

FININ2MIN - TRANSFER OF PROPERTY ACT, 1882

Chapter II-A - Transfer, Capacity and Operation

Chapter in 2 Minutes

Classify the property, transferor capacity, form and effect before testing conditions or third-party rights.

Provision map

- 5: Transfer of property defined
- 6: What may be transferred
- 7: Persons competent to transfer
- 8: Operation of transfer
- 9: Oral transfer
- 10: Condition restraining alienation
- 11: Restriction repugnant to interest created
- 12: Interest determinable on insolvency or attempted alienation

Transaction controls

- ☐ Classify interest and transaction
- ☐ Verify title, litigation and encumbrances
- ☐ Confirm capacity, authority and consent
- ☐ Apply State stamp and registration
- ☐ Reconcile consideration, tax and possession
- ☐ Preserve closing and remedy evidence

Red flags

- ! Unclear title/authority
- ! Pending litigation or acquisition
- ! Unreleased mortgage/charge
- ! Wrong instrument or deficient stamp
- ! Possession before legal protection
- ! Uncontrolled limitation or forum