



INSOL
INTERNATIONAL



Secured Parties and Receiverships

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Forms of security

- Legal mortgage
- Equitable mortgage
- Charge
- Pledge
- Lien

Security over personal or moveable property

- Intangible property
- Tangible property
- Security over real property

Enforcement of security – Mortgages over shares

- Legal mortgage
- Equitable mortgage

Enforcement of security - Shares

- Legal mortgage
- Equitable mortgage

Enforcement of security rights

- Official/Provisional liquidation and RO appointment
- Scheme of arrangement

Security deemed as void or preferential

- Avoidance of dispositions from date of the winding up order
- Voidable preferences
- Fraudulent dispositions at undervalue

Rights of a creditor against a non-debtor guarantor



Perfection of secured interests and non-compliance



Other topics

- Sale of collateral
- Additional liens on collateral
- Distribution to secured creditors
- Over or under-secured claims

Questions?



Receivership

- Private appointment vs Court appointment
- Privately appointed receiverships
 - Self-help remedy for secured creditors
 - Powers derived from security agreement
 - Receiverships governed by Registered Land Act
- Court-appointed receiverships
 - General jurisdiction under Grand Court Act
 - Support a freezing injunction
 - Equitable execution
 - Receiver over a segregated portfolio

Questions?

