

PRECEDENT 3.H

APPLICATION FOR A QUALIFIED TITLE WHERE THE DEEDS HAVE BEEN  
LOST OR DESTROYED

LAND REGISTRY

Lands at .....

County:

Application of AB

I, AB of ..... make oath and say –

1. The land to which this application relates (“the land”) is the land shown on the attached map and situate at .....
2. My title to the land is as follows –  
**Set out details of the title and explain the loss of title deeds, e.g. –**
  - a. *By an indenture of Lease (hereinafter called “the Lease”) dated ..... and made between YZ of the one part and WX of the other part the land was demised to WX for a term of ..... years from ..... subject to the yearly rent of ..... and to the covenants and conditions therein contained.*
  - b. *The Lease has been lost or destroyed and I refer to a copy Memorial thereof lodged herewith. I also refer to a certified copy of the counterpart of the Lease which was obtained from ..... which I believe to be a true copy of the Lease.*
  - c. *By an Assignment (hereinafter called “the Assignment”) dated ..... and made between WX of the part and myself of the other part the land was assigned to me for the unexpired residue of the term of ..... years from ..... subject to the yearly rent of ..... and to the covenant and conditions therein contained.*
  - d. *The Assignment has been lost or destroyed and I refer to a copy Memorial thereof lodged herewith.*
  - e. *I also refer to a copy Registry of Deeds search which is lodged herewith and which show registration of the Lease and the Assignment.*
  - f. *I further refer to a completed copy of the draft of the Assignment which was obtained from ..... which I believe to be true copy of the Assignment.*
  - g. **[describe the whereabouts of the deeds when they were lost or destroyed and explain the circumstances of their loss or destruction]**
  - h. *My solicitor has made enquiries of local solicitors and banks about the whereabouts of title deeds but has been unable to trace them [set out any other efforts made to trace the deeds] and I believe they have been lost*

*or destroyed. I refer to affidavit dated ..... made by my solicitor ..... which is lodged herewith.*

- i. I refer to a Registry of Deeds search dated ..... against myself which is lodged herewith and which show that I have not mortgaged or disposed of the land.*
- j. I confirm that I have not at any time deposited the title deeds with any person or body by way of security.*

3. Details of all deeds, wills and other documents to my knowledge affecting the title have been disclosed.
4. I am entitled for my own benefit to the said [leasehold] estate in the land free from encumbrances [save for the yearly rent reserved by the Lease and covenants and conditions therein contained].
5. I am, and since ..... have been, in undisputed possession of the land; no other person is in occupation or has, or claims to have, any title to or interest in the land, save as is hereinbefore indicated and all material facts have been disclosed.
6. I refer to the attached schedule of the documents which accompany this application being a list of all documents (including any affidavits, statutory declarations, counsel's opinions, abstracts of title, agreements for sales, searches, pre-contract enquiries and requisitions on title) which are in my possession or under my control and relate to title.
7. I request that I be registered as full owner of the said [leasehold] estate in the land.
8. I believe that by virtue of the above mentioned documents I would be entitled to a [Good Leasehold] title but I acknowledge that the root of title has been lost and accordingly I request that registration be made with a Qualified title.
9. I undertake that in the event of the original title deeds being found I shall lodge them with the Land Registry and apply for a reclassification of title.

Sworn etc