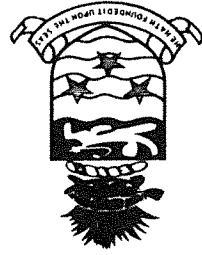


CAYMAN ISLANDS



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THE PUBLIC RECORDER LAW
(Revised)

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CAYMAN ISLANDS

THE PUBLIC RECORDER LAW

(Cap. 143)
(Revised)

Consolidated with Law 41 of 1967.

Originally enacted:

Cap. 143

Law 41 of 1967

21st October, 1960
30th December, 1967.

Published in consolidated and revised form this 8th day of May, 1978, by authority of the Law Revision Law (No. 19 of 1975).

1. This Law may be cited as the Public Recorder Law (Revised).

2. In this Law —

“indices” includes all indices, abstract books and catalogues relating to public records, registered deeds and writings or registers in any of the offices mentioned in the Schedule.

Short title.

“public records” includes all rolls, writs, books, proceedings, laws, decrees, wills, warrants, accounts, papers and documents of any kind of a public nature, deposited in any of the offices mentioned in the Schedule;

The Schedule.

“records” includes both public records and registered deeds and writings, as defined by this section and also transcripts of the same contained in any register book;

“register book” includes any book or volume in any of the offices mentioned in the Schedule containing records, as well as any transcript made or to be made of any such book;

“registered deeds and writings” includes all deeds, wills, conveyances, charters, bonds, bills of sale, patents, certificates, letters patent, specifications, petitions, disclaimers, memoranda, powers of attorney, accounts, inventories, maps, plans and all other instruments and writings whatever, which before or after the 2nd day of January, 1968 in any of the offices mentioned in the Schedule to this Law are recorded, registered or otherwise on record;

“registers” includes all records and enrolments of registered deeds and writings in any of the offices mentioned in the Schedule;

“transcribe” and “transcript” include print and printed or photographic copy;

3. (1) The Governor shall appoint a fit and proper person to be the Public Recorder for the purpose of recording wills, deeds and other documents.

The Public Recorder and his deputy.

(2) The person who immediately before the commencement of this Law held the office of Public Recorder shall be deemed, on the commencement of this Law, to be appointed under this Law.

(3) The Public Recorder may by writing under his hand appoint a person

vendee of such lands, tenements or hereditaments, or a second or other deed of mortgage without having taken notice in the said deed of mortgage of the first or prior mortgage or mortgages with which the said land, tenements, or hereditaments stand charged at the time of executing the said deed, all and every person and persons so offending shall be tried and punished and subject to like forfeitures and penalties as by the laws of England is provided against all such persons as shall execute deeds of mortgage without taking notice of all prior mortgages made.

Searches in office of Public Recorder.

14. All persons interested in making searches in the office of the Public Recorder shall be at liberty to search and examine at such times as may be notified in the Gazette the public records, and the registers and the indices in the office, and to take abstracts or other short notes of any matters in the same, and to inspect in the presence of some person belonging to the office any original registered deed or writing to which reference is obtained in such searches.

1. Offices of the Governor
2. Office of the Public Recorder
3. Office of the Clerk of the Courts
4. Office of the Coroner.
5. Office of the Registrar of Lands.

SCHEDULE
(Section 2)

Publication in consolidated and revised form authorized by the Governor in Council this 26th day of April, 1978.

JENNY MANDERSON
Clerk of the Executive Council

at length in any of the offices mentioned in the Schedule to this Law within the said three months, shall be valid to pass the freehold without livery, seisin, attornment or other act or ceremony in the law whatsoever.

(2) No deed made from and after the passing of this Law without such acknowledgement or proof and recording shall be sufficient to pass away any freehold or inheritance or to grant any lease for above the space of three years.

9. (1) Every deed which shall be made or executed within these Islands for any estate or interest in land whatsoever shall be duly proved or acknowledged and recorded within ninety days after the date thereof, otherwise to stand void and of no effect against all other purchasers or mortgagees *bona fide* for valuable consideration as aforesaid:

Deeds to be recorded within 90 days.

Provided always that in the case of every deed, whether made or executed in or out of these Islands, if a purchaser or mortgagee of any estate or interest in land shall omit to prove and record his deed within the time and pursuant to the manner prescribed by this Law, but shall at any time afterwards do the same, no subsequent conveyance or mortgage being made by the first vendor or mortgagee, his personal representatives or assigns, the same shall nevertheless be good to the said purchaser or mortgagee or personal representatives, and a perpetual bar against the first vendor or mortgagee and his personal representatives, anything in this Law or any other to the contrary notwithstanding.

10. All patents granted after the year 1681 and enrolled within six months after the sealing of such patents, as likewise all such patents as are already there enrolled shall be good and valid in law notwithstanding any clause inserted in the said patent directing the contrary.

Sealing.

11. Subject to the provisions of this Law, the records of any letters patent enrolled and the records of any deed duly executed and proved or acknowledged and recorded in accordance with the provisions of this Law, and the record of any last will and testament duly executed according to law and proved shall at all times, whether before or after the commencement of this Law, be deemed sufficient evidence of the several persons' titles to any estate or interest in land claimed thereunder, and the same shall be read and allowed in every court within these Islands as if the original patent, deed, conveyance or will were actually produced, proved and read in all and every the same courts.

Records to be sufficient evidence.

12. Any mortgagee of any lands, tenements, real or personal estates whatsoever within these Islands, having received full satisfaction and payment of all such sum and sums of money as are really due to him by such mortgagee, shall at the request of the mortgagee enter satisfaction upon the margin of such mortgage, recorded or to be recorded in the office of the Public Recorder which shall forever hereafter discharge, defeat and release the same, and shall likewise perpetually bar all actions brought or to be brought thereupon in any court of record within these Islands; and if such mortgagee shall not, within three months after tender made for his reasonable charges, repair to the office of the Public Recorder or other proper office and there make such acknowledgement as aforesaid, he, she, or they so refusing shall, for every such offence, forfeit and pay unto the party or parties aggrieved the sum of one hundred dollars, to be recovered in any court of record within these Islands.

Mortgagees having been paid to enter satisfaction.

13. If any vendor or mortgagee of lands, tenements, or hereditaments within these Islands shall presume to execute a second or other deed of conveyance or sale of the same lands, tenements or hereditaments other than to the first

Penalty on persons selling etc., the same land twice over.

approved by the Governor to be his Deputy, and whenever the Public Recorder is absent from the Islands or unable to perform his duties for a period not exceeding six months, all the duties and privileges of the office of Public Recorder shall devolve upon the Deputy in like manner as if he were himself the Public Recorder.

Documents for recording.

4. (1) Every person desirous of having recorded any document which may be recorded by the Public Recorder shall present the same to the Public Recorder with one record copy which shall be printed, typewritten, photographed or reproduced in such other visible form as may be approved by the Public Recorder.

(2) The Public Recorder shall not be required to record any document unless —

- (a) a record copy is presented to him with the original in accordance with subsection (1); and
- (b) a fee of fifteen cents in respect of every legal sheet of one hundred and sixty words is paid to him.

(3) The Public Recorder shall diligently compare the record copy of any document with the original and shall certify every page thereof to be a true copy of the original after making any emendation that may be necessary to correct any discrepancies therein. He shall then bind the record copy and retain and number the same, and it shall thereupon become the legally recorded copy of the original, and shall be sufficient evidence of the contents of the original as recorded.

Copies of documents.

5. (1) The Public Recorder, on the request of any person who pays to him the fees specified in subsection (2), shall make a copy of any recorded document in his possession and deliver the same duly certified to such person.

(2) The fee payable for a copy of any document shall be twenty five cents for each legal sheet of one hundred and sixty words and, if more than one copy is required and the various copies are made by a single process, the fee for each copy after the first shall be fifteen cents for each legal sheet of one hundred and sixty words, otherwise the full fee shall be payable for each copy. In addition a certification fee of fifty cents shall be paid in respect of each copy certified by the Public Recorder.

(3) The Public Recorder shall not be required to complete the copying of any document in less than 72 hours from the time when the request for a copy is made to him, but he may at the request of the person requiring the copy and on payment to him of a waiver of notice fee equivalent to one half of the fee payable under subsection (2), prepare the required copy in less than 72 hours. For the purposes of this subsection Sundays and public holidays shall not be counted in computing the period of 72 hours.

6. Any person wishing to have a search made for a recorded copy of any document shall pay to the Public Recorder a fee of twenty five cents for each year in respect of which search is required to be made.

Search.

7. No fee shall be payable by the Government for any service rendered to it by the Public Recorder under this Law.

Waiver of fees for Government.

8. (1) A deed made in due form of law and within three months after the date thereof acknowledged by the party or parties that grant the same or proved by the oath of one sufficient witness or more in accordance with law, and recorded

Deeds recorded within 3 months after execution.