

FININ2MIN - TRANSFER OF PROPERTY ACT, 1882

Chapter II-E - Authority, Co-ownership and Priority

Chapter in 2 Minutes

Verify authority, ostensible ownership, co-owner rights, priority and notice before accepting title.

Provision map

- 38: Transfer by person authorised only in certain circumstances
- 39: Transfer where third person has maintenance right
- 40: Restrictive obligation annexed to ownership
- 41: Transfer by ostensible owner
- 42: Transfer by person authorised to revoke former transfer
- 43: Feeding the grant by estoppel
- 44: Transfer by one co-owner
- 45: Joint transfer for consideration
- 46: Transfer by persons with distinct interests
- 47: Transfer by co-owners of share in common property
- 48: Priority of rights created by transfer
- 49: Transferee right under insurance policy

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