

## Sample

# Converting to a Tenancy in Common

### Contents:

- Original Title Register
- Notice of Severance
- Land Registry Form SEV (page 1 shown)
- Updated Title Register showing Restriction in B Section of Register
- Tenancy in Common Information Guide (page 2 shown)

**This document is a sample created to illustrate an actual Title Register. The Title Number, names and addresses are fictitious.**

Please note that each Title Register varies as to the amount of detail, some containing far more detail and others, less detail. Where there are no mortgages or charges affecting the property there may not be a C Section.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, WALES OFFICE

TITLE NUMBER: NGL00119900

There is no application or official search pending against this title

### **A: Property Register**

*This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.*

BRENT

1 (01.01.1991) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being Flat 1, 20 Long Road, Lewisham, London NW7 3HH, and Parking Space

Note: As to the part tinted blue on the filed plan only the first floor flat is included in the title

2 (01.01.1991) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:

Date : 6 December 1990  
Term : 125 years (less 3 days) from 22 December  
Rent 1988  
Parties : £125 rising to £625 and additional rent  
          : (1) Wainwright Homes Lt  
          : (2) Adam Smith

3 (01.01.1991) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the lease.

4 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it

reserves, so far as those easements and rights exist and benefit or affect the registered land.

## **B: Proprietorship Register**

*This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.*

TITLE ABSOLUTE

1 (12.12.1990) PROPRIETOR: ADAM SMITH and ALICE DOE of 37 Abraham Drive, London W11 6ZZ

## **C: Charges Register**

*This register contains any charges and other matters that affect the land*

1 (01.01.91) The land is subject to the following rights reserved by a Conveyance dated 16 June 1967 made between (1) The Biochemical Commissioners for England and (2) Brian Lunt:

"Except nevertheless and reserving unto the Commissioners and their successors in title the owner or owners for the time being of the adjoining and neighbouring property

(a) The free passage of water soil and other services from such adjoining land through any drains watercourses pipes and conduits now existing in or under the said property hereby conveyed or substituted therefor by the purchaser and

(b) All such rights of way and such rights of user of air light and the passage thereof as the Commissioners their lessees or tenants now have or enjoy in through over and upon the said property or any part thereof to for or in respect of any adjoining property."

2 (01.01.91) REGISTERED CHARGE dated 6 December 1990 to secure the moneys including the further advances therein mentioned.

3 (01.01.91) Proprietor: NATIONAL BUILDING SOCIETY of National House, Knotty Ash, Liverpool L11 1ZZ

**End of Register**

NOTICE OF SEVERANCE OF JOINT TENANCY

To:  
ALICE DOE, 37 Abraham Drive, London W11 6ZZ

Property Address:  
37 Abraham Drive, London W11 6ZZ

Title Number:  
NGL00119900 (Leasehold)

I HEREBY GIVE YOU NOTICE severing our beneficial joint tenancy of and in 27 Abraham Drive, London W11 6ZZ now held by you and me as joint tenants both at law and in equity and henceforth the property shall be held by us as tenants in common in the shares appearing below AND I REQUEST you to acknowledge receipt of this Notice by returning the duplicate Notice enclosed herewith.

50% Adam Smith  
50% Alice Doe

Signed

.....  
Adam Doe  
37 Abraham Drive, London W11 6ZZ

I hereby acknowledge receipt of this Notice of Severance of which the above is a duplicate

Signed

.....

Dated:

.....

# Land Registry

## Application to enter Form A restriction on severance of joint tenancy by agreement or notice

# SEV

Form RX1 should be used for an application following severance in other circumstances.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Land Registry is unable to give legal advice but our website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) provides guidance on Land Registry applications. This includes public guides and practice guides (aimed at conveyancers) that can also be obtained from any Land Registry office. Public Guide 18 deals specifically with joint property ownership.

See [www.landregistry.gov.uk/contact-us/offices](http://www.landregistry.gov.uk/contact-us/offices) if you are unsure which Land Registry office to send this application to.

Conveyancer is a term used in this form. It is defined in rule 217A, Land Registration Rules 2003 and includes persons authorised under the Legal Services Act 2007 to provide reserved legal services relating to land registration and includes solicitors and licensed conveyancers.

LAND REGISTRY USE ONLY  
Record of fees paid

Particulars of under/over payments

Reference number  
Fees debited £

Where there is more than one local authority serving an area, enter the one to which council tax or business rates are normally paid.

You must enter the title number(s) relating to the property otherwise we cannot accept the application.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Currently no fee is payable for the entry of a Form A restriction.

Provide the full name(s) of the person(s) applying to enter the restriction. Where a conveyancer lodges the application, this must be the name(s) of the client(s), not the conveyancer.

If you are paying by direct debit, this will be the account charged.

This is the address to which we will normally send requisitions and return documents. However if you insert an email address, we will use this whenever possible.

1	Local authority serving the property:				
2	Title number(s) of the property:				
3	Property:				
4	Application and fee <table border="1"><thead><tr><th>Application</th><th>Fee paid (£)</th></tr></thead><tbody><tr><td>Entry of Form A restriction</td><td></td></tr></tbody></table> <p>Fee payment method</p> <p><input type="checkbox"/> cheque made payable to 'Land Registry'</p> <p><input type="checkbox"/> direct debit, under an agreement with Land Registry</p>	Application	Fee paid (£)	Entry of Form A restriction	
Application	Fee paid (£)				
Entry of Form A restriction					
5	The applicant:				
6	This application is sent to Land Registry by <table border="1"><tr><td>Key number (if applicable):</td></tr></table> <p>Name: Address or UK DX box number:</p> <p>Email address: Reference:</p>	Key number (if applicable):			
Key number (if applicable):					
	<table border="1"><tr><td>Phone no:</td><td>Fax no:</td></tr></table>	Phone no:	Fax no:		
Phone no:	Fax no:				

This document is a sample created to illustrate an actual Title Register. The Title Number, names and addresses are fictitious.

Notice the addition of the Restriction in the B section of this Register. This is how a Tenancy in Common is shown.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, WALES OFFICE

TITLE NUMBER: NGL00119900

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## **B: Proprietorship Register**

*This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.*

TITLE ABSOLUTE

1 (12.12.1990) PROPRIETOR: ADAM SMITH and ALICE DOE of 37 Abraham Drive, London W11 6ZZ

2 (12.12.1990) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the Registrar or the court

## **C: Charges Register**

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3 (01.01.91) Proprietor: NATIONAL BUILDING SOCIETY of National House, Knotty Ash, Liverpool L11 1ZZ

**End of Register**

# Tenancy in Common Service

## (Converting from Joint Tenancy)

### Contents

- Joint Tenancy
- Tenancy in Common
- Creation at the time of purchase
- Converting to Tenancy in Common
- Converting when the property is unregistered
- Converting back from a Tenancy in Common to a Joint Tenancy
- What we Provide with your Search
  - Title Register
  - Notice of Severance
  - Form SEV
- When you receive your documents ...
- Follow up

### JOINT TENANCY

A Joint Tenancy, properly known as a Beneficial Joint Tenancy, is one of the two main ways that a property can be owned by two or more people.

When a property is owned in this way each joint owner holds 100% of the property, i.e. there are no divided shares as each person owns the whole. This means that if one or more of the joint tenants die the survivor already owns the property, without the need for it to be transferred or conveyed to him. Thus there is no disposition and therefore no taxable transaction.

The terms “Joint Tenancy” and “Tenancy in Common” do not refer to a lease or tenancy of a property, but are merely the legal definition of how a property is owned by two or more people. Joint Tenancies and Tenancies in Common apply whether the property is leasehold or freehold.

In most instances two or more owners of property hold it as joint tenants. However, a huge disadvantage of owning it in this way is that the respective owners



cannot leave their share of the property in a Will, as they do not own a share. Upon the death of a joint owner their ownership of the property automatically devolves on the surviving owners (right of survivorship) and any provision in the deceased's Will is of no effect.

Right of Survivorship is a powerful legal right in so far as it takes priority over all other claims when distributing the deceased's estate (assets). There will