

Guide to grounds of claim for caveats

This guide contains information on acceptable grounds of claim for caveats lodged in Victoria.

Lodging a caveat

[PEXA](#) subscribers can now lodge caveats electronically at www.pexa.com.au (the national electronic conveyancing system).

For people not subscribed to PEXA who wish to lodge a caveat on paper, Land Victoria has an interactive caveat form. The [caveat form](#) is available at www.delwp.vic.gov.au/property-forms>Transfer of Land Act>Caveat.

Land Victoria's caveat form features the same tables currently available in PEXA. This ensures a correct claim is provided to the Registrar for recording and standardised grounds of claim exist across both lodgement streams.

Land Victoria's customers are encouraged to familiarise themselves with the tables on the following pages and use the information in them when creating their caveats, irrespective of the lodgement stream (paper or electronic).

Claim category

Grounds of claim are grouped by claim category. The claim category is a descriptor for each grouping. It is used as a tool to navigate the tables. Please note: the claim category does not appear on a paper caveat instrument when it is printed.

Each ground of claim contains:

- a statement of claim
- an estate or interest claimed
- a prohibition.

The tables that follow group the statements of claim and associated estates and interests by claim category.

Statement of claim

A statement of claim is a description of the claim and only one statement is permitted in a caveat. The statement can include the names of the parties affected by the caveat and/or the date of a claim document.

If an affected party name is required, this could be one or more (or all) of the registered proprietors; a third party or parties; or, a combination of the registered proprietors and third party(ies).

If the document date is required it is the date of the document upon which the caveat's statement of claim is based.

Estate or interest claimed

Only one estate or interest associated with the selected statement of claim can be included in the caveat.

Prohibition

Five prohibitions are available for selection. Only one of these can be included in the caveat.

Contact us

For [location and contact details](#), refer to www.delwp.vic.gov.au/property>Contact us.

Guide to grounds of claim for caveats

Grounds of claim

Claim category	Statement of claim	Estate or interest claimed
Agreement/Contract	<p>Agreement with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	<p>Freehold Estate</p> <p>Leasehold Estate</p> <p>Interest as Mortgagee</p> <p>Interest as Chargee</p> <p>Life Estate</p> <p>Freehold Estate in Remainder Expectant</p> <p>Interest as Covenantee of a Restrictive Covenant</p> <p>Interest as a Grantee of a Profit a Prendre</p> <p>Interest as a Grantee of an Easement</p> <p>Executory of Contingent Interest</p>
Agreement/Contract	<p>Part performed oral agreement with the following parties.</p> <p>Parties <affected parties></p>	<p>Freehold Estate</p> <p>Leasehold Estate</p> <p>Interest as Mortgagee</p> <p>Interest as Chargee</p>
Agreement/Contract	<p>Purchasers' contract with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	<p>Freehold Estate</p>
Agreement/Contract	<p>Purchasers' lien to secure repayment of money paid under a contract of sale with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	<p>Interest as Lienee</p>

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Claim category	Statement of claim	Estate or interest claimed
Agreement/Contract	<p>Transfer with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	<p>Freehold Estate</p> <p>Leasehold Estate</p> <p>Interest as Mortgagee</p> <p>Interest as Chargee</p> <p>Life Estate</p> <p>Freehold Estate in Remainder Expectant</p>
Agreement/Contract	<p>Unpaid Vendor under a contract of sale with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	<p>Interest as Chargee</p>
Certificate of Title	<p>Probate having been granted, Legal Personal Representative of the deceased Registered Proprietor(s) being entitled to possession of the Certificate of Title for the land and to prevent improper dealings.</p>	<p>Freehold Estate</p>
Certificate of Title	<p>Probate having been granted, Legal Personal Representative of the deceased Registered Proprietor(s), the Certificate of Title for the land having been lost or destroyed.</p>	<p>Freehold Estate</p>
Certificate of Title	<p>Registered Proprietor(s) being entitled to possession of the Certificate of Title for the land and to prevent improper dealings.</p>	<p>Freehold Estate</p>
Certificate of Title	<p>Registered Proprietor(s), the Certificate of Title for the land having been lost or destroyed.</p>	<p>Freehold Estate</p>
Charge	<p>Charge contained in a building agreement with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	<p>Interest as Chargee</p>

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Claim category	Statement of claim	Estate or interest claimed
Charge	<p>Charge contained in mortgage with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Interest as Chargee
Charge	<p>Charge contained in agreement with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Interest as Chargee
Charge	<p>Charge with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Interest as Chargee
Charge	<p>Charge of shares in the Registered Proprietor with the following parties and date, where the holding of the shares entitles their owner to exclusive use and occupancy of an apartment/flat/unit, being part of the building erected on the land.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Interest as Chargee
Charge	Exoneration.	<p>Freehold Estate</p> <p>Leasehold Estate</p> <p>Interest as Mortgagee</p> <p>Interest as Chargee</p>

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Claim category	Statement of claim	Estate or interest claimed
Charge	Former trustee's right of indemnity in trust assets.	Interest as Chargee
Charge	Subrogation to a charge with the following parties and date. Parties <affected parties> Date <document date>	Interest as Chargee
Charge	Subrogation to a mortgage with the following parties and date. Parties <affected parties> Date <document date>	Interest as Mortgagee
Court/Tribunal Order	Court order under the <i>Family Law Act 1975</i> .	Freehold Estate Interest as Chargee
Lease	Lease with the following parties and date. Parties <affected parties> Date <document date>	Leasehold Estate
Lease	Lease of an apartment/flat/unit, being part of the building erected on the land, with the following parties and date. Parties <affected parties> Date <document date>	Leasehold Estate

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Claim category	Statement of claim	Estate or interest claimed
Lease	<p>Option to lease with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Executory or Contingent Interest
Lease	<p>Owner of shares in the Registered Proprietor, where the holding of the shares entitles their owner to exclusive use and occupancy of an apartment/flat/unit, being part of the building erected on the land.</p>	Leasehold Estate
Lease	<p>Sub-lease with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Leasehold Estate
Mortgage	<p>Mortgage with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Interest as Mortgagee
Mortgage	<p>Mortgage of lease with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Interest as Mortgagee
Mortgage	<p>Mortgage of Lease of an apartment/flat/unit, being part of the building erected on the land, with the following parties and date.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Interest as Mortgagee

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Claim category	Statement of claim	Estate or interest claimed
Mortgage	<p>Mortgage of shares in the Registered Proprietor with the following parties and date, where the holding of the shares entitles their owner to exclusive use and occupancy of an apartment/flat/unit, being part of the building erected on the land.</p> <p>Parties <affected parties></p> <p>Date <document date></p>	Interest as Mortgagee
Other	Adverse possession by exclusive occupation.	Freehold Estate
Other	Costs incurred by the Caveator insolvency practitioner exclusively for the care, preservation or realisation of the land	Interest as Lienee
Other	Estoppel.	Freehold Estate Leasehold Estate Interest as Mortgagee Interest as Chargee Interest as Lienee Life Estate Freehold Estate in Remainder Expectant Interest as Covenantee of a Restrictive Covenant Interest as a Grantee of a Profit a Prendre Interest as a Grantee of an Easement Executory or Contingent Interest
Other	<p>Trustee of the bankrupt estate of the following parties under the <i>Bankruptcy Act 1966</i>.</p> <p>Parties <affected parties></p>	Freehold Estate Leasehold Estate Interest as Mortgagee Interest as Chargee

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Claim category	Statement of claim	Estate or interest claimed
Other	Unregistered easement.	Interest as a Grantee of an Easement
Other	Vested by legislation.	Freehold Estate Leasehold Estate Interest as Mortgagee Interest as Chargee Interest as Covenantee of a Restrictive Covenant Interest as a Grantee of an Easement
Statutory Charge	Statutory charge.	Interest as Chargee
Statutory Charge	Statutory charge arising under the <i>Corporations Act 2001</i> .	Interest as Chargee
Statutory Charge	Statutory charge arising under the <i>Local Government Act 1989</i> .	Interest as Chargee
Statutory Charge	Statutory charge arising under the <i>Water Act 1989</i> .	Interest as Chargee
Statutory Charge	Statutory charge arising under the <i>Social Security Act 1991</i> .	Interest as Chargee
Trust/Settlement	Beneficiary/ies under the will of the following deceased party, where probate has been granted and all debts in the estate have been paid. Parties <affected parties>	Freehold Estate Leasehold Estate Interest as Mortgagee Interest as Chargee Life Estate Freehold Estate in Remainder Expectant
Trust/Settlement	Declaration of Trust with the following parties and date. Parties <affected parties> Date <document date>	Freehold Estate Leasehold Estate Interest as Mortgagee Interest as Chargee
Trust/Settlement	Implied, resulting or constructive trust.	Freehold Estate Leasehold Estate

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Claim category	Statement of claim	Estate or interest claimed
		Interest as Mortgagee Interest as Chargee

Prohibitions
Absolutely
Transfer of Land
Unless an instrument is expressed to be subject to my/our claim
Unless I/we consent in writing
Any interest that affects my/our interest

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