

# Wildy, Simmonds & Hill Publishing

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## MORTGAGE RECEIVERSHIP

### LAW AND PRACTICE

Stephanie Tozer and Cecily Crampin

#### ABOUT THE BOOK

Mortgagees often appoint receivers, if the borrower falls into arrears. Perhaps because of the prevalence of buy-to-let mortgages, receivership appears to be used more often in the residential context than formerly, which has led to some recent case law, testing the effect of the receivers' agency in residential landlord and tenant law, such as *Helman v John Lyon Free Grammar School Keepers and Governors* [2014] EWCA Civ 17 in the context of lease extensions under the Leasehold Reform, Housing and Urban Development Act 1993, and *McDonald v McDonald* [2014] EWCA Civ 1049 (appealed on other issues) which decided that receivers could serve a Housing Act 1988 s21 notice on a tenant of the mortgagor.

This book seeks to answer crucial questions unanswered by the recent cases: what is the source and extent of the receivers' agency? Can receivers, for example, take possession against the mortgagor? When can the receiver be in a better position, as regards third parties, than the borrower is? This new book is a detailed and authoritative text on all aspects of mortgage receivership, surveying current case law and proposing analyses of the nature of receivership to answer some of the questions on which there is no direct authority.

*Mortgage Receivership* also provides practical advice about what receivers should do in particular situations and how litigation involving receivers should be conducted. It is essential reading for lawyers advising receivers, or who are involved in litigation for or against receivers, and for receivers themselves.

#### ABOUT THE AUTHORS

The authors are barristers at Falcon Chambers. Stephanie litigates a wide range of property-related disputes, and has particular expertise in fixed charge receivership law. She appeared in *Bower Terrace* [2012], and acted for receivers obtaining a possession order against the borrower. For several years, all directories have ranked her as a top tier property litigation junior.

Cecily practises in all areas of property law. Her particular interest in mortgage receivership started when she litigated a claim by receivers for possession of buy-to-let property in which the borrower repeatedly broke back in. Cecily is ranked in Chambers and Partners 2018 for real estate litigation.

#### READERSHIP

For solicitors working in banking and property departments; barristers in the fields of chancery and property; law libraries and receivers.



Price:	£125.00
ISBN:	9780854902521
Extent:	c650 pp
Size:	248 mm x 152 mm.
Binding:	Hardback
Publication Date:	September 2018

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New Title Information