

Preface

This book was written primarily to meet the needs of law students and trainee attorneys in the Cayman Islands. Its purpose is to lay the foundation for students to develop their understanding of the conveyancing process and as a springboard for skills training on the Professional Practice Course of the Cayman Islands Law School.

The book deals with conveyancing of residential property. For commercial property and undeveloped land, there will be further considerations to be addressed by the parties and their attorneys. Throughout it is assumed that the vendor wishes to convey the ownership of land or a strata lot; where the vendor is conveying a leasehold estate or timeshare interest, further matters arise for consideration which are not discussed here.

In order that the reader may see how functions are allocated between attorney and client when the client is represented, the book assumes that attorneys are acting for the vendor and for the purchaser. If the client is unrepresented, then of course references to the client's attorney must be read as references to the client himself. In reality, many conveyancing transactions are carried out with one or more of the parties acting in person, or through a real estate agent, without legal representation.

Legal principles are the foundation of this work, but the procedures recommended reflect as far as possible the actual practices of the local conveyancing profession. The author must acknowledge a very great indebtedness to the practitioners in the Cayman Islands who have provided advice on practical aspects of local conveyancing. While this advice has been extremely helpful, and indeed the work could not have been written without it, the author accepts all responsibility for the errors and omissions which doubtlessly remain. Much information was also kindly supplied by real estate agents, legal secretaries, legal academics, civil service departments and statutory authorities.

The author is pleased to acknowledge the generous help from the attorneys: Charles Adams, Richard Addlestone, Frank Banks, Angus Charlton, Jacqueline Conolly, James Hanglow, Simon Hearn, Angelyn Hernandez, Stephen Porter, Daniel Priestley, Amanda Roberts. From other fields of professional activity, the author is pleased to acknowledge the generous help from: Alister Ayres, Nigel Bates, John Bebb, Lori Bergman, James Bovell, Clark Buchanan, Paul Dibb, Donnell Dixon, Sharlee Durham, Voldis Foldats, Lisa Hurlstone, Professor Phillip Kenny, Ann Kirchman, Robert Lewis, Greg Link, Goldbourne Mascal, Debra Morris, Dr William Petrie, Ezmie Smith, Dr Alan Sprince, Michael Thomas, Patricia Ulett, Grant Vincent. Thanks are also due to the law firms which have supplied specimen conveyancing materials, such as standard conditions of sale, which have influenced the whole structure of the book: Campbells, Hunter & Hunter, Maples and Calder, Myers & Alberga, Ogier, Quin & Hampson, Ritch & Conolly, Stuarts, Walkers.

Particular thanks are due to Daniel Priestley, Counsel at Ogier. Mr Priestley reviewed with great thoroughness the entire first edition, identifying many areas for correction and making constructive suggestions for improvement. His willingness to share his extensive experience of conveyancing practice in both George Town and London has been a significant advantage to this book and his contribution is greatly appreciated.

The author thanks both the Law Society of England and Wales and the Cayman Islands Real Estate Brokers Association for permission to reproduce their respective copyright materials in the Appendix. The Cayman Islands Lands and Survey Department kindly permitted the reproduction of the layered cadastral map on the soft cover.

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