

**21 December 2018:** Assistant Registrar Jackie Evans (HMLR) writes to Registrar Sally Cater:

<b>From:</b>	Evans, Jackie
<b>Sent:</b>	21 December 2018 14:47
<b>To:</b>	Cater, Sally
<b>Subject:</b>	RE: Cc Land Registry Board/ pls escalate to a Director of Land Registry : Further to your call Incident: 1...
<b>Attachments:</b>	BK468535 - DRAFT WORD DOC.docx

Hi Sally,

I attach a brief summary of my investigation. Everything has been put on your desk.

Have a lovely relaxing Christmas.

Regards,

Jackie

Hi Sally,

I have taken a quick look at this correspondence and the relevant titles. I have put on your desk the OCRM string of correspondence on OCRM 181211-004082 which was kindly printed off for me by Sian Higgins. I am told by Kathryn Griffiths -Day that the OCRM incident 181211-00408 referred to in Andrew Robertson's e mail to you is the same material as is in the outlook version sent to you and is the same string of correspondence in OCRM incident 181211-004082. I have asked Kathryn-Griffiths Day to take out an A number against BK468535 (see below) and attach the OCRM corres to this. Sally Alexander has provided me with an additional e mail which is also on your desk relating to her initial telephone conversation with Mr McGovern. She is away until the new year as is Lloyd James who has dealt with Mr McGovern. Sian Higgins is in on 27 and 28 December 2018.

Mr McGovern is one of the registered proprietors of 18 Columba Gardens, Wokingham registered under Title Number BK468535. His title was first registered on 21 May 2015 pursuant to a Transfer dated 17 April 2015 and made between (1) Bellway Homes Limited and (2) Mark Samuel McGovern and Elodie Renee Bellivier (the "TR1"). His initial enquiry relates to: -

1. The execution of the TR1 by attorneys on behalf of Bellway.
2. The B4 restriction in favour of the Management Company.
3. The rent charge entry and the person with the benefit of the rent charge entry.

I will deal with these in turn.

1. We have a copy of the POA and we have told Mr McGovern this. Looking at the POA and the TR1 it appears that the TR1 was executed correctly in accordance with the POA.

2. AND 3. In essence it appears that Mr McGovern is challenging the legality of the rent charge that was created by the TR1. There is a rent charge title in respect of the rent charge created by the TR1 and other properties on the estate. The rent charge title is BK468194 and is registered to Trinity (Estates) Property Management Limited ("Trinity"). Trinity are not a party to the TR1. The B4 restriction relates to compliance with clauses 31.3 and 31.4 of the TR1 and is in favour of Foundry Court (Wokingham) Management Co Ltd. They executed

the TR1 and are defined as the Manager therein. The definition of Manager also includes the successors in title to the Rent charge. Clause 31.3 deals with notice of assignment and 31.4 is a covenant by the Transferee with the Manager and the Transferor to pay the fixed and variable rent charge as defined therein. The rent charge in respect of no 18 was first registered on 4 September 2015. The FR1 in respect of this is in doc 7 of FACS of BK468194. Presumably the benefit of the rent charge was transferred from Bellway and Foundry Court (Wokingham) Management Co Ltd to Trinity but no copy of this is in FACS and box 15 of the FR1 has not been completed. It is assumed that this post dated the TR1.

I think that Mr McGovern cannot understand why Trinity have the benefit of the rent charge and the rent charge is registered under BK468194 when they were not a party to the T1 and are not named as Manager thereunder. However, I would refer you to the definition of Manager as referred to above.

The subsequent e mails expand a little more on this but relate to the same pint, that is the legality of the rent charge and its registration in BK468194.

Jackie Evans ALR

**28 December 2018:** HM land Registry internal email. Land Registrar cannot explain why McGovern would enter into a Transfer in the form held by HM Land Registry (signed only by employees of Bellway Homes companies):

**From:** Cater, Sally  
**Sent:** 28 December 2018 12:21  
**To:** Flitter, Simon  
**Subject:** BK468194

Simon  
Thank you for looking into this. The rentcharge title number is above. I (and the customer, RP of BK468535) can't understand why he entered into a Transfer dated 17 April 2015 when the Manager was Foundry Court (Wokingham) Management Ltd and the RP of the rentcharge title has been Trinity (Estates Property Management Ltd. since 6 May 2015 and we've got a FR1 for the rentcharge dated 25/1/15 when the applicant is Trinity.  
Many thanks  
Sally

Sally Cater

Land Registrar – Wales Office  
Land Registration Lawyers

**28 December 2018:** HM Land Registry internal enquiry.

**From:** Flitter, Simon  
**Sent:** 28 December 2018 13:58  
**To:** Cornish, Bernie <[Bernie.Cornish@landregistry.gov.uk](mailto:Bernie.Cornish@landregistry.gov.uk)>  
**Subject:** BK459564/BK468194

I was hoping you could help me – We have a query about the entry of the registered proprietor of a rentcharge scheme title – The Transfers appear to be for Foundry Court as the rentcharge holder whilst the rentcharge title is in favour of Trinity (estates) but I can't see any documents on file other than FR1s . Any info would be appreciated.

Regards  
Simon Flitter  
Senior Casework Executive  
Technical Support Group 1