covenant variation instrument will become part of the public record under the Land Transfer Act 2017.

## Form 29

**Notice of Statutory Land Charge**

(Section 118 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
|  |  |  |

|  |
| --- |
| **Name of Registered Owner(s)**  *Surname must be underlined*. |

|  |  |
| --- | --- |
|  | |
| |  |  | | --- | --- | | **Name of person entitled to the benefit of the charge** |  |  |  | | --- | |  |   **Amount secured by charge** *(if applicable)* |  |

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| --- | --- | --- | --- |
| **Full description of the charge, including the provision of the enactment under which the charge was created or arose**   |  |  | | --- | --- | |  |  |  |  | | --- | |  | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Address for service of Applicant**   |  | | --- | |  |  |  | | --- | | I certify that the charge is in order for registration. |  |  | | --- | |  |  |  | | --- | |  |   **Dated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_this\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_\_\_\_**  **Signed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **[Person entitled to the benefit of the charge]** |  |

## Form 30

**Certificate of release of statutory land charge**

(Section 120(1) Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
|  |  |  |

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| --- |
| **Statutory land charge identifier** |

|  |
| --- |
|  |

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| --- |
|  |

|  |  |
| --- | --- |
| **Chargeholder** *(person entitled to benefit of charge)* |  |

|  |
| --- |
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|  |  |  |
| --- | --- | --- |
| **Release** |  | *Delete words in [  ] if charge is to be fully released..* |

|  |
| --- |
| **The Chargeholder releases** the above statutory land charge from all of the land described above [or part of the charge, and if in part, a description of the part]. |

|  |  |
| --- | --- |
|  | |
| **Dated** this   day of   20 |  | |

|  |
| --- |
|  |

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| --- | --- | --- |
| **Attestation** |  |  |

|  |  |
| --- | --- |
| *Delete inapplicable descriptions in [ ]* **[** ]. | **Signed in my presence by the [Chargholder] [Attorney] [Agent]** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature(s) [common seal]** **of [Chargeholder] [Attorney] [Agent]** |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[57]](#footnote-57)   |  |  | | --- | --- | |  |  | |  |  | |  | Certified by [Practitioner for Chargeholder] or [Chargeholder] | |

|  |
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|  |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this certificate of release instrument.
2. You should not sign this certificate of release instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the certificate of release have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the certificate of release instrument and must be able to confirm the identity of the person signing.
5. When registered this certificate of release instrument will become part of the public record under the Land Transfer Act 2017.

## Form 34

**Caveat against dealings with land under the Land Transfer Act 2017**

(Section 138 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
|  |  |  |

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|  |

|  |  |
| --- | --- |
| **Caveator** | *Surname(s) must be underlined*. |

|  |
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| --- |
| **Description of the nature of the estate or interest claimed, including details of how the estate or interest claimed is derived from the registered owner(s).[[58]](#footnote-58)** |

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| **Notice** |

|  |
| --- |
| **Take notice that the Caveator forbids** the registration of any instrument, or the recording of any matter in the register that transfers, charges, or prejudicially affects the estate or interest protected by this caveat, **except as stated below**, until this caveat is withdrawn by the Caveator, removed by order of the High Court, or until the same has lapsed under the provisions of section 143 of the Land Transfer Act 2017. The exceptions are: |

|  |
| --- |
|  |

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| --- |
| **Address for service of Caveator** |

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| --- |
| **Address for service of Registered Owner** |

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| --- | --- |
|  | |
| **Dated** this   day of   20 |  | |

|  |  |  |
| --- | --- | --- |
| **Attestation** |  | *Delete inapplicable descriptions in [  ].* |

|  |  |
| --- | --- |
|  | **Signed in my presence by the [Caveator] [Attorney] [Agent]** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature(s) [common seal]** **of [Caveator] [Attorney] [Agent]** |  |

Note:

1. You should seek independent legal advice before signing this caveat instrument.
2. The witness cannot also be a party to the caveat instrument and must be able to confirm the identity of the person signing.
3. When entered on the register this caveat instrument will become part of the public record under the Land Transfer Act 2017.

## Form 35

**Withdrawal or partial withdrawal of caveat**

(Section 144 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
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|  |
| --- |
| **Caveat Number** |

|  |
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| --- |
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|  |  |
| --- | --- |
| **Caveator** | *Surname(s) must be underlined*. |

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|  |  |  |
| --- | --- | --- |
| **Withdrawal** |  | *Delete words in [  ] if caveat to be fully withdrawn.* |

|  |
| --- |
| **The Caveator withdraws** the above caveat [so far as it affects the above land]. |

|  |  |
| --- | --- |
|  | |
| **Dated** this   day of   20 |  | |

|  |
| --- |
|  |

|  |  |  |
| --- | --- | --- |
| **Attestation**[[59]](#footnote-59) |  |  |

|  |  |
| --- | --- |
| *Delete inapplicable descriptions in [ ]*. | **Signed in my presence by the [Caveator] [Attorney] [Agent]** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature(s) [common seal]** **of [Caveator] [Attorney] [Agent]** |  |

|  |
| --- |
|  |

|  |
| --- |
|  |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[60]](#footnote-60)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Caveator] or [Caveator / Caveator’s agent] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this withdrawal of caveat instrument.
2. You should not sign this certificate of release instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the withdrawal of caveat have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the withdrawal of caveat instrument and must be able to confirm the identity of the person signing.

## Form 37

**Application for record of title based on adverse possession**

(Section 155 Land Transfer Act 2017)

**Land District**

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|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
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| --- | --- |
| **Applicant, and full address of applicant for service of notices** | *Surname(s) must be underlined*. |

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|  |  |
| --- | --- |
| **Physical address of land to which the application relates (if known to the applicant)** | *State any address, present or past, known to applicant.*  *Surname(s) must be underlined*. |

|  |
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|  |  |
| --- | --- |
| **Full name and address of every person who has or may have an estate or interest in the land. And every person who is an owner or occupier of adjoining land (if known to the applicant)** | *Surname(s) must be underlined*. |

|  |
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|  |  |
| --- | --- |
| **Application** | *Insert \*the number of years and \*\*date when possession began.* |

|  |
| --- |
| **The Applicant applies** to the Registrar for the issue to the Applicant of a Record of Title under the Land Transfer Act 2017 for an estate in fee simple in the land described above,  **on the ground that** the Applicant has been in continuous possession, of  the  land,  or  that  part  of  the  land,  described  above,  for  a period of \*  years/from \*\*  to the date of this application. **Evidence** to support this application is set out below. |

|  |  |
| --- | --- |
|  | |
| **Particulars of possession** | *Continue in additional Annexure Schedule(s) if required.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| 1 | **Period of personal possession** [*here state period and dates*]. | | | |
|  |  |  | | |
| 2 | **Periods of prior possession claimed** [*here state also the identity and, where applicable, the relationship and date of death of the persons through or under whom the applicant claims, and the manner in which possession was acquired by the applicant and by the persons through or under whom the applicant claims*]. | | | |
|  |  |  | | |
| 3 | **Manner of occupation** [*here state as fully as is known or can be ascertained the nature of the occupation of all persons concerned, eg, whether it has been continuous or broken, exclusive or divided, undisputed or by whom disputed, etc*]. | | | |
|  |  | | |  |
| 4 | **Is land fenced?** [*here state all information available regarding the fences, eg, age, extent, by whom erected, etc*]. | | | |
|  | | | | |
| 5 | **Have any payments by way of rent or otherwise been made or claimed?** [*here give full particulars as to amount, dates of payment, names of payees or claimants, reason for payments, etc*]. | | | |
|  |  |  |  |  |

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|  |  |
| --- | --- |
| **Evidence to support application** | *Give details of anything supporting claim, eg, documentary evidence, receipts for purchase money, payment of rates and other expenses, evidence of neighbours. Continue in additional Annexure Schedule(s) if required.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| **The following evidence** supporting the claim **accompanies** this Application: | | | | |
|  |  |  |  |  |
| 1 | **Purposes for which land has been used** [*here cover the whole period if possible*]. | | | |
|  |  |  | | |
| 2 | **Improvements** [*here state what improvements are on the land and whether they were effected before or since the commencement of the period of adverse possession*]. | | | |
|  |  |  | | |
| 3 | **Acknowledgement** [*here state whether or not the applicant or any of the applicant’s predecessors in possession or their agents ever acknowledge or acknowledged the title of the registered proprietor of the land and, if so, when and in what form*]. | | | |
|  |  | | |  |
| 4  5  6 | **Incapacity of registered owner** [*here state any knowledge or evidence available to establish that the registered proprietor of every estate or interest in the land is not suffering under any disability of infancy or unsoundness of mind*].[[61]](#footnote-61)  **Definition of Land** [include with this application a certificate by a licenced cadastral surveyor that the occupation boundaries or any that exist, coincide with the title boundaries. Alternatively if this cannot be given, a survey plan suitable for deposit under section 224 LTA 2017.[[62]](#footnote-62)  **Statutory Declarations** [*attach as Annexure Schedules statutory declaration(s) of person(s) of good repute, having long-standing knowledge of the land*]. | | | |
|  | | | | |
|  |  | | | |
|  |  |  |  |  |

***Annexure Schedule 1***

|  |
| --- |
| Statutory declaration |

|  |
| --- |
| *Insert names and addresses where indicated.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | | | |
| **I,**  of | | | | |
|  |  |  |  |  |
| **and I,**  of | | | |  |
|  |  |  |  |  |
| **solemnly and sincerely declare that:** | | | | |
|  |  |  |  |  |
| 1  2  3  4  5 | I am/we are the applicant in the above application.  I am/we apply to issue a record of title based on adverse possession pursuant to section 155 of the Land Transfer Act 2017  I/we confirm record of title \* has been created for the land subject to this adverse possession application [or a Crown grant has been registered under the Land Transfer Act 1952].  I/we confirm I/we have been in adverse possession of the land for a continuous period of not less than 20 years [being *include term*] and continue to be in adverse possession of the land.  I/we confirm this application is not prohibited by section 159 of the Land Transfer Act 2017. | | | |
|  |  |  | | |
| 6 | To the best of my/our knowledge and belief, all the statements made in the application are true and complete. | | | |
|  |  |  | | |
| 7 | I am/we are not in possession of any information not disclosed in the application, which would be adverse to the Registrar granting it. | | | |
|  |  | | |  |
| **And I/we make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957. | | | | |
|  |  |  | | |
|  |  |  |  |  |
| **DECLARED** at  this  day of  20  before me: | | | )  )  ) |  |
| **A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957** | | | | |
|  | | | | |
|  | | | | |

**Attestation**

|  |  |
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|  | **Signed in my presence by the Applicant**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Signature of Witness*  *Witness to complete in BLOCK letters (unless legibly printed):-*  **Witness name**  **Occupation**  **Address** |
| **Signature [Common seal]**  **of Applicant** |

|  |
| --- |
| **Dated** this day of 20 |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[63]](#footnote-63)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant]  **Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**   1. You should seek independent legal advice before signing this application for adverse possession. 2. You should not sign this application for adverse possession if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions. 3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the application for adverse possession have been made and the corporation is not under statutory management, in receivership or liquidation. 4. The witness cannot also be a party to the application for adverse possession and must be able to confirm the identity of the person signing. 5. When registered this application for adverse possession will become part of the public record under the Land Transfer Act 2017. |

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| --- | --- | --- | --- | --- | --- |
| Form 38 **Caveat against application for record of title based on adverse possession**  (Section 162 Land Transfer Act 2017)  **Land District**   |  | | --- | |  |     **Record of Title (Unique identifier)** All/part Area/Description of part   |  |  |  | | --- | --- | --- | |  |  |  |   **Caveator** *Surname(s) must be underlined*. |  |

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| **Full description of the basis of the caveat** [*Including**reference to the relevant clause(s) in sections 162(1), and 164 to 167 of the LTA 2017*] |

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| **Notice** |

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| --- |
| **Take notice that the Caveator**, claiming the above estate or interest, **forbids** the application from being granted for the above land **until** this caveat is withdrawn by the Caveator, removed by Order of the High Court, or lapsed pursuant to the provisions of sections 165, 166, or 167 of the Land Transfer Act 2017. |

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| **Address for service of Caveator** |

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|  |
| **Dated** this   day of   20 |  |

|  |  |  |
| --- | --- | --- |
| **Attestation** |  | *Delete inapplicable descriptions in [  ].* |

|  |  |
| --- | --- |
|  | **Signed in my presence by the [Caveator] [Attorney] [Agent]** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature(s) [common seal]** **of [Caveator] [Attorney] [Agent]** |  |

Note:

1. You should seek independent legal advice before signing this caveat instrument.
2. The witness cannot also be a party to the caveat instrument and must be able to confirm the identity of the person signing.
3. When entered on the register this caveat instrument will become part of the public record under the Land Transfer Act 2017.

## Form 39

**Application to bring land under the Land Transfer Act 2017**

(Section 172 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |
| --- | --- |
| **Unique identifier / Description of land** |  |

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| --- | --- |
| **Applicant and full address of applicant for service of notices** | *Surname(s) must be underlined*. |

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| --- | --- |
| **Physical address of land to which the application relates (if known to the applicant)** | *State any address, present or past, known to applicant.*  *Surname(s) must be underlined*. |

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| --- | --- |
| **Full name and address of every person who has or may have an estate or interest in the land. And every person who is an occupier of the land, or an owner or occupier of adjoining land (if known to the applicant)** | *Surname(s) must be underlined*. |

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| --- | --- |
| **Application** | *Insert \*the number of years and \*\*date when possession began.* |

|  |
| --- |
| **The Applicant applies** to the Registrar for the issue to the Applicant of a Record of Title under the Land Transfer Act 2017 for an estate in fee simple in the land described above,  **on the ground that** the Applicant has been in continuous possession, of  the  land,  or  that  part  of  the  land,  described  above,  for  a period of \*  years/from \*\*  to the date of this application.  **Evidence** to support this application is set out below. |

|  |  |
| --- | --- |
|  | |
| **Particulars of possession** | *Continue in additional Annexure Schedule(s) if required.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| 1 | **Period of personal possession** [*here state period and dates*]. | | | |
|  |  |  | | |
| 2 | **Periods of prior possession claimed** [*here state also the identity and, where applicable, the relationship and date of death of the persons through or under whom the applicant claims, and the manner in which possession was acquired by the applicant and by the persons through or under whom the applicant claims*]. | | | |
|  |  |  | | |
| 3 | **Manner of occupation** [*here state as fully as is known or can be ascertained the nature of the occupation of all persons concerned, eg, whether it has been continuous or broken, exclusive or divided, undisputed or by whom disputed, etc*]. | | | |
|  |  | | |  |
| 4 | **Is land fenced?** [*here state all information available regarding the fences, eg, age, extent, by whom erected, etc*]. | | | |
|  | | | | |
| 5  6 | **Have any payments by way of rent or otherwise been made or claimed?** [*here give full particulars as to amount, dates of payment, names of payees or claimants, reason for payments, etc*].  **Is the land being claimed former stream or river bed?**  *[Here include details of how the presumption of “usque ad medium filum aquae” applies and other legal requirements.*] | | | |
|  |  |  |  |  |

|  |  |
| --- | --- |
|  | |
| **Evidence to support application** | *Give details of anything supporting claim, eg, documentary evidence, receipts for purchase money, payment of rates and other expenses, evidence of neighbours. Continue in additional Annexure Schedule(s) if required.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| **The following evidence** supporting the claim **accompanies** this Application: | | | | |
|  |  |  |  |  |
| 1 | **Purposes for which land has been used** [*here cover the whole period if possible*]. | | | |
|  |  |  | | |
| 2 | **Improvements** [*here state what improvements are on the land and whether they were effected before or since the commencement of the period of adverse possession*]. | | | |
|  |  |  | | |
| 3 | **Acknowledgement** [*here state whether or not the applicant or any of the applicant’s predecessors in possession or their agents ever acknowledge or acknowledged the title of the registered proprietor of the land and, if so, when and in what form*]. | | | |
|  |  | | |  |
| 4  5 | **Disability of registered proprietors (applicable only where period of possession is less than 30 years)** [*here state any knowledge or evidence available to establish that the registered proprietor of every estate or interest in the land is not suffering under any disability of infancy or unsoundness of mind*].  **Dry stream, or river bed** [*if applicable*, *include evidence which supports ‘item 6’ of the ‘particulars of possession’ above, including reference to LINZ records which supports this.* | | | |
|  | | | | |
| 6 | **Statutory Declarations** [*attach as Annexure Schedules statutory declaration(s) of person(s) of good repute, having long-standing knowledge of the land*]. | | | |
|  |  |  |  |  |

***Annexure Schedule 1***

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|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Application to bring land under the Land Transfer Act 2017 |  |  |  |  |
| Statutory declaration | | | |

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| --- |
| *Insert names and addresses where indicated.* |

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|  | | | | |
| **I,**  of | | | | |
|  |  |  |  |  |
| **and I,**  of | | | |  |
|  |  |  |  |  |
| **solemnly and sincerely declare that:** | | | | |
|  |  |  |  |  |
| 1  2  3  4  5 | I am/we are the applicant in the above application.  I am/we apply to bring the above-stated land under the Land Transfer Act 2017 pursuant to section 172 [*State the specific paragraph within s 172(1) which applies]*  I/we confirm the above-stated land is not subject to the Land Transfer Act 2017, and is not Māori land as defined in section 4 of Te Ture Whenua Māori Act 1993.  I/we confirm the land has been alienated or contracted to be alienated by the Crown by Crown grant or other instrument being *[state the crown grant or other instrument]*  *[If the land was former stream or river bed, a declaration regarding the circumstances of water boundary movement and how the land became dry]*  *[A declaration detailing possession of the land, including details of any interests affecting the land]* | | | |
|  |  |  | | |
| 6 | To the best of my/our knowledge and belief, all the statements made in the application are true and complete. | | | |
|  |  |  | | |
| 7 | I am/we are not in possession of any information not disclosed in the application, which would be adverse to the Registrar granting it. | | | |
|  |  | | |  |
| **And I/we make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957 | | | | |
|  |  |  | | |
|  |  |  |  |  |
| **DECLARED** at  this  day of  20  before me: | | | )  )  ) |  |
|  |  |  | |  |
| **A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957** | | | | |
|  | | | | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| |  |  | | --- | --- | |  |  |  |  | | --- | | **Dated** this day of 20 |  |  | | --- | | **Attestation** |  |  |  | | --- | --- | |  | **Signed in my presence by the Applicant** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Applicant** |  | |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[64]](#footnote-64)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this application instrument.
2. You should not sign this application instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the application have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the application instrument and must be able to confirm the identity of the person signing.
5. When registered this application instrument will become part of the public record under the Land Transfer Act 2017.

## Form 40

**Caveat against bringing land under the Land Transfer Act 2017**

(Section 174 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
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| --- |
| **Description of land to be brought under the Act** |

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|  |
| --- |
| **Application number**  (*Include the reference number of the application seeking to bring land under the Act as stated in the notice)[[65]](#footnote-65)* |

|  |  |
| --- | --- |
|  | |
|  | **Caveator** *Surname(s) name to be underlined*. |  |

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| **Estate or interest claimed and grounds for claim**  *(Including a full description of the basis for the caveat in terms of s174(1)(a) or (b) of the Act)* |

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| --- |
| **Notice** |

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| **Take notice that the Caveator forbids** the bringing of the above land under the provisions of the Land Transfer Act 2017 until this caveat is withdrawn by the Caveator, or removed by order of the High Court, or until the same has lapsed under the provisions of section 177\* of the Act. |

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| --- |
| **Address for service of Caveator** |

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| --- | --- |
|  | |
| **Dated** this   day of   20 |  | |

|  |  |  |
| --- | --- | --- |
| **Attestation** |  | *Delete inapplicable descriptions in [  ].* |

|  |  |
| --- | --- |
|  | **Signed in my presence by the [Caveator] [Attorney] [Agent]** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature(s) [common seal]** **of [Caveator] [Attorney] [Agent]** |  |

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Note:

1. If you have sought the services of a Conveyancing Professional to lodge the caveat electronically, they will need to know the allocated title reference which will be quoted in the notice received, or shown with the relevant survey plan of the land.
2. You should seek independent legal advice before signing this caveat instrument.
3. The witness cannot also be a party to the caveat instrument and must be able to confirm the identity of the person signing.
4. When entered on the register this caveat instrument will become part of the public record under the Land Transfer Act 2017.

## Form 41

**Application for record of title to access strip**

(Section 185 Land Transfer Act 2017)

**Land District**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Unique identifier / Description of land** |  |

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| --- | --- |
| **Applicant(s) and full address of applicant(s) for service of notices** | *Surname(s) must be underlined*. |

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|  |  |
| --- | --- |
| **Physical address of the access strip, and of each lot adjoining the access strip for which an applicant is the registered owner (if known to the applicant)** | *State any address, present or past, known to applicant.*  *Surname(s) must be underlined*. |

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| --- | --- |
| **Full name and address of every owner of a freehold estate in the access strip (if known to the applicant)** | *Surname(s) must be underlined*. |

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|  |  |
| --- | --- |
| **Application** | *Insert \*the number of years and \*\*date when possession began.* |

|  |
| --- |
| **The Applicant(s) applies** to the Registrar for the issue to the Applicant(s) of a Record of Title to the access strip under the Land Transfer Act 2017 for an estate in fee simple in the land described above, **on the ground that:**   1. The Applicant(s) is/are registered owner(s) of the fee simple estate in lots adjoining the access strip. And 2. The access strip was set aside as part of subdivision *[include plan reference]* for the purpose of providing access from the adjoining owners and any other lots in the subdivision to existing road *[include road name]* and that at the time of this application the access strip is being used principally for that purpose.   **Evidence** to support this application is set out below. |

|  |  |
| --- | --- |
|  | |
| **Particulars of possession / use** | *Continue in additional Annexure Schedule(s) if required.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  | | | |
|  |  |  | | |
|  |  | | | |
|  |  |  | | |
| 1 | **Manner of occupation and use** [*here state as fully as is known or can be ascertained the nature of the occupation and use of the access strip by the applicant(s), also include the occupation or use by anyone other than the applicants]* | | | |
|  |  | | |  |
| 2 | **Is the land fenced?** [*here state all information available regarding the fences, eg, age, extent, by whom erected, etc*]. | | | |
|  | | | | |
| 3 | **Have any payments by way of rent or otherwise been made or claimed?** [*here give full particulars as to amount, dates of payment, names of payees or claimants, reason for payments, etc*]. | | | |
|  |  |  |  |  |

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|  |  |
| --- | --- |
| **Evidence to support application** | *Give details of anything supporting claim, eg, payment of rates and other expenses, evidence of neighbours. Continue in additional Annexure Schedule(s) if required.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| **The following evidence** supporting the claim **accompanies** this Application: | | | | |
|  |  |  |  |  |
| 1 | **Purpose for which land has been used** [*here cover the whole period of use if possible*]. | | | |
|  |  |  | | |
| 2 | **Improvements** [*here state what improvements are on the land and when they were undertaken*]. | | | |
|  |  |  | | |
| 3 | **Records** *[here include records such as survey plans of the land (in particular the original subdivision showing the access strip) as well as relevant titles and other records which support the use and status of the land as an access strip under the Land Transfer Act.* | | | |
|  |  | | |  |
|  |  | | | |
|  | | | | |
| 4 | **Statutory Declarations** [*attach as Annexure Schedules statutory declaration(s) of person(s) of good repute, having long-standing knowledge of the land*]. | | | |
|  |  |  |  |  |

***Annexure Schedule 1***

|  |
| --- |
| Statutory declaration |

|  |
| --- |
| *Insert names and addresses where indicated.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | | | |
| **I,**  of | | | | |
|  |  |  |  |  |
| **and I,**  of | | | |  |
|  |  |  |  |  |
| **solemnly and sincerely declare that:** | | | | |
|  |  |  |  |  |
| 1  2  3  4  5 | I am/we are the applicant in the above application.  I am/we apply for the issue of a record of title for the access strip shown on original subdivision plan *[include plan reference]* pursuant to section 185 Land Transfer Act 2017.  I/we confirm the above-stated land [is /is not] subject to the Land Transfer Act 2017, and is not Māori land as defined in section 4 of Te Ture Whenua Māori Act 1993.  I/we confirm the access strip was set aside as part of subdivision *[include plan reference]* for the purpose of providing access from the adjoining owners and any other lots in the subdivision to the existing road *[include road name]* and that at the time of this application the access strip is being used principally for that purpose.  *[A declaration detailing possession of the land, including details of any interests affecting the land]* | | | |
|  |  |  | | |
| 6 | To the best of my/our knowledge and belief, all the statements made in the application are true and complete. | | | |
|  |  |  | | |
| 7 | I am/we are not in possession of any information not disclosed in the application, which would be adverse to the Registrar granting it. | | | |
|  |  | | |  |
| **And I/we make this solemn declaration** conscientiously believing the same to be true by virtue of the Oaths and Declarations Act 1957. | | | | |
|  |  |  | | |
|  |  |  |  |  |
| **DECLARED** at  this  day of  20  before me: | | | )  )  ) |  |
| **A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957** | | | | |
|  | | | | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | |  |  |  |  | | --- | | **Dated** this day of 20 |  |  | | --- | | **Attestation** |  |  |  | | --- | --- | |  | **Signed in my presence by the Applicant** | |  |  | |  | *Signature of witness* | |  |  | |  | *Witness to complete in BLOCK letters (unless legibly printed)* | |  |  | |  | **Witness name** | |  | **Occupation** | |  | **Address** | |  |  | | **Signature [common seal]** **of Applicant** |  | |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[66]](#footnote-66)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this application instrument.
2. You should not sign this application instrument if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the application have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the application instrument and must be able to confirm the identity of the person signing.
5. When registered this application instrument will become part of the public record under the Land Transfer Act 2017.

## Form 42

**Caveat against application for record of title for access strip**

(Section 187 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
|  |  |  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Caveator** | *Surname(s) must be underlined*. |

|  |
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| --- |
| **Full description of the basis of the caveat[[67]](#footnote-67)** |

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|  |
| --- |
| **Notice** |

|  |
| --- |
| **Take notice that the Caveator**, claiming the above estate or interest, **forbids** the application from being granted for the above land **until** this caveat is withdrawn by the Caveator, or removed by Order of the High Court. |

|  |  |  |  |
| --- | --- | --- | --- |
| |  | | --- | | **Address for service of Caveator** |  |  | | --- | |  |  |  | | --- | | **Dated** this day of 20 | |

|  |  |  |
| --- | --- | --- |
| **Attestation** |  | *Delete inapplicable descriptions in [  ].* |

|  |  |
| --- | --- |
|  | **Signed in my presence by the [Caveator] [Attorney] [Agent]** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature(s) [common seal]** **of [Caveator] [Attorney] [Agent]** |  |

Note:

1. You should seek independent legal advice before signing this caveat instrument.
2. The witness cannot also be a party to the caveat instrument and must be able to confirm the identity of the person signing.
3. When entered on the register this caveat instrument will become part of the public record under the Land Transfer Act 2017.

## Form 43

**Application for freehold estate in land with limited record of title by adjoining owner**

(Section 204 Land Transfer Act 2017)

**Land District**

|  |
| --- |
|  |

|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

|  |  |  |
| --- | --- | --- |
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|  |  |
| --- | --- |
| **Applicant and full address of applicant for service of notices** | *Surname(s) must be underlined*. |

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| **Physical address of land to which the application relates (if known to the applicant)** | *State any address, present or past, known to applicant.*  *Surname(s) must be underlined*. |

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| --- | --- |
| **Full name and address of every person who has or may have an estate or interest in the land. And every person, who is an occupier of the land, or an owner or occupier of adjoining land (if known to the applicant)[[68]](#footnote-68)** | *Surname(s) must be underlined*. |

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| --- | --- |
| **Application** | *Insert \*the number of years and \*\*date when possession began.* |

|  |
| --- |
| **The Applicant applies** to the Registrar for the issue to the Applicant of a Record of Title under the Land Transfer Act 2017 for an estate in fee simple in the land described above,  **on the ground that** the Applicant has been in continuous possession, of  the  land,  or  that  part  of  the  land,  described  above,  for  a period of \*  years/from \*\*  to the date of this application. **Evidence** to support this application is set out below. |

|  |  |
| --- | --- |
|  | |
| **Particulars of possession** | *Continue in additional Annexure Schedule(s) if required.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| 1 | **Period of personal possession** [*here state period and dates*]. | | | |
|  |  |  | | |
| 2 | **Periods of prior possession claimed** [*here state also the identity and, where applicable, the relationship and date of death of the persons through or under whom the applicant claims, and the manner in which possession was acquired by the applicant and by the persons through or under whom the applicant claims*]. | | | |
|  |  |  | | |
| 3 | **Manner of occupation** [*here state as fully as is known or can be ascertained the nature of the occupation of all persons concerned, eg, whether it has been continuous or broken, exclusive or divided, undisputed or by whom disputed, etc*]. | | | |
|  |  | | |  |
| 4 | **Is land fenced?** [*here state all information available regarding the fences, eg, age, extent, by whom erected, etc*]. | | | |
|  | | | | |
| 5 | **Have any payments by way of rent or otherwise been made or claimed?** [*here give full particulars as to amount, dates of payment, names of payees or claimants, reason for payments, etc*]. | | | |
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|  |  |
| --- | --- |
| **Evidence to support application** | *Give details of anything supporting claim, eg, documentary evidence, receipts for purchase money, payment of rates and other expenses, evidence of neighbours. Continue in additional Annexure Schedule(s) if required.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| **The following evidence** supporting the claim **accompanies** this Application: | | | | |
|  |  |  |  |  |
| 1 | **Purposes for which land has been used** [*here cover the whole period if possible*]. | | | |
|  |  |  | | |
| 2 | **Improvements** [*here state what improvements are on the land and whether they were effected before or since the commencement of the period of adverse possession*]. | | | |
|  |  |  | | |
| 3 | **Acknowledgement** [*here state whether or not the applicant or any of the applicant’s predecessors in possession or their agents ever acknowledge or acknowledged the title of the registered proprietor of the land and, if so, when and in what form*]. | | | |
|  |  | | |  |
|  |  | | | |
|  | | | | |
| 4 | **Statutory Declarations** [*attach as Annexure Schedules statutory declaration(s) of person(s) of good repute, having long-standing knowledge of the land*]. | | | |
|  |  |  |  |  |
| ***Annexure Schedule 1*** | | | | |
|  |  |  |  |  |
| Statutory declaration | | | | |

|  |
| --- |
| *Insert names and addresses where indicated.* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | | | |
| **I,**  of | | | | |
|  |  |  |  |  |
| **and I,**  of | | | |  |
|  |  |  |  |  |
| **solemnly and sincerely declare that:** | | | | |
|  |  |  |  |  |
| 1  2  3 | I am/we are the applicant in the above application.  I am/we are registered owner(s) of land adjoining the claimed land, and apply for issue of a record of title under the Land Transfer Act 2017 pursuant to section 172 [*State the specific paragraph within s 172(1) which applies]*  I/we are entitled to a freehold estate in the adjoining land *[insert limited title and describe part if applicable]*  by either:   1. [Adverse possession as against the title of the registered owner that commenced before a limited certificate of title was issued for the land;] or 2. [Under a title that appears from the Registrar’s minutes to exist or possibly exist [include title] | | | |
|  |  |  | | |
| 6 | To the best of my/our knowledge and belief, all the statements made in the application are true and complete. | | | |
|  |  |  | | |
| 7 | I am/we are not in possession of any information not disclosed in the application, which would be adverse to the Registrar granting it. | | | |
|  |  | | |  |
| **And I/we make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957. | | | | |
|  |  |  | | |
|  |  |  |  |  |
| **DECLARED** at  this  day of  20  before me: | | | )  )  ) |  |
| **A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957** | | | | |
|  | | | | |

**Attestation**

|  |  |
| --- | --- |
|  | **Signed in my presence by the Applicant**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Signature of Witness*  *Witness to complete in BLOCK letters (unless legibly printed):-*  **Witness name**  **Occupation**  **Address** |
| **Signature [Common seal]**  **of Applicant** |

|  |
| --- |
| **Dated** this day of 20 |

I **certify** that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.[[69]](#footnote-69)

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | Certified by [Practitioner for Applicant] or [Applicant] |

**Important notes for persons preparing or signing forms for registration under the Land Transfer Act 2017:**

1. You should seek independent legal advice before signing this application.
2. You should not sign this application if you do not have the necessary legal capacity, e.g. if you are under 18 years of age, an undischarged bankrupt, or your property is subject to the Protection of Personal and Property Rights Act 1988 or other statutory restrictions.
3. If you are signing on behalf of a corporation you should ensure any necessary resolutions authorising the application have been made and the corporation is not under statutory management, in receivership or liquidation.
4. The witness cannot also be a party to the application and must be able to confirm the identity of the person signing.
5. When registered this application will become part of the public record under the Land Transfer Act 2017.

## Form 44

**Caveat against limited record of title limited as to parcels**

(Section 207 Land Transfer Act 2017)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  | **Land registration district** |  | **BARCODE** |  |
|  |  |  |
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|  |  |  |
| --- | --- | --- |
| **Record of Title (unique identifier)** | All/part | Area/description of part |

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| --- | --- | --- |
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| --- | --- |
| **Caveator** | *Surname(s) must be underlined*. |

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| **Estate or interest claimed and grounds for claim [[70]](#footnote-70)** |

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| **Notice** |

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| **Take notice that the Caveator**, claiming the above estate or interest, **forbids** the issue of an ordinary Record of Title for the above land **until** this caveat is withdrawn by the Caveator, removed by order of the High Court, or until the same has lapsed under the provision of section 143 of the Land Transfer Act 2017. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Address for service of Caveator**   |  | | --- | |  |  |  | | --- | |  |  |  | | --- | |  |  |  | | --- | | **Dated** this day of 20 | |

|  |  |
| --- | --- |
|  | **Signed in my presence by the [Caveator] [Attorney] [Agent]** |
|  |  |
|  | *Signature of witness* |
|  |  |
|  | *Witness to complete in BLOCK letters (unless legibly printed)* |
|  |  |
|  | **Witness name** |
|  | **Occupation** |
|  | **Address** |
|  |  |
| **Signature(s) [common seal]** **of [Caveator] [Attorney] [Agent]** |  |

Note:

1. You should seek independent legal advice before signing this caveat instrument.
2. The witness cannot also be a party to the caveat instrument and must be able to confirm the identity of the person signing.
3. When entered on the register this caveat instrument will become part of the public record under the Land Transfer Act 2017.

## Form 45

**Matters to be certified**

1. **Comprehensive matters** (Regulation 14(3) Land Transfer Regulations 2018)

The certification below will need to be added to any paper form authorising a release of charge, recording a cancellation or expiry of interest, under an enactment other than the Land Transfer Act 2017.

*I* ***certify*** *that I am aware of the circumstances of the dealing set out in this instrument and do not know of any reason, in fact or in law, why the instrument should not be registered or noted.*

|  |  |
| --- | --- |
|  |  |
|  |  |
|  | *Certified by [Practitioner for [[71]](#footnote-71) ] or [ [[72]](#footnote-72)]* |

1. **Simple Matter** (Regulation 14(4) Land Transfer Regulations 2018)

For those instruments listed in Column 6 of Schedule 3 of the Land Transfer Regulations 2018 requiring certification as to a “simple matter” for paper instruments. This is a certification to be added to the relevant instrument form, that the instrument is in order for registration or notation.

## Form 46

#### ANNEXURE SCHEDULE - CONSENT FORM[[73]](#footnote-73)

(Regulation 6 Land Transfer Regulations 2018)

**Person giving consent Capacity and Interest of Person giving consent**

*Surname must be underlined e.g. Mortgagee under Mortgage no.)*

|  |  |
| --- | --- |
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**Consent**

*Delete words in [ ] if inconsistent with the consent*

*State full details of the matter for which consent is required*

|  |
| --- |
| [Without prejudice to the rights and powers existing under the interest of the person giving consent,]  the **Person giving consent hereby consents** to: |

|  |
| --- |
| **Dated** this day of 20 |

**Attestation**

|  |  |
| --- | --- |
|  | **Signed in my presence by the Person giving consent**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  Signature of Witness  *Witness to complete in BLOCK letters (unless legibly printed):*  **Witness name**  **Occupation**  **Address** |
| **Signature [Common seal]**  **of Person giving consent** |

## Form 47

**Statutory declaration of signatory**

*Regulation 13(4)(a), Land Transfer Regulations 2018*

**I** [insert full name], of [insert full address and occupation]

**solemnly and sincerely declare that**—

1. I signed the [specify type of instrument] instrument dated [insert date] and lodged for registration under number [insert registration number].
2. The signature (or mark) purporting to be my signature (or mark) is in my own handwriting.
3. I am of sound mind, and I did freely and voluntarily sign the instrument.
4. I am the holder of current, government-issued photographic identification[[74]](#footnote-74), an extract of which, showing my photograph and the identification number, is annexed to this declaration and marked with the letter “A”.

(If the transaction is considered high risk)

1. To confirm that I am the person legally able to authorise the registration of this instrument, I have a document(s) connecting me to the (select one) property[[75]](#footnote-75) or address above[[76]](#footnote-76), a certified copy of which is annexed to this declaration and marked with the letter “B”.

**And I make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

|  |  |
| --- | --- |
| **DECLARED** at  this  day of  20  before me: | )  )  ) |
|  |  |
|  |  |

**A person authorised to take a statutory declaration under the**[**Oaths and Declarations Act 1957**](http://www.legislation.govt.nz/regulation/public/2002/0213/latest/link.aspx?search=ts_act%40bill%40regulation%40deemedreg_Land+Transfer+Regulations+2002_resel_25_a&p=1&id=DLM314552)

## Form 48

**Statutory declaration of witness**

*Regulation 13(4)(b), Land Transfer Regulations 2018*

**I** *[insert full name]*, of *[insert address and occupation]*

**solemnly and sincerely declare that**—

1. I witnessed the signing of *[insert type of instrument]* dated *[insert date]* by the signatory, *[insert full name of signatory].*
2. *[Insert full name of signatory*] appeared to be of sound mind and did freely and voluntarily sign (or seal) the instrument in my presence.
3. I have established the identity of *[insert full name of signatory]*, the person signing this instrument.
4. The photograph annexed to this declaration and marked with the letter “A” is a true likeness of *[insert full name of signatory]*.
5. I am aged 18 years or over and I am independent of the client and the transaction. In particular, in relation to *[insert full name of signatory]*:
6. I am not related to them, their partner or spouse or part of their extended family group; and
7. I do not live at the same address as them and I am not involved with or benefitting from the transaction.

*If the transaction is considered high risk:*

1. *[Select one]* I have personally known *[insert full name of signatory]* for *[number of years]*

Or

1. I have obtained a document(s) connecting *[insert full name of signatory*] to the *[select one]* property[[77]](#footnote-77) or address above[[78]](#footnote-78) a certified copy of which is annexed to this declaration and marked with the letter “B”.
2. I am the holder of government-issued photographic identification, an extract of which, showing my photograph and the identification number, is annexed to this declaration and marked with the letter “B”.
3. I can be contacted using the following contact details *[insert contact details, such as]*:
4. *[Landline phone number], and*
5. *[Mobile phone number], and*
6. *[email address].*

**And I make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

|  |  |
| --- | --- |
| **DECLARED** at  this  day of  20  before me: | )  )  ) |

**A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957**

1. If the circumstances of the error, or the evidence supplied, are not sufficiently clear, the Registrar **may require** a statutory declaration in order to be satisfied that the name should be corrected or changed. [↑](#footnote-ref-1)
2. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-2)
3. Insert name, address, and occupation [↑](#footnote-ref-3)
4. Insert new company/society name [↑](#footnote-ref-4)
5. Insert new company/society name [↑](#footnote-ref-5)
6. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-6)
7. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-7)
8. Attach relevant consent [↑](#footnote-ref-8)
9. Enter reasons for consent not being applicable [↑](#footnote-ref-9)
10. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-10)
11. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-11)
12. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-12)
13. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-13)
14. If the amalgamated company is a new company its certificate of incorporation should also be annexed to the declaration. If the amalgamated company is a continuing company that is also changing its name the certificate of incorporation should also be annexed and the declaration modified accordingly. [↑](#footnote-ref-14)
15. This clause can be deleted if there is only one amalgamating company. If there are more than two amalgamating companies an additional clause or clauses should be added. [↑](#footnote-ref-15)
16. The Schedules are indicative only and can be adapted to fit the circumstances [↑](#footnote-ref-16)
17. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-17)
18. Insert name of deceased registered owner shown on the register. [↑](#footnote-ref-18)
19. State details of any trust or equities. [↑](#footnote-ref-19)
20. Delete this phrase where there is already a record of title in the name of the applicant for the estate or interest claimed. [↑](#footnote-ref-20)
21. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-21)
22. Use this clause where the applicant is a corporation [↑](#footnote-ref-22)
23. Delete this phrase where there is already a record of title in the name of the applicant for the estate or interest claimed [↑](#footnote-ref-23)
24. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-24)
25. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-25)
26. A lease variation instrument extending the term of a lease must be registered before expiry of the current lease. [↑](#footnote-ref-26)
27. The approved consent form must be used for the consent of any mortgagee or sublessee of the leased estate or interest. [↑](#footnote-ref-27)
28. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-28)
29. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-29)
30. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-30)
31. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-31)
32. The approved consent form must be used for the consent of all other mortgagees. [↑](#footnote-ref-32)
33. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-33)
34. The approved consent form must be used for the consent of all submortgagees of any mortgage postponed by this instrument. [↑](#footnote-ref-34)
35. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-35)
36. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-36)
37. If the consent of any person is required for the grant, the approved consent form must be used. [↑](#footnote-ref-37)
38. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-38)
39. If the consent of any person is required for the grant, the approved consent form must be used. [↑](#footnote-ref-39)
40. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-40)
41. If only part of the existing easement area is to be surrendered, include the full legal description or relevant easement marking and plan which defines that part. [↑](#footnote-ref-41)
42. If only part of the benefited land is to be surrendered, include the full legal description of that part. [↑](#footnote-ref-42)
43. If the consent of any person is required for the variation, the apprvoed consent form must be used. [↑](#footnote-ref-43)
44. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-44)
45. Enter details of merger [↑](#footnote-ref-45)
46. Enter circumstances of expiry [↑](#footnote-ref-46)
47. Enter details of event [↑](#footnote-ref-47)
48. Enter number of subdivision plan [↑](#footnote-ref-48)
49. Enter any other reason for extinguishment by redundancy [↑](#footnote-ref-49)
50. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-50)
51. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-51)
52. If the consent of any person is required for the revocation, the approved consent form must be used. [↑](#footnote-ref-52)
53. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-53)
54. If only part of the covenant is to be revoked, include the full legal description which defines that part. [↑](#footnote-ref-54)
55. If only part of the covenant is to be revoked, include the full legal description which defines that part. [↑](#footnote-ref-55)
56. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-56)
57. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-57)
58. For a caveat under s138(1)(d)(ii) LTA 2017, include the matters that establish there is a risk the estate or interest may be lost through fraud. [↑](#footnote-ref-58)
59. If this withdrawal of caveat is executed by the Attorney, or by an Agent of the Caveator, that person **must** provide evidence that he or she has the written authority of the Caveator to do so **unless** a registrable instrument purporting to give effect to the estate or interest claimed by the Caveator is lodged immediately following this withdrawal. [↑](#footnote-ref-59)
60. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-60)
61. Section 157 LTA 2017. [↑](#footnote-ref-61)
62. Section 156(2) LTA 2017. [↑](#footnote-ref-62)
63. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-63)
64. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-64)
65. Section 177 of the Act provides that this Caveat will be deemed to have lapsed 60 working days after receipt by the Registrar unless, within that time, the Caveator has given written notice to the Registrar that court proceedings have been taken to establish title to the estate or interest claimed. [↑](#footnote-ref-65)
66. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-66)
67. s187(1) Land Transfer Act 2017 [↑](#footnote-ref-67)
68. Unless written consent is provided – section 204(3)(b) LTA 2017. [↑](#footnote-ref-68)
69. See Regulation 14(3) Land Transfer Regulations 2018. [↑](#footnote-ref-69)
70. Section 207(1) LTA 2017 [↑](#footnote-ref-70)
71. The person authorised by the enactment to require the Registrar to give effect to the instrument. [↑](#footnote-ref-71)
72. The person authorised by the enactment to require the Registrar to give effect to the instrument. [↑](#footnote-ref-72)
73. An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required by the Land Transfer Regulations 2018 to enable registration under the Land Transfer Act 2017. [↑](#footnote-ref-73)
74. For example; a NZ drivers licence, NZ firearms licence or passport. See LINZ Authority & Identity Requirements for E-Dealing Guideline 2018 for further guidance. [↑](#footnote-ref-74)
75. If you are the landowner. [↑](#footnote-ref-75)
76. If you are the owner of an equitable estate or interest in land, a caveator, an attorney or any other signatory authorised by law. [↑](#footnote-ref-76)
77. If you are landowner. [↑](#footnote-ref-77)
78. If you are the owner of an equitable estate or interest in land, a caveator, their attorney or any other signatory authorised by law. [↑](#footnote-ref-78)