



FIXED DATE CLAIM FORM

Form 2

(Rules 8.1(5) and 27.2)

SUPREME COURT OF BARBADOS IN THE HIGH COURT OF JUSTICE

CLAIM NO.

**IN THE MATTER OF THE
TRANSFER BY CHARGE IN THE
EXERCISE OF POWER OF SALE**

**IN THE MATTER OF SECTION 83(3)
OF THE LAND REGISTRATION
ACT CHAPTER 229 OF THE LAWS
OF BARBADOS**

**AND ON THE APPLICATION OF
[NAME OF CLAIMANT/APPLICANT
MAKING THE APPLICATION].**

**The Claimant/Applicant [NAME OF CLAIMANT/APPLICANT AND
DESCRIPTION INCLUDING ITS REGISTERED ADDRESS, IF A FINANCIAL
INSTITUTION] hereby applies to this Honourable Court for the following orders:**

- 1. The Claimant/Applicant [NAME OF CLAIMANT/APPLICANT] be granted an extension of time to register with the Barbados Land Registry, the Transfer dated the [DATE OF THE TRANSFER] and made between the Claimant/Applicant (as Transferor) and [THE NAME OF THE PURCHASER UNDER POWER OF SALE] (as Transferee)**
- 2. The Claimant/Applicant be ordered to register the said Transfer on or before the date of**
- 3. Such further or other Orders as this Honourable Court deems fit.**

Dated the

day of

2022.

**[NAME OF PERSON DULY
AUTHORIZED TO SIGN ON
BEHALF OF THE CLAIMANT/
APPLICANT]**

CERTIFICATE OF TRUTH

I certify that all the facts set out in this Fixed Date Claim Form are true to the best of our knowledge, information and belief.

Dated the day of 2022.

**NAME OF PERSON DULY
AUTHORIZED TO SIGN ON
BEHALF OF THE CLAIMANT/APPLICANT]**

NOTICE TO THE DEFENDANT

The first hearing of this Claim will take place at the Law Courts, Whitepark Road, St. Michael on the day of 2022, at a.m./p.m.

If you do not attend at that hearing, judgment may be entered against you in accordance with the Claim.

If you do attend, the judge may

- (a) deal with the claim; or
- (b) give directions for the preparation of the case for a further hearing

A Statement of Claim or an affidavit giving full details of the claimant's claim should be served on you with this Claim Form. If this has not been done and there is no order permitting the Claimant not to serve the Particulars of Claim or affidavit, you should contact the Registry immediately.

You should complete the form of Acknowledgement of Service served on you with this Claim Form and deliver or send it to the Registry (address below) so that it is received there within FOURTEEN DAYS of service of this Claim Form on you. The form of Acknowledgement of Service may be completed by you or by an attorney-at-law acting for you.

**You should consider obtaining legal advice with regard to this Claim Form.
See the notes on the back of this document or on the next page**

This Claim Form has no validity if it is not served within twelve months of the date below unless it is accompanied by an order extending that time.

The Registry is located at the Law Courts, Bridgetown, telephone number 246-535-9700. The office is open to the public between 8:15 a.m. and 3:30 p.m. Monday to Fridays except on public holidays.

Dated the day of 2022.

The Claimant's address for service is that of their attorney-at-law.

Filed by [ATTORNEY NAME AND ADDRESS FOR SERVICE].

NOTICE FOR DEFENDANT (FIXED DATE CLAIM)

The Claimant is seeking an order from the Court as set out in the Claim Form herewith on the basis of the facts asserted in the Particulars of Claim or affidavit which was served with it. The Claimant will not be entitled to enter judgment against you without a hearing.

You may:

A. Admit the Claim

If so, you should complete and return the form of Acknowledgment of Service to the Registry within FOURTEEN DAYS, adding a statement that you admit the claim. You may also attend the first hearing if you wish to do so.

B. Dispute the Claim

If so, you should complete and return the form of Acknowledgment of Service within the time indicated in section A. You should also file at the Registry and serve on the Claimant's attorney-at-law (or the Claimant if he has no attorney-at-law):

- (a) a Defence, if the Claim Form is accompanied by the Claimant's Particulars of Claim; OR
- (b) an affidavit in answer, if the Claim Form is accompanied by an affidavit sworn by or on behalf of the Claimant.

within TWENTY-EIGHT DAYS of the day on which the Claim Form was served on you.

Your defence or affidavit must set out briefly ALL the facts on which you will rely to dispute the claim made against you.

You should also attend the first hearing. If you do not, the judge may deal with Claim in your absence.

C. Make a claim against the Claimant

If so, you should complete and return the form of Acknowledgment of Service within the time indicated under section A. You must file a Particulars of Claim (a Counter-claim) setting out full details of what you claim against the Claimant and the facts on which you will rely. This must be done within TWENTY-EIGHT DAYS of the date on which the Claim Form was served on you. The counterclaim should set out ALL the facts on which you reply in disputing any part of the Claimant's claim against you.

You should all attend the first hearing. If you do not, the judge may deal with the Claim in your absence.

BARBADOS

Claim No. CV /2022

**SUPREME COURT OF BARBADOS
IN THE HIGH COURT OF JUSTICE**

**IN THE MATTER OF THE
TRANSFER BY CHARGE IN THE
EXERCISE OF POWER OF SALE**

**IN THE MATTER OF SECTION 83(3)
OF THE LAND REGISTRATION
ACT CHAPTER 229 OF THE LAWS
OF BARBADOS**

**AND ON THE APPLICATION OF
[NAME OF CLAIMANT
/APPLICANT].**

FIXED DATE CLAIM FORM

[NAME OF ATTORNEY-AT-LAW]



**SUPREME COURT OF BARBADOS
IN THE HIGH COURT OF JUSTICE**

CLAIM NO.

CV

**IN THE MATTER OF THE
TRANSFER BY CHARGE IN
THE EXERCISE OF POWER OF
SALE**

**IN THE MATTER OF SECTION
83(3) OF THE LAND
REGISTRATION ACT CHAPTER
229 OF THE LAWS OF
BARBADOS**

**AND ON THE APPLICATION OF
[NAME OF THE
CLAIMANT/APPLICANT]**

AFFIDAVIT IN SUPORT OF FIXED DATE CLAIM FORM

I, [Name of Deponent] of [address] **MAKE OATH AND SAY** as follows:

1. [Statement of identity - name, title and capacity of the deponent which authorizes the making of the application].
2. [Statement of truth – indicating that the following information is true and correct to the best of your knowledge].
3. The Claimant/Applicant is [state the incorporation status and registered address of the Claimant/Applicant].
4. [State the facts surrounding the Applicant's exercise of power of sale
 - a. the ownership of the previous proprietor
 - b. the charge created over the parcel (the parties, date of execution, date of registration and instrument number to be included)
 - c. the default of the previous proprietor,

- d. the relevant clauses in the charge/provisions in the statute authorizing the power of sale,
 - e. the details of the Transfer in the exercise of the power of sale to the current proprietor (a copy should be exhibited). The date of the Transfer and the date of registration at the Land Registry to be highlighted.
- 5. [State the requirements of **section 83 (3)** of the **Land Registration Act Cap. 229** for the Transfer to be filed within a 14-day period and the reasons for the failure to adhere to this time limit. Any correspondence from the Registrar of Titles highlighting the requirements of section 83 (3) and the consequences of lack of compliance should be exhibited].
 - 6. [State any justification for the order sought/the reasons for it being just and equitable to grant the Applicants the relief being sought].
 - 7. [Closing Statement of Truth].
 - 8. [Recite prayer of relief].

SWORN TO by the Deponent)
the said **[NAME OF DEPONENT]**)
on the day of 2022)

Before me:

Attorney-at-Law/Legal Clerk

BARBADOS

Claim No. CV /2022

SUPREME COURT OF BARBADOS
IN THE HIGH COURT OF JUSTICE

AFFIDAVIT

[NAME OF ATTORNEY-AT-LAW]



**SUPREME COURT OF BARBADOS
IN THE HIGH COURT OF JUSTICE**

CLAIM NO.

CV

**IN THE MATTER OF THE
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**IN THE MATTER OF SECTION 83(3)
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**AND ON THE APPLICATION OF
[NAME OF APPLICANT/CLAIMANT
MAKING APPLICATION]**

ORDER

Before the Honourable, _____, Judge of the High Court, in Chambers
on the _____ day of _____ 2022.

Entered on the _____ day of _____, 2022.

UPON the Claimant/Applicant's application by way of Fixed Date Claim Form
dated/filed the _____ day of _____ 2022 coming on for hearing.

AND UPON READING the Affidavit of [NAME OF DEPONENT] on behalf of
the Claimant/Applicant, filed on the _____ day of _____ 2022.

AND UPON HEARING [NAME OF ATTORNEY-AT-LAW], Attorney-at-Law
for the Claimant/Applicant;

IT IS ORDERED THAT:

1. The Claimant/Applicant [NAME OF CLAIMANT/APPLICANT] be granted an extension of time to register with the Barbados Land Registry, the Transfer dated

the **[DATE OF THE TRANSFER]** and made between the Claimant/Applicant (as Transferor) and **[THE NAME OF THE PURCHASER UNDER POWER OF SALE]** (as Transferee).

2. The Claimant/Applicant be ordered to register the said Transfer on or before the date of
3. There is no order as to costs.

Dated this day of 2022

REGISTRAR