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LawTalk Blog



Family Law property dispute. How can I remove a caveat?

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We previously looked at the effect of [lodging a caveat](#) over a property and in what circumstances a party to a marriage or de facto relationship can lodge a caveat and keep a caveat on a property. Now we look at how to get them removed.

After a caveat is lodged on the title of a property, the owner of that property will be sent a notice from the Land Titles Office advising them of that fact. A search of the Certificate of Title will show that the caveat has been recorded on the title.

The owner of the land will then be precluded from dealing with the property without the consent of the person that lodged the caveat (known as the caveator). No transfers of the property will be able to be registered, nor any mortgages over the property. This will prevent the owner from selling the property or borrowing money secured against the property.

The owner of the property can apply to the Registrar of the Land Titles Office to remove the caveat. The process for doing this is quite simple and involves completing a form and lodging it with the Land Titles office.

The Land Titles Office then sends a notice to the caveator advising them that the owner has applied to remove the caveat. The caveator has 21 days from the date the notice was sent to apply to the District Court or the Supreme Court of South Australia to obtain an order to keep the caveat on the property.

If the caveator does nothing within the 21 days then the caveat is withdrawn. Once it is withdrawn the caveator cannot lodge one on that property again.

We've got a series of blog postings on caveats. Our most recent ones include:

[1. Who can lodge a caveat?](#)

[2. Can I lodge a caveat on my ex partner's property?](#)

If you have had a caveat placed on your property or would like more information on placing a caveat on a property to protect your interests, get in touch directly with today's blog writer.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.