

# READING A REGISTER





These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner. If you need more help or information about a register you may contact us. Please be aware that we do not give legal advice.

Lands & Survey accepts no responsibility where parties print this guide and seek to rely on information that is out of date.

## **WHY CONDUCT A SEARCH OF THE REGISTER?**

Persons dealing with an owner of registered land must conduct a title search at Lands & Survey Department /Registry Section to verify the ownership of the register and any encumbrances and so protect oneself against improper dealing before completion of any sale or advancing monies on a loan.

### **IT IS UNSAFE TO RELY ON AN OLD COPY OF A REGISTER.**

Why can't I rely on a copy of the register prepared 6 months ago?

- The Registrar of Lands may have registered dealings on the register such as cautions, orders of the court or some other obstacle which does not require the consent of the registered owner.
- Instruments lodged for registration but not yet completed may be discovered.

## **STRATA REGISTERS**

For strata registers a search should always be conducted against the register for the common property and the Strata Plan as encumbrances such as easements covenants (restrictive & positive) are usually registered against the register for the common property. The bye-laws of the strata corporation and any modifications thereof or modifications to the lots or buildings are registered against the Strata Plan only.

# WHAT IS AVAILABLE TO BE SEARCHED AT THE LAND REGISTRY?

The Land Registry is a public office and upon the payment of the appropriate fee customers may search the following documents:



Parcel files



Registered instruments such as transfers, mortgages, leases, cautions etc,



Strata Plans and



Mutations



# WHAT'S ON THE LAND REGISTER?

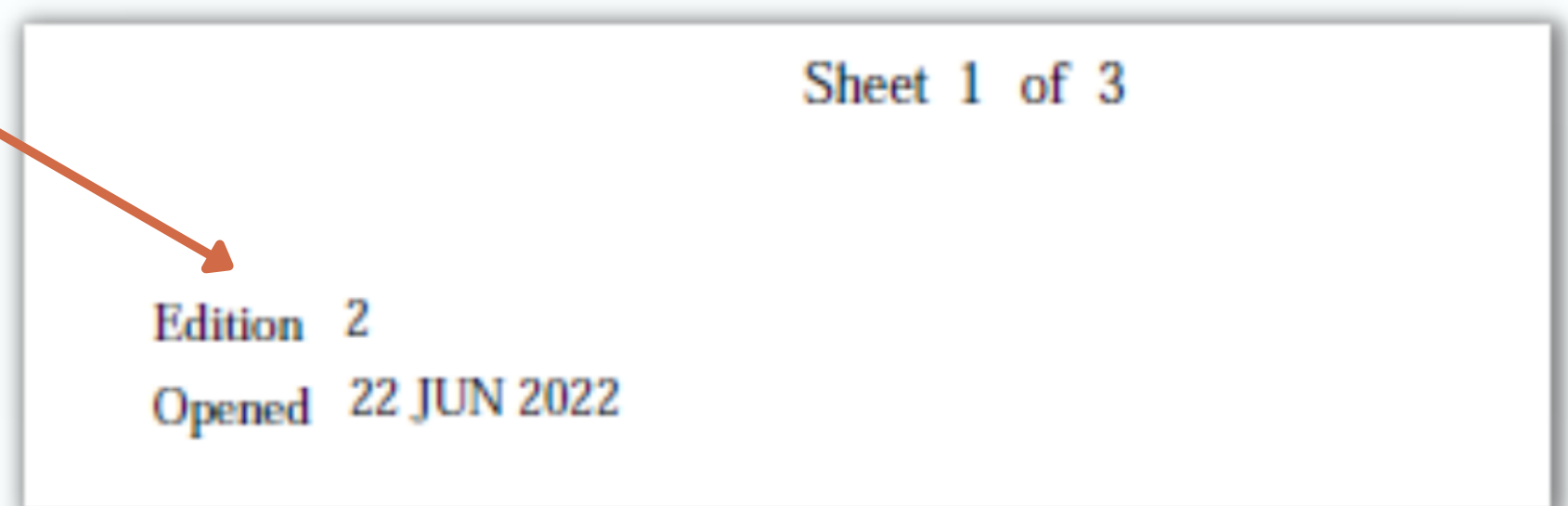
With a digital register, the computer record (digital data) becomes the register. A paper printout of what is contained in the digital register for a particular piece of land will be made available to those wishing to search the register.

The paper printout (search) of the title is called a Land Register.

A land register may, in many respects, look like an actual paper-based register but it is merely a search or printout of the digital Register. A land register will be printed on plain white A4 photocopy paper. It will only show current information relevant to the register being searched.

The digital register only contains current information, therefore every transaction (with some exceptions) results in the creation of a new edition of the register.

*Shows the current edition of the number of times a new transaction has been registered for that parcel of land.*



# WHAT'S ON THE LAND REGISTER?

L/C No. 4495/94 issued 27/07/94. CG

*The right-hand panel indicates whether a Land Certificate was ever issued for a parcel of land. Where a land certificate is outstanding, the section will show Land Certificate Issued or re-issued and the date.*

L/C returned & filed 01/12/20. HL

*Where the Land Certificate has been returned, the 'section' will show*

**Note: When a Land Certificate has been issued, the lodging party must ensure that the Land Register is submitted to the Land Registry where it will be filed and/or destroyed.**



## ON THE REGISTER YOU WILL FIND:

1. The names of the owners of the land

2. a "Block" and "Parcel" number. This is a reference number used to locate any particular parcel of land entered in the Register Book;

3. The property description stating the name of the registration section and area (if available).



4. easements

5. charges/  
mortgages

6. caveats; and  
restrictive  
covenants.

# A - PROPERTY SECTION- LAND DESCRIPTION

No. 27C 900
Registration Section SAVANNAH
Block and Parcel No. 27C 900
Name of Parcel
Approx. area 0.25 Acre
See 50/232

On the land register, the land description for a piece of land shows the Registration Section and Name of Property (if given) and approximate area.

## Reference to Easements that benefit the land

CROWNPRIVATE	
Nature of title	ABSOLUTE/PROVISIONAL
Origin of title	FIRST REGISTRATION
MUTATION No	M 11001

*Whether the register is absolute or provisional and the date it was first registered.*


*Other interests are shown, such as the type of ownership whether belongs to the CROWN or in private ownership*



## B - PROPRIETORSHIP SECTION

The ownership particulars disclosed in the **Registered Proprietor** section are an aggregation of the current ownership. The reference to the document number and registration date in the left-hand corner is the last dealing affecting the current ownership. Any other dealings affecting current ownership lodged previously will be shown in previous editions.

*The reference to the document number and registration date in the left-hand corner is the last dealing affecting the current ownership.*



DATE	INSTRUMENT No.	NAME AND ADDRESS OF PROPRIETOR(S)
		Note: Not to transfer without consent of Chargee (RLL Sec. 68) JW
02/10/12	12326/12	GRACE KELLY, P.O. Box 11502, Grand Cayman KY1-1000.
		See 27C 753 JW

# CAUTIONS INHIBITION OR RESTRICTIONS

A caution is an injunction restraining the Registrar from entering a change of interest.

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When a caution is lodged it prevents any dealings with the register, for example, a transfer or charge will not be registered if there is a caution on the register.

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The only exception is where a consent or withdrawal of caution is obtained from the cautioner or his duly authorized agent.

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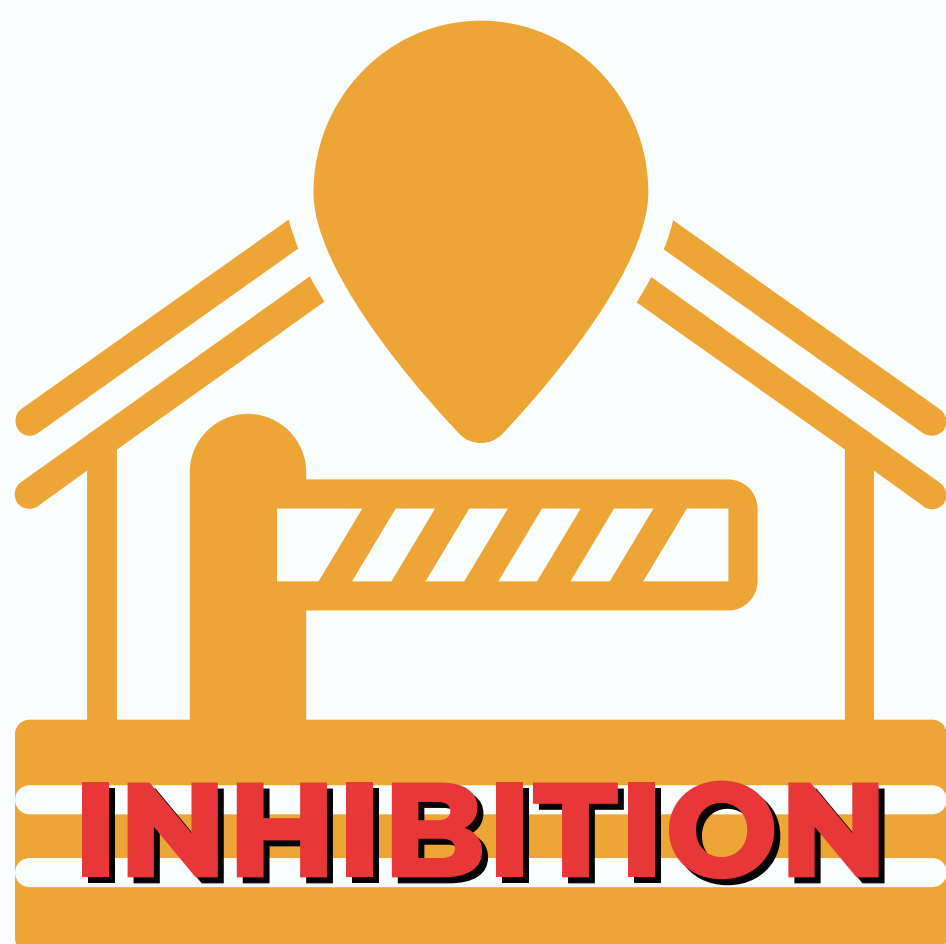
If there are any cautions on the register, it is important to get legal advice before you buy or lend money for which the land is to be used as a security. Your lawyer should make sure that:

- the dealing can be registered subject to the caveat and with consent;
- the caution is capable of being removed by the person who lodged it; and
- it will be removed before or at the time you present your dealing for registration (this makes sure that you have a good title to the property).

# CAUTIONS INHIBITION OR RESTRICTIONS

22/06/22	1121/22	Caution: Clarabelle Cowan, P.O. Box 122, Grand Cayman KY1-1234 (Lot
		1)

Fig: Showing a caution on the register



Inhibitions are entries that prohibit dispositions from being entered in the register. Usually pursuant to an order of the Court until a particular time, or the occurrence of a particular event or until further orders. Example – injunction freezing property

3	22/06/22	1122/22	Inhibition: (No dealings permitted until it is varied or discharged by a further Order of the Court)
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Fig: Showing an Inhibitions on the register

## RESTRICTIONS

The Registrar may make an order prohibiting or restricting dealings with any particular land, lease or charge. A restriction makes it apparent from the register that either the powers of the relevant proprietor are limited, or that a prior condition must be met before a sale or charge can be registered.



Once entered, a restriction will remain in the register until it is cancelled or withdrawn.

Fig: Showing a restriction on the register

22/06/22	1123/22	Restriction: "No dealings will be permitted except by Order of the Court or the Registrar of Lands.
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# C - INCUMBRANCES SECTION

Some of the interests shown in this section are as follows:

Easements that burden the land.

Covenants positive or restrictive that burdens the land.

Charges/mortgages. Also, if a mortgage has been extended or additional sums advanced, this will also show.

Leases are granted by the registered owner.

## EASEMENTS

An easement is a right granted by an owner over his land to the owner of another parcel. The right may take many forms but the most common is a right of way, that is, the right of one owner to go and pass and re-pass over the land of the grantor without hindrance. It can restrict the ability to use the land, for instance, whether there is a right of way across the land or a part of the land is reserved for supplying power or sewerage drainage. An easement is important because it might mean you can't build over it.

22/06/22	1125/22	Easement	A 12-ft. V.R.O.W. over this parcel in favour of 27C 754 as indicated on the Registry Map.
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Fig: Showing an easement on the register

# CHARGES

A register search will tell you whether the owner has a charge/mortgage over the land. It will tell you the name of the person or financial institution which has the charge/mortgage and the principal amount secured by that mortgage. If the mortgage has been paid up or discharged it will also be entered on the digital register as a discharge of charge but will not show on the current register.

24/12/99	11680/99	Charge	Principal Sum: C\$230,000. For interest rate and repayment
			date see filed schedule.
			Note: Chargee has the right to tack & consolidate (RLL
			Secs. 81 & 82) JW
12/02/15	876/15	Proprietors	Proprietors: CAYMAN NATIONAL BANK LTD., P.O.Box 1097, Grand
			Cayman KY1-1102 Cayman Islands.

Fig: Showing a charge on the register

# COVENANTS

Covenants or restrictive agreements or covenants are usually shown on the register.

A positive covenant is a promise to do something or to spend money. Common examples include a covenant to build and maintain a fence or to contribute to the maintenance of a road/driveway.

A restrictive covenant is a solemn agreement that must be observed by each new buyer of a property. It restrains the owner of the property from carrying out certain developments that is incompatible with the intended character of the development. For example, a restriction on the type of building that can be erected on the property or on the use of the property.

If there is a covenant it is important to get legal advice. Your lawyer should make sure that you fully understand the implications of the covenant. Remember, it is not easy to remove a covenant from the title.

1111/22	Rest.	Subject to the Restrictive Covenants as listed in filed
	Covnts.	Instrument.

Fig: Showing a covenant on the register