

2707



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL
PROPERTY)**

Case Reference: **LON/00AJ/OCE/2013/0109**

Property: **130 Greenford Avenue, W7 3QS**

Applicants: **Joshi, Janes & Solowo-Coker**

Representative: **Child & Child solicitors**

Respondent: **The personal representatives of Michael
Lenihan aka Michael Linehan**

Representative: **None**

Type of application: **Determination of Terms of Transfer [s.25
Leasehold Reform, Housing and Urban
Development Act 1993]**

Tribunal members: **Mr M Martynski (Tribunal Chairman)
Mr D Banfield FRICS**

Date and venue of hearing: **8 July 2013
10 Alfred Place, London WC1E 7LR**

Date of decision: **8 July 2013**

DECISION

Decision summary

1. The form TR1 is approved as per the draft attached hereto.

Background

2. The freehold of the building in question was formerly owned by Mr Lenihan who died in 1991. No grant of representation has been taken out in Mr Lenihan's estate. In a witness statement dated 14 November 2012, the Applicants' solicitor, Aoife Cantillon, said that he contacted Mr Lenihan's

cousin, Ms Elizabeth Crow, who claimed to be Mr Lenihan's next of kin. The date of the contact with Ms Crow is not given.

3. Mr Cantillon said in his witness statement that a Claim Notice dated 30 April 2012 was sent to Mr Lenihan's last known address and that a copy was sent to the Public Trustee.
4. On 15 November 2012, the Applicants issued proceedings in the Brentford County court claiming a determination of the terms of the acquisition by the Applicants of the freehold interest in the subject property or alternatively an order dispensing with the need to serve the Claim Notice.
5. By order dated 26 April 2013, Deputy District Judge McConnell approved an order declaring that the Applicants were entitled to acquire the freehold to the subject property on the terms set out in the Claimant's Claim Notice. The order provided that the only matter to be sent to this Tribunal for consideration was the terms of the proposed transfer of the freehold interest. Unusually, the proposed premium payable for that interest (set out in the Claim Form) was approved by the court without any reference to this Tribunal. Accordingly there has been no independent assessment of the premium offered by the Applicants for the freehold interest.
6. As to the amendments made to the form TR1 by the Tribunal;
 - (a) The Tribunal considers that the first box in section 8 has been incorrectly chosen (see the notes to this section which make provision where none of the boxes in that section apply)
 - (b) The Transfer cannot create rights in, over or under property that does not belong to any party to the transaction

Signed:

Mark Martynski, Tribunal Chairman

Dated:

8 July 2013

Land Registry Transfer of whole of registered title(s)

TR1

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Give full name(s).

Complete as appropriate where the transferor is a company.

Give full name(s).

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

	<p>1 Title number(s) of the property: NGL37933</p>
	<p>2 Property: 130 Greenford Avenue Hanwell London W7 3QS</p>
	<p>3 Date:</p>
	<p>4 Transferor: The Personal Representatives of Michael Lenihan also known as Michael Linehan</p> <p><u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:</p>
	<p>5 Transferee for entry in the register: Punit Joshi and Alison Michelle Janes and Elizabeth Henrietta Bamidupe Solowo-Coker</p> <p><u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:</p>
	<p>6 Transferee's intended address(es) for service for entry in the register: 130 Greenford Avenue Hanwell London W7 3QS</p>
	<p>7 The transferor transfers the property to the transferee</p>

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.
Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
 - in the first box, or
 - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, or
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to Land Registry's Public Guide 18 - *Joint property ownership* and Practice Guide 24 - *Private trusts of land* for further guidance. These guides are available on our website www.landregistry.gov.uk

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

8 Consideration

- The transferor has received from the transferee for the property the following sum (in words and figures):

£20,177.00 (Twenty thousand one hundred and seventy seven pounds)

- The transfer is not for money or anything that has a monetary value
- Insert other receipt as appropriate:

9 The transferor transfers with

- full title guarantee
- limited title guarantee

10 Declaration of trust. The transferee is more than one person and

- they are to hold the property on trust for themselves as joint tenants
- they are to hold the property on trust for themselves as tenants in common in equal shares
- they are to hold the property on trust:

in the following shares:

- 50% - Punit Joshi and Alison Michelle Janes
50% - Elizabeth Henrietta Bamidupe Solowo-Coker

11 Additional provisions

~~11.1~~ The right of passage and running and transmission of water and soil and gas and electric current as heretofore used and enjoyed from and to the Property through sewers, channels, pipes, cables or wires in or under any adjoining or neighbouring buildings or land.

~~11.2~~ This Transfer is executed for the purposes of Chapter 1 Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993

transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee may also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to Land Registry's Public Guide 18 - *Joint property ownership* and Practice Guide 24 - *Private trusts of land* for further guidance.

12 Execution

Signed as a deed by [] District Judge of
the Brentford County Court

Signature.....

in the presence of:

Signature of witness.....

Name (in BLOCK CAPITALS)

Address

Signed as a deed by **Punit Joshi**

Signature.....

in the presence of:

Signature of witness.....

Name (in BLOCK CAPITALS)

Address

Signed as a deed by **Alison Michelle Janes**

Signature.....

in the presence of:

Signature of witness.....

Name (in BLOCK CAPITALS)

Address

Signed as a deed by **Elizabeth Henrietta Bamidupe Solowo-Coker**

Signature.....

in the presence of:

Signature of witness.....

Name (in BLOCK CAPITALS)

Address

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.