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

**(TO BE COMPLETED BY PRIOR POSSESSORS)**

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| I |  |
| 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 aware that [insert applicant name(s)] (the Applicant(s)) seek to make 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]. |
|  | I am/We are prior possessor(s) of the Subject Land and set out the details required in relation to sections A to D in relation to the period of time that I was/we were in possession of the Subject Land. |
| **A. Possession and occupation** | |
|  | 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 circumstances which gave rise to the possession of the Subject Land.* |
|  | I/We remained in continuous, uninterrupted and exclusive possession of the Subject Land since I/we commenced possession until: |
|  | *Describe the circumstances which resulted in you relinquishing possession of the Subject Land.* |
|  | I/We have sighted the statutory declaration of the Applicant(s) dated [enter date] and confirm that my/our possession was exercised in a manner consistent with the possession of the Applicant(s) but for: |
|  | *Describe differences in relation to enclosures, access, use and improvements (if any). If there are no differences enter N/A.* |
| **B. Encumbrances abandoned or extinguished** (leave blank or enter N/A if the Subject Land is unencumbered or encumbrances are to remain) | |
|  | 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 during the period of my possession. |
|  | 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 am an authorised statutory declaration witness and I 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