

FININ2MIN - TRANSFER OF PROPERTY ACT, 1882

Chapter VI - Exchanges

Chapter in 2 Minutes

Treat exchange as reciprocal transfers and test title, deprivation, money adjustment and tax consequences for each leg.

Provision map

- 118: Exchange defined
- 119: Right where party is deprived of thing received
- 120: Rights and liabilities in exchange
- 121: Exchange of money

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