**STATUTORY DECLARATION IN SUPPORT OF AN APPLICATION UNDER SECTION 60 OF THE *TRANSFER OF LAND ACT 1958***

**(TO BE COMPLETED BY THE APPLICANT(S))**

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| I/we |  |
| of | [FULL NAME] |
|  | [ADDRESS] |
| [OCCUPATION]  make the following statutory declaration under the **Oaths and Affirmations Act 2018:** | |

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|  | I am/We are the Applicants in a claim of adverse possession of the Subject Land being (delete inapplicable): |
|  | all of the land described in folio(s) of the Register [volume] [folio]. |
|  | OR |
|  | the land marked [insert identifier] on the SPEAR plan [insert SPEAR reference] being part of the land in folio of the Register [volume and folio reference]. |
|  | The address for the Subject Land is [enter street address]. |
| **A. Possession and occupation** (delete inapplicable) | |
|  | I/We commenced possession of the Subject Land on or about: |
|  | *Enter actual or approximate date possession began.* |
|  | I/We came to exclusively possess the Subject Land because: |
|  | *Describe the circumstances which gave rise to the possession of the land.* |
|  | I/We have remained in continuous, uninterrupted and exclusive possession of the Subject Land since I/we commenced possession. |
|  | The Subject Land has been completely enclosed either by itself or along with other land by: |
|  | *Describe the fences/walls/buildings/roads that enclose the Subject Land. If the enclosures have been replaced at any time during the period of possession, and were not replaced in the same position, explain the difference in location.* |
|  | These enclosures have remained on the boundaries of the Subject Land throughout the period of my/our possession. |
|  | The enclosures were adequately maintained to exclude people other than those in possession. |
|  | OR |
|  | Even though the Subject Land has not been fully enclosed, exclusive possession was maintained by: |
|  | *Describe how exclusive possession was maintained and demonstrated to the world at large despite the lack of full enclosure.* |
|  | The Subject Land can be accessed by: |
|  | *Describe the means of access. If there is a lockable gate indicate who has the keys.* |
|  | I/We used the Subject Land by: |
|  | *Describe the use made of the land. If the land is not occupied by the Applicant(s), set out the relevant circumstances eg if the land is tenanted, state whether the Subject Land is included in the lease and who receives the rent.* |
|  | I/We have carried out the following improvements to the Subject Land: |
|  | *Describe the improvements to the land and the circumstances in which these improvements were made.* |
| **B. Encumbrances abandoned or extinguished** (leave blank or enter N/A if the Subject Land is unencumbered or encumbrances are to remain) | |
| 1. The Subject Land is unencumbered. | |
|  | OR |
|  | The Subject Land is encumbered by the following estate(s) or interests(s): |
|  | *Set out the instrument numbers registered/recorded on the folio of Subject Land. Describe the nature of the encumbrance(s).* |
|  | The encumbrances are to remain. |
|  | OR |
|  | The following encumbrance(s) have been extinguished by: |
|  | *Describe the continuous, uninterrupted and exclusive possession of the Subject Land that is inconsistent with the encumbrance. For example, if there is a carriageway easement encumbering the Subject Land, evidence that the land has not been used for carriageway purposes by the owners of the dominant tenement for the last 30 years must be provided.* |
| **C. Acknowledgment of title** | |
|  | I/We have never acknowledged the title of the registered proprietor in respect of all or any part of the Subject Land. |
|  | I/We have never received the consent of the registered proprietor to our possession of the Subject Land. |
| **D. Title of registered proprietor(s)** (delete inapplicable) | |
|  | I am/We are not aware of any dispute or contact with the registered proprietor of the Subject Land or any other person claiming an interest in the Subject Land. |
|  | OR |
|  | I am/We are aware of a dispute or contact with the registered proprietor(s) of the Subject Land or any other person(s) claiming an interest in the Subject Land, the details of which are as follows: |
|  | *Set out the details of any dispute or contact.* |

**I/We declare that the contents of this statutory declaration are true and correct and I/we make it knowing that making a statutory declaration that I/we know to be untrue is an offence.**

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| **Signature of person making this declaration** *[to be signed in front of an Authorised Witness]* | | | |
| Declared at |  | | *[place]* in the State of Victoria |
| on | / / | | *[date]* |
| **I/We am an authorised statutory declaration witness and I/we sign this document in the presence of the person making the declaration:** | | | |
| û | | | |
| **Signature of authorised statutory declaration witness** | | | |
| on | / / | | *[date]* |
| *[Full name of authorised statutory declaration witness in legible writing, typing or stamp]* | |  |  |
| *[Personal or professional address of authorised statutory declaration witness in legible writing, typing or stamp]* | |  |  |
| *[Qualification as an authorised statutory declaration witness]* | |  |  |
| A person authorised under section 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration. | | | |

*\* I confirm that reasonable modifications were used in preparing this statutory declaration and that the contents of this statutory declaration were read to the person making the statutory declaration in a way that was appropriate to the person’s circumstances.*

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| Signature of authorised statutory declaration witness |

\* strikeout if not applicable