

Corin v Patton (1990) 169 CR 540

<http://lawcasesummaries.com/knowledge-base/corin-v-patton-1990-169-cr-540/>

Facts

- Ms Patton owned a residential property as joint tenant (2 people own the same property together, but they both own all of it. Each has the right to survivorship. Contrast with tenancy in common where they own a share) with her husband.
- Being terminally ill she had her solicitor draw up an agreement to make it a tenancy in common and give her half to her brother on trust. H
- However while they were executed, no attempts were made to register the transfer. T

Issue

- The HCA had to determine whether the gift had been effective or whether the husband was entitled.

Held

- The Courts did not consider the Ms Patton had done everything necessary to make it binding and the mortgagee (bank) held the docs at all times.
- As a result Ms Patton could still have withdrawn the transaction and so the brother had no right.

Law case summary from www.lawcasesummaries.com