



**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 time for the registration of the Transfer by Chargee in exercise of the Power of Sale, 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) be extended to 30 days from the day of perfection of the Order of this Court.**
- 2. Such further or other Orders as this Honourable Court deems fit.**

Dated the

day of

2022.

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**[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].**

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**FIXED DATE CLAIM FORM**

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**[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 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

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**AFFIDAVIT**

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[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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ACT CHAPTER 229 OF THE LAWS  
OF BARBADOS**

**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 READING** the Claimant/Applicant's application by way of Fixed Date  
Claim Form dated/filed the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

**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 time for the registration of the Transfer by Chargee in exercise of the Power of Sale 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) be extended to 30 days from the day of perfection of the Order of this Court.

Dated this                    day of                    2022

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REGISTRAR