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

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

26 October 2018

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Purpose

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

Electronic Instruments

An electronic instrument can be either in the form of a template or electronic image.

Template This is an instrument consisting of fields populated within Landonline for electronic lodgment. (In some cases an image of a form can still be attached if required). A template instrument will require electronic certifications which can be made by an authorised Conveyancing Professional.

Electronic Image This is an instrument image which can be uploaded to Landonline by an authorised Conveyancing Professional for lodgement under the LTA. In most instances the instrument can be certified electronically.

As template instruments are available to Conveyancing Professionals through Landonline. This document focusses on the approved format for electronic images not available within the Landonline system.

These electronic image instrument forms are set out below.

Matters to be certified

The Land Transfer Regulations 2018 prescribe matters to be certified for certain instruments. The electronic certifications for these matters are linked to the relevant instrument types and codes within Landonline (See regulations 7 – 12 & Schedule 3 Land Transfer Regulations 2018).

Forms of Electronic Image Instruments

Listed below, Note:

1. This list excludes paper forms for manual lodgment provided for in the approved paper forms document.
2. Form numbers have not been allocated to template instruments.

## Form 3

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

(Regulation 17 Land Transfer Regulations 2018)

**Land Registration District**

|  |
| --- |
|  |

**Applicant**

|  |
| --- |
|  |

**New Record of Title (uniqiue identifier) Lot Plan number**

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

**Application**

|  |
| --- |
| 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 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. 4. The change in the position of the water has occurred gradually and imperceptibly over time. |

**Evidence to Support the Application**

|  |
| --- |
| 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*). |

**Names and full addresses of owners of land adjoining or situated opposite the accretion, and any other person to be given notice of Application (unless they have consented to this Application)**

|  |
| --- |
|  |

## Form 4

**Cancellation of Fencing Covenant or Fencing Agreement**

(Regulation 19 Land Transfer Regulations 2018)

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

|  |
| --- |
|  |

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

|  |
| --- |
|  |

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

|  |
| --- |
| 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] [[1]](#footnote-1) 2. Consent is not required because [[2]](#footnote-2) |

#### Annexure Schedule – Consent form for cancellation of fencing covenant or fencing agreement

(Regulation 6 Land Transfer Regulations 2018)

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

*Surname must be underlined (e.g. Registered Owner under Record of Title ####)*

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

**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 6

**Transfer in exercise of mortgagee’s power of sale (purchaser not mortgagee)**

(Section 73 Land Transfer Act 2017)

**Record of title (unique identifier)** All/Part Area/description of part

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

**Transferor and Authority for Transfer**[[3]](#footnote-3) *Continue in Annexure Schedule, if required*

|  |
| --- |
|  |

**Transferee**

|  |
| --- |
|  |

**Estate or Interest to be transferred** (including share/interest if applicable)

|  |
| --- |
|  |

## Form 11

**Lease instrument**

(Section 91 Land Transfer Act 2017)

**Record of Title (unique identifier)** All/part Area/Description of part

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

**Lessor**

|  |
| --- |
|  |

**Lessee**

|  |
| --- |
|  |

**Estate or Interest** *Insert "fee simple”; “leasehold in lease number” etc.*

|  |
| --- |
|  |

**Lease Memorandum Number** *(if applicable)*

|  |
| --- |
|  |

**Term**

|  |
| --- |
|  |

**Rental**

|  |
| --- |
|  |

**Lease and Terms of Lease** If required, set out the terms of lease in Annexure Schedules

|  |
| --- |
| The Lessor leases to the Lessee andthe Lessee accepts the lease of the above Estate or Interest in the land in the affected record of title(s) 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) |

## Form 12

**Lease Variation instrument**

(Section 92 Land Transfer Act 2017)

**Lease Number**

|  |
| --- |
|  |

**Lessor**

|  |
| --- |
|  |

**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[[4]](#footnote-4)**  to **and/or**  (b) the covenants and conditions contained or implied in the Lease **are varied** as follows: |

## Form 13

**Lease Surrender instrument**

(Section 94 Land Transfer Act 2017)

**Lease Number**

|  |
| --- |
|  |

**Lessor**

|  |
| --- |
|  |

**Lessee**

|  |
| --- |
|  |

**Surrender of Lease**

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

## Form 14

**Application to Note Merger of Lease**[[5]](#footnote-5)

(Regulation 18 Land Transfer Regulations 2018)

**Lease Number**

|  |
| --- |
|  |

**Applicant (being the lessee and registered owner of the leased estate)**

|  |
| --- |
|  |

**Estates or interests at law or in equity affecting the lease**

|  |
| --- |
|  |

**Application to Note Merger**

|  |
| --- |
| Application is made for the noting of merger of the applicant’s estate as lessee under the Lease in the fee simple estate acquired under Transfer No. upon the grounds that:   * The applicant is the registered owner of an estate in leasehold as lessee under the Lease registered against the land transferred to the applicant and * There are no outstanding estates or interests at law or in equity affecting either estate to prevent the merger of the said leasehold in the fee simple estate of the land. |

**Request Pursuant to Section 96(2)b) Land Transfer Act 2017[[6]](#footnote-6)[[7]](#footnote-7)**

|  |
| --- |
| Please record on the title to the fee simple estate, in the order among themselves of their registered priority, all the registered encumbrances, liens, and interests to which the lease was subject. |

## Form 15

**Application to note re-entry by lessor**

(Section 98 Land Transfer Act 2017)

|  |
| --- |
| **Land registration district** |
|  |
| **Unique identifier(s) or Record of Title** | | **Lease number** |
|  | |  |

**I** [name of applicant], of [town/city] **solemnly and sincerely declare** **that**:

1. I am the registered owner of the fee simple of the land comprised in and demised by the above-mentioned lease (“the Lease”) and as such am entitled to exercise the power of re‑entry and incidental powers conferred upon the lessor by the Lease.
2. [name of lessee] of [town/city] (“the Lessee”) is the registered owner of the Lease and as such is liable upon the covenants expressed or implied in it.
3. The Lessee on or about the day of 20 made default and breach in the observance and performance of the covenants and conditions in the Lease expressed or implied and on his part, as follows:

(1) . . . .

(2). . . .

*Delete either item 4 or 5 as appropriate*

1. I have taken possession of the leased land under an order of the court [Attach to this application the sealed copy of the order].
2. By reason of the Lessee’s default, so described, I did on the day of 20 duly serve upon the Lessee a notice under section 244 or 245 of the Property Law Act 2007 specifying the particular breaches complained of and requiring the Lessee to remedy the breaches and make compensation in money for them.
   1. A copy of the notice so served on the Lessee is annexed to this declaration and marked “A”.
   2. The Lessee failed and continues to fail to remedy his default and breach and has not to my knowledge taken any proceedings for relief against forfeiture of the Lease.
   3. By reason of the default and breach by the Lessee the express power of re-entry into possession of the land comprised in the Lease became exercisable.
   4. On or about the day of 20 I did in person, pursuant to that power of re‑entry, re-enter upon and recover possession of the land comprised in the Lease.
   5. Notice in writing of my intention to apply for registration of re-entry and recovery of possession of the land was served by me personally on the Lessee on the day of 20 .

And I apply to have notice of re-entry and recovery of possession of the land notified upon the Register accordingly.

**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 [location] this [day] of [month] [20 ] before me:

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

## 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*. |

|  |
| --- |
|  |

|  |
| --- |
|  |

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

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

|  |  |
| --- | --- |
| **Estate or interest to be encumbered** | *Insert, eg, 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. |

## Form 22

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

(Section 109 Land Transfer Act 2017)

**Grantor**

|  |
| --- |
|  |

**Grantee**

|  |
| --- |
|  |

**Grant of Easement or *Profit à prendre***

|  |
| --- |
| **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 5 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 ] |

## Form 23

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

(Section 109 Land Transfer Act 2017)

**Grantee**

|  |
| --- |
|  |

**Grantor**

|  |
| --- |
|  |

**Surrender of Easement, or *Profit à prendre***

|  |
| --- |
| The Grantee**,** being the registered owner of the Benefited Land(s) set out in Schedule A, or being the Grantee in gross, hereby surrendersto theGrantor 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* |

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

|  |  |  |  |
| --- | --- | --- | --- |
| Purpose of Easement, or  *Profit* | Creating Instrument number | Burdened Land  (Record of Title)[[8]](#footnote-8) | Benefited Land  (Record of Title)[[9]](#footnote-9) or in gross |
|  |  |  |  |

## Form 24

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

(Section 112 Land Transfer Act 2017)

**Grantor**

|  |
| --- |
|  |

**Grantee**

|  |
| --- |
|  |

**Variation of Easement or *Profit à prendre***

|  |
| --- |
| The rights and powers that apply to the easement, or *profit à prendre* set out in Schedule A **are hereby varied, added to, or excluded** as set out in Schedule B. |

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

|  |  |  |  |
| --- | --- | --- | --- |
| Purpose of Easement, or  *Profit* | Creating Instrument number | Burdened Land  (Record of Title) | Benefited Land  (Record of Title) *or*  in gross |
|  |  |  |  |

**Schedule B** *Continue in Annexure Schedule, if required*

|  |
| --- |
|  |

## Form 25

**Application for extinguishment of easement or *profit à prendre***

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

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

|  |  |
| --- | --- |
| **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. |

|  |
| --- |
|  |

|  |  |  |
| --- | --- | --- |
| **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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|  |
| --- |
| **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 |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

***Annexure Schedule 1***

|  |
| --- |
|  |

|  |
| --- |
| *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 [[10]](#footnote-10) ] Or

b) Extinguished because it was granted for a fixed period of time that has elapsed[[11]](#footnote-11). Or

c) Extinguished because an event specified in the document creating it occurred and brought it to and end [[12]](#footnote-12);

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 [[13]](#footnote-13)
* Or for any other reason [[14]](#footnote-14)

(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**

## Form 26

**Covenant instrument to note land covenant**

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

**Covenantor**

|  |
| --- |
|  |

**Covenantee**

|  |
| --- |
|  |

**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). |

**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 rights and powers (including terms, covenants and conditions)**

|  |
| --- |
| *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 ]. |

## Form 27

**Covenant instrument to revoke land covenant**

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

**Covenantor** *Surname must be underlined*.

|  |
| --- |
|  |

**Covenantee** *Surname must be underlined*.

|  |
| --- |
|  |

**Revocation 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). |

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

|  |  |  |  |
| --- | --- | --- | --- |
| Purpose of covenant | Creating Instrument number | Burdened Land (Record of Title)[[15]](#footnote-15) | Benefited Land (Record of Title)[[16]](#footnote-16) or in gross |
|  |  |  |  |

## Form 28

**Covenant variation instrument to vary land covenant**

(Section 116(3) Land Transfer Act 2017)

**Covenantor**

|  |
| --- |
|  |

**Covenantee**

|  |
| --- |
|  |

**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. |

**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 Annexure Schedule, if required*

|  |
| --- |
|  |

## Form 29

**Notice of Statutory Land Charge**

(Section 118 Land Transfer Act 2017)

**Record of Title (unique identifier)** All/part Area/Description of part

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

**Registered Owner**

|  |
| --- |
|  |

**Person entitled to the benefit of the charge**

|  |
| --- |
|  |

**Amount secured by charge**

|  |
| --- |
|  |

**Full description of the charge, including why the notice is given, and reference to the authorising provision of the relevant enactment**

|  |
| --- |
|  |

**Address for service of person entitled to the benefit of the charge**

|  |
| --- |
|  |

## Form 31

**Licence to occupy**

(Section 124 Land Transfer Act 2017)

**Record of Title (unique identifier)**

|  |
| --- |
|  |

**Licensor**

|  |
| --- |
|  |

**Licensee**

|  |
| --- |
|  |

**Estate or Interest** Insert details of Flat / Office / Deposited Plan number etc.

|  |
| --- |
|  |

**Licence Memorandum Number** *(if applicable)*

|  |
| --- |
|  |

**Terms and Conditions[[17]](#footnote-17)**

|  |
| --- |
|  |

## Form 32

**Notice of cancellation, revocation, or rescission of licence to occupy**

(Section 132(1) Land Transfer Act 2017)

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

**Licence Number**

|  |
| --- |
|  |

**Name of Licensee (full name to be entered)**

|  |
| --- |
|  |

**Notice of cancellation, revocation, or rescission**[[18]](#footnote-18)

|  |
| --- |
|  |

**Mortgage Number (if applicable)**

|  |
| --- |
|  |

**Details of notice given to the mortgagee of the mortgage listed above** (section 132(1)(b)(i) Land Transfer Act 2017 & regulation 30 Land Transfer Regulations 2018)[[19]](#footnote-19)2

|  |
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|  |

## Form 33

**Licence surrender instrument**

(Section 133 Land Transfer Act 2017)

**Licence Number**

|  |
| --- |
|  |

**Licensor**

|  |
| --- |
|  |

**Licensee**

|  |
| --- |
|  |

**Surrender of Licence to Occupy[[20]](#footnote-20)**

|  |
| --- |
| TheLicenseesurrenders the above License to the Licensorand theLicensor accepts the surrender. |

## Form 36

**APPLICATION FOR LAPSE OF CAVEAT**

**UNDER s143(1)(b) LAND TRANSFER ACT 2017** **[[21]](#footnote-21)**

**Unique identifier of caveat**

|  |
| --- |
|  |

**Caveator**  *Surname(s) must be underlined*

|  |
| --- |
|  |

**Applicant (registered owner)** *Surname(s) must be underlined*

|  |
| --- |
|  |

**Application[[22]](#footnote-22)**

|  |
| --- |
| The **Applicant**, being the registered owner of the estate or interest affected by the caveat against dealings, referred to above, **applies** to the Registrar for the caveat to lapse. |

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

|  |
| --- |
|  |

[Solicitor for] the Applicant

## Form 37

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

(Section 155 Land Transfer Act 2017)

**Land District**

|  |
| --- |
|  |

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

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

|  |
| --- |
|  |

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

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Full address of applicant for service of notices**   |  | | --- | |  | |

|  |  |
| --- | --- |
| **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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|  |

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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*].[[23]](#footnote-23)  **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.[[24]](#footnote-24)  **Statutory Declarations** [*attach as Annexure Schedules statutory declaration(s) of person(s) of good repute, having long-standing knowledge of the land*]. | | | |
|  | | | | |
|  |  | | | |
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***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** | | | | |
|  | | | | |

## Form 38

**Caveat against application for record of title based on adverse possession**

(Section 162 Land Transfer Act 2017)

**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** |

|  |
| --- |
| **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** |

|  |
| --- |
|  |

## Form 39

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

(Section 172 Land Transfer Act 2017)

**Land District**

|  |
| --- |
|  |

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

|  |
| --- |
|  |

|  |
| --- |
|  |

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

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Full address of applicant for service of notices**   |  | | --- | |  | |

|  |  |
| --- | --- |
| **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*. |

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **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*. |

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **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 rates, 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***

|  |
| --- |
|  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Application to bring land under the Land Transfer Act 2017 |  |  |  |  |
| 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 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 correct. | | |
|  |  |  | |
| 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 make a statutory declaration under the Oaths and Declarations Act 1957** | | | |

## Form 40

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

(Section 174 Land Transfer Act 2017)

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

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| --- |
| **Description of land to be brought under the Act[[25]](#footnote-25)** |

|  |
| --- |
|  |

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

|  |  |
| --- | --- |
|  | |
|  | **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** |

|  |
| --- |
| **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.[[26]](#footnote-26)2 |

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

|  |
| --- |
|  |

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|  |

## Form 41

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

(Section 185 Land Transfer Act 2017)

**Land District**

|  |
| --- |
|  |

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

|  |
| --- |
|  |

|  |
| --- |
|  |

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

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **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*. |

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **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*. |

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **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 occupation / 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 of rates, 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*]. | | | |
|  |  |  |  |  |

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **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 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** | | | | |
|  | | | | |

## Form 42

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

(Section 187 Land Transfer Act 2017)

**Record of Title (unique identifier)** All/part Area/Description of part

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

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

|  |
| --- |
|  |

|  |
| --- |
|  |

|  |
| --- |
| **Full description of the basis of the caveat[[27]](#footnote-27)** |

|  |
| --- |
|  |

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| --- |
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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** |

|  |
| --- |
|  |

## Form 43

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

(Section 204 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 occupier of the land, or an owner or occupier of adjoining land (if known to the applicant)[[28]](#footnote-28)** | *Surname(s) must be underlined*. |

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

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| **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. |

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

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| 1 | **Period of personal possession** [*here state period and dates*]. | | | |
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| 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*]. | | | |
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| 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*]. | | | |
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| 4 | **Is land fenced?** [*here state all information available regarding the fences, eg, age, extent, by whom erected, etc*]. | | | |
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| 5 | **Have any payments of rates, 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.* |

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| **The following evidence** supporting the claim **accompanies** this Application: | | | | |
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| 1 | **Purposes for which land has been used** [*here cover the whole period if possible*]. | | | |
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| 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*]. | | | |
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| 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*]. | | | |
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| 4 | **Statutory Declarations** [*attach as Annexure Schedules statutory declaration(s) of person(s) of good repute, having long-standing knowledge of the land*]. | | | |
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| ***Annexure Schedule 1*** | | | | |
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| Statutory declaration | | | | |

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| *Insert names and addresses where indicated.* |

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| **I,**  of | | | | |
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| **and I,**  of | | | |  |
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| **solemnly and sincerely declare that:** | | | | |
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| 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] | | | |
|  |  |  | | |
| 4 | To the best of my/our knowledge and belief, all the statements made in the application are true and complete. | | | |
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| 5 | I am/we are not in possession of any information not disclosed in the application, which would be adverse to the Registrar granting it. | | | |
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| **And I/we make this solemn declaration** conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957. | | | | |
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| **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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1. Attach relevant consent [↑](#footnote-ref-1)
2. Enter reasons for consent not being applicable [↑](#footnote-ref-2)
3. Insert full name of mortgagee exercising the power of sale; registered number of the mortgage; full name of mortgagor(s) and recitals as to authority for transfer including the mortgage provisions that make it lawful for the mortgagee to sell the estate or interest of the mortgagor in the land; date of mortgagor default and details of default; details of notices prescribed by section 92 of the Property Law Act 1952 or section 119 of the Property Law Act 2007 (whichever Act is applicable) details of non-remedy of default and statutory disclosures required by the Credit Contracts Act 1981 or the Credit Contracts and Consumer Finance Act 2003 (whichever Act is applicable). [↑](#footnote-ref-3)
4. A lease variation instrument extending the term of a lease must be registered before expiry of the current lease. [↑](#footnote-ref-4)
5. For use in conjunction with a Transfer of Fee Simple to the Lessee [↑](#footnote-ref-5)
6. Include if a request pursuant to s96(2)(b) LTA 2017 is required. [↑](#footnote-ref-6)
7. If s96(2)(b)(ii) LTA applies, attach consent from the relevant registered owner using the prescribed consent form. [↑](#footnote-ref-7)
8. 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-8)
9. If only part of the benefited land is to be surrendered, include the full legal description of that part. [↑](#footnote-ref-9)
10. Enter details of merger [↑](#footnote-ref-10)
11. Enter circumstances of expiry [↑](#footnote-ref-11)
12. Enter details of event [↑](#footnote-ref-12)
13. Enter number of subdivision plan [↑](#footnote-ref-13)
14. Enter any other reason for extinguishment by redundancy [↑](#footnote-ref-14)
15. If only part of the covenant is to be revoked, include the full legal description which defines that part. [↑](#footnote-ref-15)
16. If only part of the covenant is to be revoked, include the full legal description which defines that part. [↑](#footnote-ref-16)
17. Set out theentitlement to use and occupation and terms and conditions of the Licence to Occupyin Annexure Schedule(s) [↑](#footnote-ref-17)
18. s132(1)(a) LTA 2017. [↑](#footnote-ref-18)
19. 2 Unless s132(1)(b)(ii) LTA applies, and a copy of the mortgagee’s consent is lodged. [↑](#footnote-ref-19)
20. A licence must not be surrendered if it is subject to a mortgage – s 133(4) LTA 2017. [↑](#footnote-ref-20)
21. No application may be made in respect of a caveat lodged by the Registrar. [↑](#footnote-ref-21)
22. The appropriate lodgement, dealing and notice fees, specified in Schedule 7 to the Land Transfer Regulations 2018, must accompany the application. [↑](#footnote-ref-22)
23. Section 157 LTA 2017. [↑](#footnote-ref-23)
24. Section 156(2) LTA 2017. [↑](#footnote-ref-24)
25. A title is required to be “affected” for the purposes of e-dealing lodgement. If no title exists then the pre-allocated title reference can be used. This can be obtained from the notice received by the caveator, or the new plan of survey. [↑](#footnote-ref-25)
26. 2 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-26)
27. s187(1) Land Transfer Act 2017 [↑](#footnote-ref-27)
28. Unless written consent is provided – section 204(3)(b) LTA 2017. [↑](#footnote-ref-28)