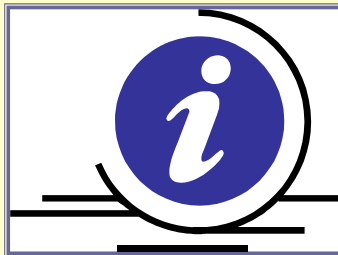




An tSeirbhís Chúirteanna
Courts Service

Information Booklet

Registering Lis Pendens in the High Court



Judgments Section The High Court

This is an information booklet and does not provide legal advice. Precedents are included for guidance purposes only and are not intended to be exhaustive. The requirements of the Superior Courts Rules and the relevant statutes must be complied with at all times



An tSeirbhís Chúirteanna
Courts Service

Index to Contents

I.	REGISTERING A LIS PENDENS:	3
II.	SATISFYING THE REGISTERING A LIS PENDENS:.....	5
APPENDIX A	PRECEDENTS FOR FORM NO. 31 OF SI 149/2010.....	6
APPENDIX B	PRECEDENTS FOR FORM NO. 32 OF SI 149/2010.....	8
APPENDIX C	PRECEDENTS FOR FORM NO. 33 OF SI 149/2010.....	10

I. Registering a Lis Pendens:

Where there is a dispute in relation to title and there is a High Court or Circuit Court case pending, a Lis Pendens can be registered in the Judgments Section of the Central Office of the High Court. Lis Pendens literally means “Litigation Pending” and its purpose is to put on notice that there is a dispute in relation to the property.

Section 121 of The Land and Conveyancing Law Reform Act 2009 states that “The following may be registered as a Lis Pendens:

- (a) any action in the Circuit Court or the High Court in which a claim is made to an estate or interest in land (including such an estate or interest which a person receives, whether in whole or in part, by an order made in the action) whether by way of claim or counterclaim in the action; and
- (b) any proceedings to have a conveyance of an estate or interest in land declared void.”

The Summons or Civil Bill need not be served to register a Lis Pendens. Once the claim exists a Lis Pendens can be lodged.

The following documentation must be lodged in the Judgments Section in order to register a Lis Pendens:

- a. **Form No. 31 in Appendix C of SI 149/2010. €25.00 stamp duty is required on this document**
- b. **A duplicate copy of the above form. No stamp duty required**
- c. **A copy of the originating document i.e. Summons or Civil Bill**
- d. **A Form 64 of the Property Registration Authority rules is lodged if notification on the Folio in the Property Registration Authority is required (pursuant to Rule 128 of the Property Registration Authority rules)**

A precedent for Form 31 of SI No 149/2010 can be found in Appendix A to this document

II. Satisfying the Registering a Lis Pendens:

On receipt of the requisite documentation, a Lis Pendens entered in the Registry of Lis Pendens in the Judgments Section can be satisfied.

There are two ways of satisfying a Lis Pendens:

Form 33 – Certificate of Cancellation of Entry of a Lis Pendens should be lodged with either of the following documents:

- (i) A High Court or Circuit Court Order vacating the Lis Pendens or
- (ii) A Form No. 32 giving consent to vacating the Lis Pendens and signed by the person on whose application the Lis Pendens was registered

Form 33 – Certificate of Cancellation of Entry of a Lis Pendens should be lodged in duplicate with the original Form 33 attracting €25.00 stamp duty

A precedent for Form 32 of SI No 149/2010 can be found in Appendix B to this document

A precedent for Form 33 of SI No 149/2010 can be found in Appendix C to this document

Appendix A

Precedents for Form No. 31 of SI 149/2010

**SCHEDULE No. 31
HIGH COURT
APPLICATION FOR THE REGISTRATION OF A LIS PENDENS**

I request that you enter the following particulars in the register of lis Pendens in accordance with section 121 of the Land and Conveyancing Law Reform Act 2009.

Signature of Applicant: _____ Dated: _____

Name and Address of Applicant for Registration:

Name: _____

Address: _____

Solicitor for Applicant:

Name: _____

Address: _____

Court in which the action was, or the proceedings were, commenced:

High Court / Circuit Court, _____ Circuit, County of _____

Date on which the action was, or the proceedings were commenced: _____

Title and Record number of the action or proceedings:

High Court or Circuit Court: _____

Between Plaintiff: _____

And Defendant(s): _____

Record No: _____

Name and the usual or last known place of residence (or in the case of a company, the registered office) and description of the person whose estate is intended to be affected by the registration:

Name: _____

Address: _____

Description: _____

CERTIFICATE OF REGISTRATION OF A LIS PENDENS

I CERTIFY that the lis Pendens particulars of which are set out in the above memorandum was duly registered in the Central Office on _____ day of _____ 20____ in Book _____ Page _____.

Dated; _____ day of _____ 20____

Registrar

Appendix B

Precedents for Form No. 32 of SI 149/2010

**SCHEDULE No. 32
HIGH COURT
CONSENT TO CANCELLATION OF AN ENTRY OF A LIS PENDENS**

I _____, applicant for registration of the lis Pendens particulars of which are set out below, hereby consent to cancellation of the entry in respect of it on the register of lis Pendens in accordance with paragraph (a) of section 122 of the Land and Conveyancing Law Reform Act 2009.

Signed by applicant: _____ Date: _____

Name and Address of Applicant for Registration:

Name: _____

Address: _____

Solicitor for Applicant:

Name: _____

Address: _____

Particulars of lis pendens to be cancelled:

Date of entry in the register of lis Pendens: _____

Court in which the action was, or the proceedings were, commenced:
High Court / Circuit Court, _____ Circuit, County of _____

Title and Record number of the action or proceedings:

High Court or Circuit Court: _____

Between Plaintiff: _____

And Defendant(s): _____

Record No: _____

Name and the usual or last known place of residence (or in the case of a company, the registered office) and description of the person whose estate is intended to be affected by the registration:

Name: _____

Address: _____

Description: _____

Appendix C

Precedents for Form No. 33 of SI 149/2010

**SCHEDULE No. 33
HIGH COURT
CERTIFICATE OF CANCELLATION OF ENTRY OF A LIS PENDENS**

I CERTIFY that the entry of the lis Pendens, particulars of which are set out below, was cancelled on the register of lis Pendens in accordance with section 122 of the Land and Conveyancing Law Reform Act 2009.

* [with the consent, given in the prescribed manner, of [XY] on whose application it was registered]

* [upon the lodgement in the Central Office of a notice, given in the prescribed manner, of an order of the _____ Court dated the _____ day of _____ 20____ under section 123 of the Land and Conveyancing Law Reform Act 2009 vacating the lis Pendens]

Signed by Registrar: _____ Date: _____

Particulars of entry of lis pendens cancelled:

Date of entry in the register of lis Pendens: _____

Court in which the action was, or the proceedings were, commenced:

High Court / Circuit Court, _____ Circuit, County of _____

Title and Record number of the action or proceedings:

High Court or Circuit Court: _____

Between Plaintiff: _____

And Defendant(s): _____

Record No: _____

Name and the usual or last known place of residence (or in the case of a company, the registered office) and description of the person whose estate was intended to be affected by the registration:

Name: _____

Address: _____

Description: _____

* delete as appropriate