Mortgage: a proprietary interest that has capacity to be legal: s 1(2)(c) LPA 1925

Formalities for creation:
- Legal: Unregistered land — ss 85 and 86 LPA 1925
- Registered land — s 23(1)(a) LRA 2002

Mortgagor’s rights: the equity of redemption
- A right to redeem the mortgage. Any postponement must not render right illusory: *Fairclough v Swan Brewery Co Ltd* [1912]
- A right to have collateral advantages in favour of the mortgagee struck out, whilst respecting freedom to contract: *Jones v Morgan* [2001]
- A right to have oppressive/unconscionable terms struck out: *Cityland & Property (Holdings) Ltd v Dabrah* [1968]: Support provided by statute
- Ability to have mortgage set aside where evidence of undue influence: *Royal Bank of Scotland plc v Etridge (No 2)* [2002]

Mortgagee’s rights
- Possession: (AJA 1970/1973 where a dwelling house)
- Sale: Arises: s 101 LPA 1925
  - Exercisable: s 103 LPA 1925
  - Proceeds distribution: s 105 LPA 1925
- Appoint receiver: Arises: s 101 LPA 1925
  - Exercisable: s 103 LPA 1925
  - Income distribution: s 109 LPA 1925
- Foreclosure

Priorities