



## Legislative Assembly of the Cayman Islands

PRIVATE MEMBER'S MOTION NO. 8/2017-2018

### **Amendment to Registered Land Law (2004 Revision)**

**Whereas** there is much concern over the ease in which homes are repossessed by financial institutions;

**And Whereas** the values of homes are lost with little regards to equity as well as value to surrounding property;

**And Whereas** there is widespread concern by all Caymanians for the lack of lending protection and insufficient time afforded to protect their homes as a result of personal misfortunes and unfortunate events;

**BE IT THEREFORE RESOLVED** that Government considers amending Section 72 (1) of the Registered Land law (2004 Revision) which now reads as follows:

“If default is made in payment of the principal sum or of any interest or any other periodical payment or of any part thereof, or in the performance or observance of any agreement expressed or implied in any charge, and continues for one month, the chargee may serve the chargor notice in writing to pay the money owing or to perform and observe the agreement as the case may be.

To read as follows:

“If default is made in payment of the principal sum or of any interest or any other periodical payment or of any part thereof, or in the performance or observance of any agreement expressed or implied in any charge, and continues for three months, the chargee may serve the chargor notice in writing to pay the money owing or to perform and observe the agreement as the case may be.

**AND BE IT FURTHER RESOLVED** that the Government considers amending Section 72 (2) of the Registered Land law (2004 Revision) which now reads as follows:

“If the chargor does not comply within three months of the date of service, with a notice served on him under subsection (1), the chargee may appoint a receiver of the income of the charged property: or sell the charged property;

Provided that a chargee who has appointed a receiver may not exercise the power of sale unless the chargor fails to comply, within three months of the date of service, with a further notice served on him under subsection (1).

To read as follows:

“If the chargor does not comply within six months of the date of service, with a notice served on him under subsection (1), the chargee may appoint a receiver of the income of the charged property: or sell the charged property;

Provided that a chargee who has appointed a receiver may not exercise the power of sale unless the chargor fails to comply, within six months of the date of service, with a further notice served on him under subsection (1).

**AND BE IT FURTHER RESOLVED** that the Government considers amending Section 73 (6) of the Registered Land law (2004 Revision) which now reads as follows:

“Subject to subsection (8), the receiver shall be entitled to retain out of any money received by him all costs, charges and expenses incurred by him as receiver, and, for his remuneration, a commission at such rate, not exceeding five per cent of the gross amount of all moneys received, as is specified in his appointment, or if no rate is so specified at the rate of five percent of that gross amount, or such other rate as the chargor and the chargee and other chargees, if any, agree or the court thinks fit to allow on application made by the receiver for that purpose.”

To read as follows:

“Subject to subsection (8), the receiver shall be entitled to retain out of any money received by him all costs, charges and expenses incurred by him as receiver, and, for his remuneration, a commission at such rate, not exceeding three per cent of the gross amount of all moneys received, as is specified in his appointment, or if no rate is so specified at the rate of three percent of that gross amount, or such other rate as the chargor and the chargee and other chargees, if any, agree or the court thinks fit to allow on application made by the receiver, and notified to the chargee, for that purpose.”

**AND BE IT FURTHER RESOLVED** that Government considers amending Section 75 (1) of the Registered Land law (2004 Revision) which now reads as follows:

“A chargee exercising his power of sale shall act in good faith and have regard to the interests of the chargor, and may sell or concur with any person in selling the charged land, lease or charge, or any part thereof, together or in lots, by public auction for a sum payable in one amount or by installments, subject to such reserve price and conditions of sale as the chargee thinks fit, with power to buy in at the auction and to resell by public auction without being answerable for any loss occasioned thereby.”

To read as follows:

“A chargee exercising his power of sale shall act in good faith and have regard to the interests of the chargor, and may sell or concur with any person in selling the charged land, lease or charge, or any part thereof, together or in lots, by public auction for a sum payable in one amount or by installments, subject to a reserve price that cannot be below 70% of the average of three valuations, one of which must be provided by the chargor.”

Moved By: \_\_\_\_\_  
Mr. Christopher Saunders  
Elected Member for Bodden Town West

Seconded By: \_\_\_\_\_  
Mr. V. Arden McLean, JP  
Elected Member for East End

Tabled in the Office of the Clerk this 10<sup>th</sup> day of August, 2017.

Withdrawn by the Cayman Islands Legislative Assembly this 24<sup>th</sup> day of August, 2017.

Clerk of the Legislative Assembly