



ADVISORY
Industry Information

Registration of Judgments at the Land Title Registry Office

24 September 2018

Background

In Bermuda, a money judgment constitutes a lien on the judgment debtor's land (*Cates and Panchaud v Dill* [1956] Bda LR 1 SC). The lien runs with the land and will not be extinguished even when the land is sold to a bona fide purchaser for value as the judgment is deemed to constitute notice of the lien to the purchaser.

In an important statutory development, following Schedule 10 of the Land Title Registration Act 2011 ("LTRA 2011") coming into force, the automatic attachment of judgments to any land owned by a debtor has now come to an end. Judgment creditors must now register their judgment in accordance with Schedule 10 of the LTRA 2011 to protect their priority over land owned by the judgment debtor.

LTRA 2011

The operative date of the relevant portions of the LTRA 2011 was 2nd June 2018. Schedule 10 of the LTRA 2011 entitled 'Registration of Judgments' provides as follows:

- » A judgment granted after the coming into operation of this Schedule, shall **not** affect any lands, tenements or hereditaments as to purchasers, mortgagees or judgment creditors unless and until;
 - (a) a memorandum containing the names of the person in whose favour and against whom judgment is given, the date of such judgement and the amount of the debt, damages, costs or money thereby recovered or secured is registered with the Land Title Registrar; and
 - (b) a copy of such memorandum, certified as such by the Registrar of the Supreme Court, is lodged with the Land Title Registrar, who shall issue a receipt, in respect of each memorandum received.

New Practice for Registering Judgments that are granted after 2 June 2018

Going forward, judgment creditors must;

1. Copy and submit a completed requisite form (Form R33) and a cheque in the sum of \$104 per application to the Land Title Registrar to register the judgment;
2. Submit a copy of the completed Form R33 to the Supreme Court Registry for certification by the Registrar of the Supreme Court;
3. Submit a certified copy of the completed Form R33 to the Land Title Registry; and,
4. Obtain a receipt from the Land Title Registry confirming receipt of the certified copy of the completed Form R33.



Additional Considerations

- » Information about registered judgments at the LTRO will be entered into a searchable Judgment Register as provided for by Part 6 of the Land Title Registration Rules 2018.
- » A search of the Judgment Register will allow individuals to determine whether individuals or companies have any outstanding judgments against them.
- » According to guidance received from the LTRO, the Judgment Register will not contain any of the information currently located in the Cause Book at the Supreme Court Registry, so persons will still need to conduct searches of the Cause Book for further details about the judgment.

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