

FORM 35  
**CAYMAN ISLANDS**

**The Registered Land Law, (2018 Revision)**  
**WITHDRAWAL OF CAUTION**

**Privacy Notice:** Section 4 of the Registered Land Law authorises the Registrar of Lands to collect the information required by this form for the establishment and maintenance of the Land Register. Section 35 requires that the Register is made available to any person for search and inspection upon payment of a fee. It may also be used for authorised purposes in accordance with legislation and policy requirements. For more information, please see the Department's website.

REGISTRATION SECTION

BLOCK

PARCEL

.....

I/WE

HEREBY withdraw the caution lodged on my/our behalf against the above-mentioned title

Dated this

day of

20

signed by the Cautioner

.....

in the presence of:-

.....

**CERTIFICATE OF IDENTIFICATION**

Name.....

I HEREBY CERTIFY that the above named .....appeared before me on the.....day of.....20.....and being identified by\* ..... (or being known to me) acknowledged the above signature or mark to be his/theirs and that he/they had freely and voluntarily executed this instrument and understood its contents.

.....  
Signature and designation of the person certifying

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Signature and designation of the person certifying

\*NOTE: Please ensure that the appropriate insertions and/or deletions are made so that the method of identification is clear.

**The information provided in this guide is not intended to amount to legal advice. Professional assistance may be required to determine the most appropriate action. Lands Registry accepts no responsibility where parties print this guide and seek to rely on information that is out of date.**

## **WITHDRAWAL OF CAUTION**

The cautioner or their personal representative may apply at any time to cancel a caution against dealings. Where a personal representative or trustee in bankruptcy applies, they must lodge evidence of their entitlement to apply.

## **SIGNATURE**

The signatures must be duly witnessed and the certificate of identification completed. If signed by a c Corporation, it should follow section 106 (2) (b) of the Registered Land Act and

1. if sealed with the ***common seal of the corporation***, signed by the secretary or other permanent officer and by a member of the board of directors, council or other governing body of the corporation; or
2. in the case of a ***corporation not required by law to have a common seal***, signed by such persons authorised by any law or by the statute or charter of the corporation or, in the absence of any express provision, by the persons duly appointed in writing for that purpose by the corporation, evidence of which appointment has been produced to the satisfaction of the Registrar.

## **DEATH OF A CAUTIONER**

Where there are two or more cautioners, it is the responsibility of the surviving cautioner to establish how the interest or claim was held, i.e. jointly or in shares.

Where the interest was held jointly the surviving cautioner may complete the withdrawal form and provide the appropriate evidence of death.

In the event of a sole cautioner, the Executor(s)/Administrator(s) of the deceased cautioner may apply for the removal of the caution using a withdrawal of caution form. The Executor(s)/Administrator(s) would need to provide the appropriate evidence such as the grant of administration.

## **BY ORDER OF THE COURT**

On the motion of the registered proprietor, a Judge or the Court may make an order removing a caution from the register. On receipt of an office copy of the order and the payment of the required fee, the caution is removed from the register.

**Fee**

The application must be made using Form 35. The fee payable is CI\$50.00.

**If it is determined that a caution was filed or continued without reasonable cause and its filing has caused damage to any person, the court may award compensation.**