



[2017] UKFTT 0235 (PC)

**PROPERTY CHAMBER
FIRST-TIER TRIBUNAL
LAND REGISTRATION DIVISION**

**IN THE MATTER OF A REFERENCE FROM HM LAND REGISTRY
LAND REGISTRATION ACT 2002**

REF No 2015/0935

BETWEEN

KATHRYN LOUISE RICHARDSON

Applicant

and

DANIEL HARKIN

Respondent

**Property Address: 13 Highfield Terrace, Dewsbury
Title number: WYK32506**

**Before: Judge McAllister
Leeds Employment Tribunal
1 February 2017**

Representation: Both parties appeared in person

ORDER

The Chief Land Registrar is ordered to give effect to the application dated 13 April 2015.

REASONS

1. The Respondent is the sole registered proprietor of 13 Highfield Terrace, Dewsbury ('the Property'). Prior to October 2008 the Property was owned by the Applicant's mother who had purchased it in 1991. The Applicant lived there with her mother until 1997 when she moved to another property with her then husband. In 2001 or thereabouts the Applicant, her husband and two children moved back into the Property.

2. In April 2016 the Applicant and the Respondent began a relationship. They had a child, Seth, who was born on 12 July 2008. In September 2008 the Property was transferred from the Applicant's mother to the Respondent in consideration of the payment of the outstanding mortgage to the Halifax in the sum of £18,000 odd. It is the Applicant's case that she paid this money from her savings. She produced evidence from her Abbey National savings account. I did not understand the Respondent to challenge seriously the Applicant's evidence as to this.
3. The reason for putting the Property in the Respondent's sole name was (and I accept this) to ensure that it would not form part of the Applicant's assets in the divorce proceedings with her husband. A new mortgage was taken out with the Yorkshire Bank in the sum of £72,000 odd. The greater part of this was used to carry out extensive renovations to the Property to accommodate the Applicant, the Respondent and their 5 children (albeit that the Respondent's children spent part of the time with their mother).
4. The relationship between the Applicant and the Respondent broke down in 2014, and the Respondent moved out in July 2014. The Applicant continues to live there with her three children. The Respondent pays the mortgage at the rate of approximately £400.00 per month. The outstanding mortgage is in the region of £63,000 and I am told that the Property is worth some £125,000.
5. At present the Applicant is not in a position to take over the mortgage or make any payments towards it, although she is hopeful that she will be able to obtain a teaching position once she has completed her teacher training. The Respondent is anxious to be freed of the burden of having to pay the mortgage.
6. By an application dated 13 April 2015 the Applicant applied for the entry of two restrictions against the title to the Property, the effect of which would be to prevent the sale or other disposition of the Property without a court order and without confirmation that she or her solicitor had been informed.

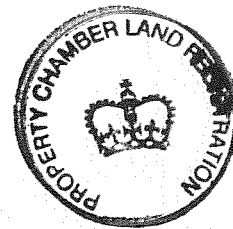
7. The issue before me is whether she is entitled to these restrictions. This requires me to be satisfied that she has a beneficial interest in the Property. The Respondent accepted that she has an interest, and indeed described it as the 'lion's share'. He stated that, so far as he is concerned, the Applicant is entitled to 70% and he is entitled to 30%. The Applicant alleges that her share is greater than 70%. However, neither party wished me to determine this issue, and I do not in any event need to do so. It is enough that the Respondent accepts and concedes that she has an interest. It will be for the parties to decide what steps are to be taken next, and, as they both know, in the event that they cannot agree, an application for an order for sale can be made to the County Court.

8. Accordingly, and in the light of the evidence given at the hearing, and the concession made by the Respondent, I will order the Chief Land Registrar to give effect to the application.

BY ORDER OF THE TRIBUNAL

Ann McAllister

Dated this 3rd day of February 2017.



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