

FININ2MIN - TRANSFER OF PROPERTY ACT, 1882

Chapter II-C - Vested, Contingent and Conditional Interests

Chapter in 2 Minutes

Separate vested and contingent interests and test every condition precedent, condition subsequent and gift-over clause.

Provision map

- 19: Vested interest
- 20: Vested interest of unborn beneficiary
- 21: Contingent interest
- 22: Class members attaining a particular age
- 23: Transfer contingent on uncertain event
- 24: Survivorship at unspecified period
- 25: Conditional transfer
- 26: Fulfilment of condition precedent
- 27: Gift over on failure of prior disposition
- 28: Ulterior transfer on specified event
- 29: Fulfilment of condition subsequent
- 30: Prior disposition unaffected by invalid ulterior disposition

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