

## *Privy Council to Bahamian Land Owners: "Register Your Land"*

A recent decision by the Privy Council ended years of battle over who has right to property ownership in a case where the same piece or pieces of property were sold more than once -- the current owners who recorded their title or the previous owners who bought in good faith but failed to register title.

While the legal issues were complex, the Privy Council's decision was clear cut -- ownership goes to the party who has the recorded and stamped title.

In the January 2013 decision, the Privy Council ruled that ".....anyone who has entered into a contract for sale, lease or grant of an interest in or over land, or who has bought, leased or been granted an interest in or over land, would be well advised at once to register their contract, conveyance, lease or grant."

This pronouncement was made by The Bahamas judicial system's highest Court of Appeal in a controversial case in favour of an Appeal mounted by Canadian citizen, Howard Obront and Bahamian attorney, Anthony Thompson, after finding that their February 1996 agreement to purchase the 40-acre Oceania Heights site took precedence over the former owner's sale of 11 lots because it was recorded first in the Registry of Records. The legal battle had made international news.

Therefore, even though the 11 lots were sold before Oceania Heights acquired the property, the Privy Council found the latter deal to take "priority". The legal position is to therefore record land acts "at once".

### **Halsbury Chambers**

