

LAND REGISTRY NOTICE

Land (Title Deeds Restoration) Act, Cap. 229C.

TO: ALL MEMBERS OF THE BAR

On March 10, 2011, the **Land (Title Proceedings Act)**, 2011-7 came into operation. By the Third Schedule of that Act, the **Land (Title Deeds Restoration) Act, Cap. 229C** was amended to, *inter alia*, expand the circumstances under which the Registrar of Titles may order Title Deeds restored. Title Deeds may now be restored if they are lost, stolen, or destroyed or damaged, whether by disaster or otherwise. "Lost" means misplacement by the owner himself, or "through misplacement, concealment or unreasonable withholding by another."

The Land Registry now takes this opportunity to advise Members of the Bar of the following revision to its form of application for restoration of deeds, consequent upon the recent amendments to the **Land (Title Deeds Restoration) Act, Cap. 229C**. This revised procedure will take effect from **March 1, 2012**.

We express appreciation to those Members who offered comments on this revised form. We found them very useful.

Revised Form of Application for the Restoration of Title Deeds destroyed or damaged by disaster or otherwise, lost or stolen

Summary of documents to be provided

- a) Recorded Application with attached certified copies of Deeds to be restored;
 - b) Recorded Affidavit of Applicant setting out circumstances;
 - c) Recorded Affidavit of any other relevant witness, if applicable;
 - d) Notice of Application published in two (2) newspapers having a wide circulation;
 - e) Recorded Affidavit certifying publication of Notice of Application in the newspapers and the results thereof;
 - f) Certificate of Restoration.
1. The Application, which includes a **certified** copy of the Deeds to be restored, must be recorded with the cashier in the normal way. Preliminary approval of the Application by the Registrar is no longer necessary. A duplicate of the deed sought to be restored must also be left with the Registrar. This will be bound up in the Certificate of Restoration and returned to the successful applicant on completion of proceedings. Specimen forms of the Application accompany this Notice.

2. The Application should normally be supported by sufficient Affidavit evidence establishing that the title deeds sought to be restored have in fact been lost or stolen or damaged by disaster or otherwise, as the case may be. This will usually, but not always, involve at least two Affidavits: one from the applicant and the other providing supporting evidence. **The Affidavits must disclose the full dealings with the land since acquisition.** Affidavits must attach any relevant exhibits.
3. If the title deeds are alleged to be lost or stolen, the Affidavit must also indicate the nature of all the searches made for them, whether by or behalf of the applicant. All Affidavits should also be recorded with the cashier.
4. In their Affidavits, applicants should also undertake to surrender the original deeds to the Registrar should those deeds ever return to the applicant's custody.
5. Following recording of the Application, Notice of the Application must be advertised twice in at least two (2) newspapers having a wide circulation at approximately 14-day intervals. The advertisement should provide the public with at least six (6) weeks' clear notice of the Application, starting from the date of the first publication in the newspapers. A specimen form of the advertisement also accompanies this Notice.
6. After the six-week period has elapsed, two originals of the Certificate(s) of Restoration should be engrossed on A4 sized parchment and returned to the Land Registry, along with an Affidavit verifying publication of the advertisements in the Press and indicating the results thereof. A copy of the advertisement should be attached to this Affidavit. A separate Certificate must be prepared for every deed sought to be restored.
7. To assist in determining the application, the Registrar may convene a formal hearing where necessary, particularly where the applicant alleges that the Deeds are stolen or are being concealed or unreasonably withheld by some person.
8. The Applicant is encouraged to record the Certificate(s) at the Land Registry as soon as possible after restoration. A specimen form of the Certificate of Restoration accompanies this Notice.
9. All documents submitted in support of the Application, should be supplied on A4 sized paper and must be recorded with the cashier.
10. Except for recording fees, no fee is presently payable to the Land Registry for restoration of title deeds.

TIMOTHY O. MAYNARD
REGISTRAR OF TITLES
2012-01-27

SPECIMEN APPLICATION TO RESTORE TITLE DEED

BARBADOS

LAND (TITLE DEEDS RESTORATION) ACT CAP 229C

(Section 3)

IN THE MATTER OF the
Restoration of Title Deeds to
land situate at [Lot 40
Trafalgar Square, St.
Michael], containing by
admeasurement 2000 square
feet

RESTORATION OF TITLE DEEDS DESTROYED BY DISASTER
OR OTHERWISE, OR LOST OR STOLEN

TO: THE REGISTRAR OF TITLES

I/WE, *[Name of fee simple owner]*, of *[Address of fee simple owner]* HEREBY APPLY for the Restoration of the following Title Deed(s) which was/were *[state short reason for unavailability of original deed, e.g. "is being unreasonably withheld from my lawful custody."]*

(a) *[Describe the type of Deed, date and recording particulars, names of the parties thereto and a full description of the property];*

(b) ...

2. Certified true copies of the said Title Deeds are submitted with this Application along with the Affidavits or BC, DE (and FG) of *[addresses]*

3. I/WE am the fee simple owner of the property, the subject matter of this Application.

Dated this day of 2012

Applicant

SPECIMEN ADVERTISEMENT

BARBADOS

APPLICATION NO: *[Provided by Land Registry on recording of Application]*

LAND (TITLE DEEDS RESTORATION) ACT CAP 229C *(Section 3)*

RESTORATION OF TITLE DEEDS DESTROYED BY DISASTER OR OTHERWISE, OR LOST OR STOLEN

TAKE NOTICE that an Application has been made to the Registrar of Titles by *[Name of fee simple owner]* e.g. AB of *[Address of fee simple owner]* for the Restoration of the Title Deed(s) to *[Location of property e.g. Lot 1 Kingsland, Christ Church]* (more particularly described in the Schedule hereto) on the grounds that the Original Title Deed(s) to the property has/have been *[state short reason for unavailability of original deed, e.g. stolen from my home at 123 Restoration Drive, St. Michael]* on the 16th day of July, 2013.

ALSO TAKE NOTICE that unless notification is received at the Land Registry, "Warrens Office Complex, Warrens, Saint Michael by *[insert a date six (6) weeks from date of Notice e.g. March 23, 2012]* that the Title Deeds have not been *[stolen, lost etc..]* or are being lawfully held by some other person, the Registrar of Titles shall immediately proceed to determine the said Application according to law.

Dated this day of 2012

SCHEDULE

1. *(Briefly, but sufficient to clearly describe the property. Abutments not necessary)*

2. *The Title Deeds to be restored are:*

(a) *Conveyance dated day of between (1) and (2) and
recorded on day of 1838 in Volume 434 of Deeds at
Page 23 as Deed No. 1989*

DRAFT

SPECIMEN CERTIFICATE OF RESTORATION

BARBADOS

LAND (TITLE DEEDS RESTORATION) ACT CAP 229C (Section 4)

IN THE MATTER OF the
TITLE to land situate at Lot
40 Trafalgar Square, St.
Michael, containing by
admeasurement 2000 square
feet

CERTIFICATE OF RESTORATION OF TITLE DEED

UPON Application No. of 2011 for the Restoration of Title Deeds made by
[Name of fee simple owner] of in the Parish of on the
and recorded at the Land Registry of Barbados on the
day of, 2011.

AND BEING SATISFIED that the Original of the *[state nature of deed,
e.g., Conveyance or Mortgage]* dated the day of 20, and
made Between of the One Part and of the Other
Part and recorded at the Land Registry of Barbados on the day
of as Deed No. of was *[state nature of loss
e.g. destroyed by fire, stolen... at in the City of Bridgetown in the
parish of Saint Michael in this Island on the day of , 2012]*.

I, **TIMOTHY O'NEAL MAYNARD**, Registrar of Titles do hereby
ORDER that **THE CERTIFIED COPY** of the said Title Deed attached
with and to this Certificate is hereby **RESTORED** in the place and stead of
the said destroyed Original and shall have full legal effect for any purpose
under any enactment or rule of law in force in this Island pursuant to Section
6 of the **Land (Title Deeds Restoration) Act Cap 229C** of the Laws of
Barbados.

Dated this day of 2011

REGISTRAR OF TITLES