

## **Property Searches**

### **Stamp Duty return (ST21)**

### **Performing a search in Land Registry and Registry of Deeds**

### **Property Valuation**

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## 1 Introduction

This guideline will assist staff:

- locating property {i.e. land (including buildings) or interests in land} on IBI using Stamp Duty Returns (eStamping and ST21s)
- using Land Registry and Registry of Deeds
- valuing property.

## 2 Scope

These guidelines are for all Revenue staff engaged in Debt Management case-working and Audit case-working.

## 3 Stamp Duty returns and ST21s

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[...]

- 3.5 Where the ST21 contains a valid PPSN, this will be linked to the taxpayer's Revenue record. Once the PPSN is entered into the customer search on IBI, the business profile appears. A property can be listed against a customer under a number of headings:
- (i) 'Property', Stamp Duty return, this may provide folio numbers of properties that will assist caseworkers with Land Registry searches;
  - (ii) 'NPPR', Non-Principal Private Residences - Between 2009 and Jan 2014 any second home should have been registered with the Local Authorities and a charge of €200 per home paid annually. The NPPR charge was abolished with the introduction of the Local Property Tax in July 2013;
  - (iii) 'PRTB', Private Residential Tenancies Board - Since 2004 it is a legal requirement that landlords must register tenancies with the PRTB;
  - (iv) 'RSP', Rent Subsidy Payments - these are payments made to landlords by the Government where the tenant cannot afford the full rent.

## 4 Land Registry and Registry of Deeds

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- 4.3 Land in the State falls into two categories registered and unregistered.
- **Registered property** has a folio number and is accessed through Land Registry on [landdirect.ie](http://landdirect.ie).
  - **Unregistered Property** may have a record in the Registry of Deeds; this is a record of charges/mortgages on properties that are not registered.
- 4.4 The Land Registry consists of folios and maps. The land in each county is divided into folios, one for each individual ownership or title. Each county has a two-letter identification code. See [Appendix 2](#) for a list of codes.
- 4.5 Folio numbers may end with an F or an L. F means Freehold and L means Leasehold. If there is no letter, then the folio was created before the introduction of the F and L designations i.e. prior to 1969.
- 4.6 **Freehold** means the owner has absolute right over the land and any buildings on the land. There is no time limit on the ownership. When the owner disposes of the freehold the new owner has absolute right over the land and any buildings on the land.
- 4.7 **Leasehold** means the owner owns the building and not the land the building stands on. A lease has a fixed time limit e.g. 999 years and a ground rent is payable to the owner of the land the building is built on. When viewing leasehold properties always check the date the lease was granted and the number of years on the lease as the title of the building reverts to the owner of the land once the lease expires. An example of leasehold would be an apartment block where the original builder will own the land the apartment block is built on and the owner would lease the apartment for 999 years and pay a ground rent to the original builder.

## 5 How to carry out property searches in Land Registry

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### 5.1 Property Registration Authority of Ireland website

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## 5.2 Search for a Folio

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See [Appendix 3](#) below for a list of Legends and Symbols represented on the relevant map as displayed in the property search section of landdirect.ie.

Where you click on or very close to a boundary, details of all properties related to the boundary will be displayed. Where a property is linked to both a freehold and leasehold folio, details of both folios will be displayed.

**To search by address:** From the drop-down menu within the property search section of landdirect.ie, click 'Search', then select the required tab from: Folio/Address/Street/Townland/Coordinate/InspireID

**To search by Street:** choose a county and then enter the street name. A drop-down list will filter street names as you type. Select the desired option and the map will load with that street at its centre. The scale will depend on the length of the street. To find an individual address, click on a property and if an address is linked to the property, it will display in Property Details.

**To search by Townland:** first choose a county. Choose a townland from the drop-down list. You can either scroll down the list of all townlands or filter by typing in the first few letters of the name of the townland and click the Zoom to Townland button. The map will zoom directly to the selected townland.

**To search by Coordinates:** enter the longitude and latitude (X and Y values) and click the Zoom button. The map will display with these coordinates at the centre point.

## 5.3 Search by Registered Owner

From the drop-down menu click 'Search' then: 'Registered Owner'

- You can search for folios linked to a Registered Owner on a county by county basis, or more than one county at a time. Select one or more counties from the list of available counties.
- To search for an individual, enter a surname and forename. You must enter a surname to conduct a search; forename is optional but recommended.
- To search for an organisation, enter the name of the firm.

As additional search aids, options of Equivalents and/or Phonetic Search may be chosen. Equivalents may be used to include aliases that are often used instead of the name(s) entered. For example, a search carried out against "Pat Kelly" will yield results that include owners whose names are "Patrick Kelly" or "Paddy Kelly".

Phonetic match may be used to include names sounding similar to the name entered. For example, a search carried out against "Pat Smith" will also yield results that include owners whose names are "Pat Smyth" or Pat Smythe". You can combine Phonetic and Equivalents in a single search.

The resulting list outlines the folio number, description of the property, and the full name of the owner. For each item on the list, you have the option to view the property on the map, view the folio or request a certified copy of folio and/or map. You can also save the results as a PDF document.

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#### 5.4 Pending Applications

This indicates that a change is pending on the folio. This could be the sale of the property or a new mortgage/charge to be applied to the folio. If in doubt about the reason for the pending application, caseworkers may contact Land Registry by phone on **076 1001610** to clarify what change is to be made.

#### 5.5 Reading a Folio

The first page of the folio (see Figure 1) contains the description of the property.

## Land Registry

**County Longford**

**Folio 000A2F**

### Register of Ownership of Freehold Land Part 1 (a) – The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

For parts transferred see Part 1 (B)

No.	Description	Official Notes
1	<p>The property shown coloured RED as Plan (s) 59 on the registry map, containing 1.7442 Hectares, situate in the Townland of AR, in the Barony of AA, in the Electoral Division of LONDFORD RURAL.</p> <p>The registration does not extend to the mines and minerals.</p>	<p><b>From</b> <b>Folio LD00A1F</b></p>

Figure 1: Screenshot showing Property Details on Land Registry file

The Official Notes for this folio mention another folio number; this means that LD000A2F was originally part of LD00A1F, a larger parcel of land.

The second page of the folio called 'Parts Transferred' will list any new folios created from the original number. See Figure 2 below. In this example none of the land has been transferred out of LD000A2F. In some cases (e.g. a housing development) you may see many listings on this page and even additional pages. This means that there may only be a small amount of land left in the original folio (e.g. a green space) with the majority of the land transferred for use as sites for a number of houses. If you view the map you will be able to see what is left in the folio by finding the seed point.

## Land Registry

**County Longford**

**Folio 000A2F**

### Part 1(B) – Property Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

Figure 2: Screenshot showing property transfer details on Land Registry file

Page three of the above listed folio (see Figure 3 below) gives the name of the owner of the property. This property has been owned by the Mr. Joe Bloggs since May 1993 and is still in his full ownership.

When reading the ownership page, you may see more than one name and after each name it will state the percentage ownership of the folio. Where the wording contains a strike-through, the ownership of the property has been transferred. The new owners can be clearly read. The previous owners will have a line through their names.

## Land Registry

**County Longford**

**Folio**

### Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part 11 of the Succession Act 1965	
1	13-May-1993 W0000/93	Mr. Joe Bloggs of 123 Street, Ballinalee, Co. Longford is full owner

Figure 3: Screenshot showing the Ownership details on Land Registry file

The final page of the folio (see Figure 4 below) is where you will find any mortgages or charges registered against the property. As with the ownership section, if the wording has been struck through, the burden or notice of burden has been lifted. If there is a Judgment Mortgage registered against the property it will also be listed here. See [Sections 8.7 - 8.9](#) for more information on priority of charges.

**Land Registry****County Longford****Folio 000A2F****Part 3 Burdens and Notices of Burdens**

<b>1</b>		The property is subject to rights, covenants and conditions relating to the use and enjoyment of the property.
<b>2</b>	17-APR-2007 D2007NL0000009Q	Charge for present and future advances repayable with interest, Bank of Ireland Mortgage bank is owner of this charge
<b>3</b>	02-FEB-2012 D2012LR0000000A	A judgment mortgage in respect of a Judgment obtained by Michael Gladney against Mr. Joe Bloggs on 14 <sup>th</sup> day of September in the High Court Record Number 2011/000R in a matter or cause of Michael Gladney v Joe Bloggs against the interest of Mr Joe Bloggs in the property.

Figure 4: Screenshot showing the charges registered on the Land Registry file

## 6 Registry of Deeds Searches

Registry of Deeds is not a list of all unregistered properties in Ireland. Registry of Deeds is a list of unregistered properties where a transaction on the property exists e.g. mortgage.

From the drop-down menu on the right of the landdirect.ie website select 'Registry of Deeds' then 'Enter a public search requisition'.

Enter your search criteria and click Accept. Click on the Confirm tab and Continue to start the search.

Click on 'View PDF' and the search results will be exported to an Adobe file.

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[...]

### Headings on Search Results:

**Reg No.:** the transaction number assigned by the Registry of Deeds, beneath the Reg No. is the transaction date, e.g. the date a mortgage was registered

**Nature:** the type of transaction e.g. a mortgage, a lease or a Judgment Mortgage

**Grantor:** The person against whom the transaction is registered

**Grantee:** The person who registered the transaction

**Property:** Address of the property.

## 7 Property Valuation

Where a Judgment Mortgage is being considered then a property valuation is required. This will ensure that there is sufficient equity in a property to pay Revenue in the event the property is sold. A note should be made of any charges on the folio, as they will be paid before Revenue's Judgment Mortgage should the property be sold.

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## 8 PRAI Notifications

### **Cancellation of Judgment Mortgage – First chargeholder**

- 8.1 In some cases, the first chargeholder on a folio may decide to exercise its power of sale e.g. Forced Sale by a bank. In these cases, the PRAI notifies Revenue that its Judgment Mortgage registered against the property will be cancelled.
- 8.2 Once the first charge and all associated costs have been paid then any surplus should be applied to the next charge on the folio, this may not always be Revenue.

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8.6 **The notice from PRAI will contain the following information:**

- The dealing number that the Judgment Mortgage was registered under and the folio number.

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**The notice will also contain the following paragraph:**

‘You are hereby given notice that the registered owner of the charge entered on 17<sup>th</sup> April 2007 at Entry No. 2 in the above-mentioned Folio in exercise of its power of sale has lodged an application to transfer the property described in said Folio discharged from aforesaid charge and from all other charges and burdens entered in said Folio that rank in priority after said charge.

The Judgment Mortgage registered in your favour at Entry No. 3 on Part III of said Folio will be cancelled on foot of said Transfer pursuant to Rule 80 of the Land Registration Rules, 1972.’

In the example below (Figure 5), Entry No. 2 on the folio shown below belongs to Bank of Ireland; Entry No. 3 is Revenue’s Judgment Mortgage. Both have been cancelled by the PRAI as the bank proceeded with a forced sale on the property.

No.	Particulars	
1		The property is subject to rights, covenants and conditions relating to the use and enjoyment of the property.
2	17-APR-2007 D2007NL0000009Q	<del>Charge for present and future advances repayable with interest, Bank of Ireland Mortgage bank is owner of this charge</del>
3	02-FEB-2012 D2012LR000000A	<del>A judgment mortgage in respect of a Judgment obtained by Michael Gladney against Mr. Joe Bloggs on 14<sup>th</sup> day of September in the High Court Record Number 2011/000R in a matter or cause of Michael Gladney v Joe Bloggs against the interest of Mr Joe Bloggs in the property.</del>

Figure 5: Screenshot showing the way removals of charges display in the Property Register

### Application to change priority of charge

- 8.7 In some cases, a mortgage may have been taken out by a taxpayer against a property but the bank or the solicitor dealing with the charge are dilatory in relation to registering the mortgage.
- 8.8 The PRAI will forward a letter to Revenue stating that an application has been made by a solicitor on behalf of the bank to change the priority of a charge registered.
- 8.9 Example: Revenue has a Judgment Mortgage registered in September 2007 on a folio and the number of the charge is 2.

The bank registered a mortgage in January 2009 and the number of the charge is 4.

The bank's solicitor applies to the PRAI to have its charge moved up in ranking on the folio. The bank will have supplied proof that the taxpayer gave a voluntary legal mortgage prior to September 2007.

This means that the bank will have priority over Revenue's Judgment Mortgage if the property was to be sold as its charge will now rank number 2 on the folio and the Judgment Mortgage will be number 3. It will be paid from the proceeds of the sale before any money is allocated to Revenue's charge.

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## Appendix 1 - Land Registry Contact Details for Divisions

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## Appendix 2 - Land Registry County Identification Codes

<b>Code</b>	<b>County</b>
CW	Carlow
CN	Cavan
CE	Clare
CK	Cork
DL	Donegal
DN	Dublin
GY	Galway
KE	Kildare
KK	Kilkenny
KY	Kerry
LS	Laois
LM	Leitrim
LK	Limerick

<b>Code</b>	<b>County</b>
LD	Longford
LH	Louth
MY	Mayo
MH	Meath
MN	Monaghan
OY	Offaly
RN	Roscommon
SL	Sligo
TY	Tipperary
WD	Waterford
WH	Westmeath
WX	Wexford
WW	Wicklow

## Appendix 3 - Map Legend

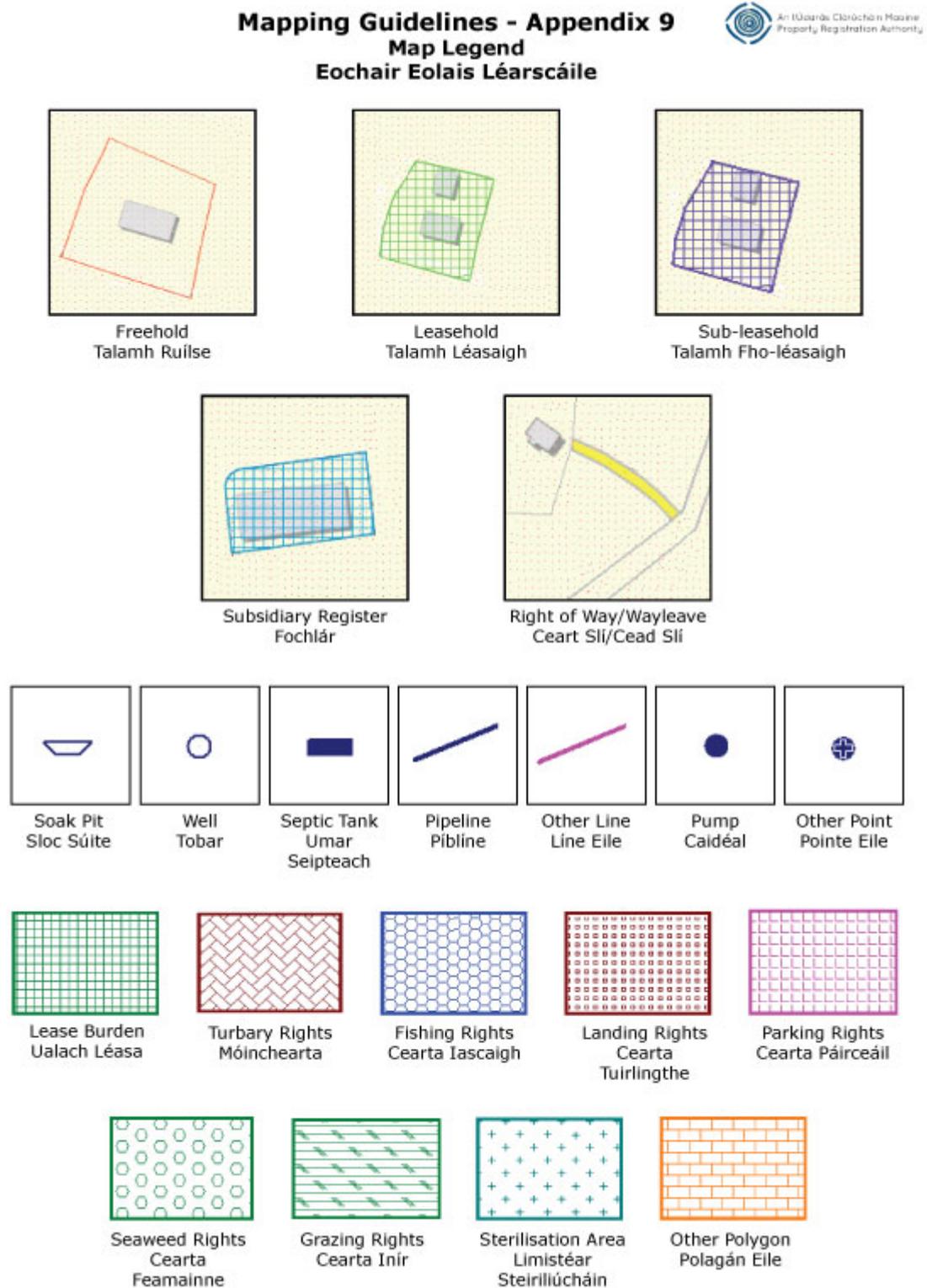


Figure 6: Caption displays Mapping Guidelines from Property Registration Authority