

# FROM DEEDS TO DIGITAL

## NAVIGATING THE SHIFT IN PROPERTY REGISTRATION

By Eliza Evans

A matter type we are seeing increasingly less of in recent years is unregistered cases. In December 1990, compulsory registration on purchase or charge of property was introduced. Many clients exploring later life lending may not have remortgaged or moved since this date, therefore still use the outdated method of proving ownership, which is hard copy deeds.

The Land Registry estimates that 87% of land is now registered electronically, and the aim is for full registration of all freehold land in England and Wales by 2030. A lifetime mortgage will trigger first registration, which is why we request deeds from the outset.

There are several things we want to be able to verify from a pack of deeds, the most important being:

- 👉 Can we prove a full chain of unbroken ownership through 'conveyances' and prove that our client is the rightful (and only) owner?
- 👉 Can we see that any mortgages taken against the property have been repaid by way of the banks' vacating the mortgage deed and confirming repayment?
- 👉 Can we show that the plot of land referred to in the deeds is a match for the boundaries that the client believes they are entitled to?

In an ideal world, we can easily prove the above and later life lenders will be happy to proceed on the basis that their solicitors will register the property on completion.

Unregistered debts also behave differently. Where, on a registered title, it can be quite obvious that Mr Smith owes Big Bank Number 1 money on a mortgage due to the entry in the charges register, an unregistered title relies on possession of the mortgage deed. It's common practice for lenders on unregistered titles to retain the deeds until the charge is repaid. Another way that those debts can be protected is by way of a land charge, which is registered against the borrower themselves. We would follow the same procedure for removing this as with an entry on a registered title.

To summarise, title checks differ from electronic title checks for multiple reasons, but the main issue is that deeds are tangible objects which can be misplaced, destroyed or incomplete. Many people will have kept these over the years for posterity, but where a client cannot provide deeds, reconstitution of title may be necessary. This is specialist work and can be quite costly. We would always recommend that clients check with previous solicitors, lenders or banks, and relatives (not to mention the trusty attic!) for the whereabouts of the deeds to enable them to proceed smoothly.

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