

FININ2MIN - TRANSFER OF PROPERTY ACT, 1882

Chapter VIII - Actionable Claims

Chapter in 2 Minutes

Document assignment, notice, debtor defences, warranties, security and statutory exclusions for actionable claims.

Provision map

- 130: Transfer of actionable claim
- 130A: Repealed
- 131: Notice in writing and signed
- 132: Liability of transferee
- 133: Warranty of solvency
- 134: Mortgaged debt
- 135: Assignment of fire insurance rights
- 135A: Repealed
- 136: Disqualification of court officers
- 137: Saving of negotiable instruments and mercantile documents

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