

CHECKLIST

0. State when there is registration

[The registered interest will be indefeasible unless there is a proven exception. Torrens is not a system of registration by title, but a system of title by registration (*Breskvar*), which means a void instrument can have indefeasible once registered]

1. Whether there is fee simple interest

- indefeasible title – RP
 - volunteer exception
 - in personam claim
 - if there is trust, apply the case of *Bahr*
- trusts staff – most important
 - RT
 - Presumption of RT
 - ◆ Evidence of contrary intention?
 - ◆ Presumption of advancement
 - Evidence of contrary intention?
 - CICT
 - JVCT
 - estoppel

2. Whether there is **equitable** interest

- trusts staff – most important
 - RT
 - Presumption of RT
 - ◆ Evidence of contrary intention?
 - Presumption of advancement
 - ◆ Evidence of contrary intention?
 - CICT
 - JVCT
 - estoppel