

(LAND REGISTRATION (SCOTLAND) RULES 2006 Rule 15)



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LAND REGISTER OF SCOTLAND
LAND CERTIFICATE
VERSION 12/09/2006

Title Number: BUT4803

Subjects: 4 HIGH ROAD, PORT BANNATYNE,
ISLE OF BUTE PA20 ONY.

**THIS LAND CERTIFICATE, ISSUED PURSUANT TO SECTION 5(2)
OF THE LAND REGISTRATION (SCOTLAND) ACT 1979,
IS A COPY OF THE TITLE SHEET RELATING TO THE ABOVE SUBJECTS.**

STATEMENT OF INDEMNITY

Subject to any specific qualifications entered in the Title Sheet of which this Land Certificate is a copy, a person who suffers loss as a result of the events specified in section 12(1) of the above Act shall be entitled to be indemnified in respect of that loss by the Keeper of the Registers of Scotland in terms of that Act.

ATTENTION IS DRAWN TO THE GENERAL INFORMATION OVERLEAF.



LAND REGISTER
OF SCOTLAND

Officer's ID / Date

4486
18/2/2014

TITLE NUMBER

BUT4803



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

Scale

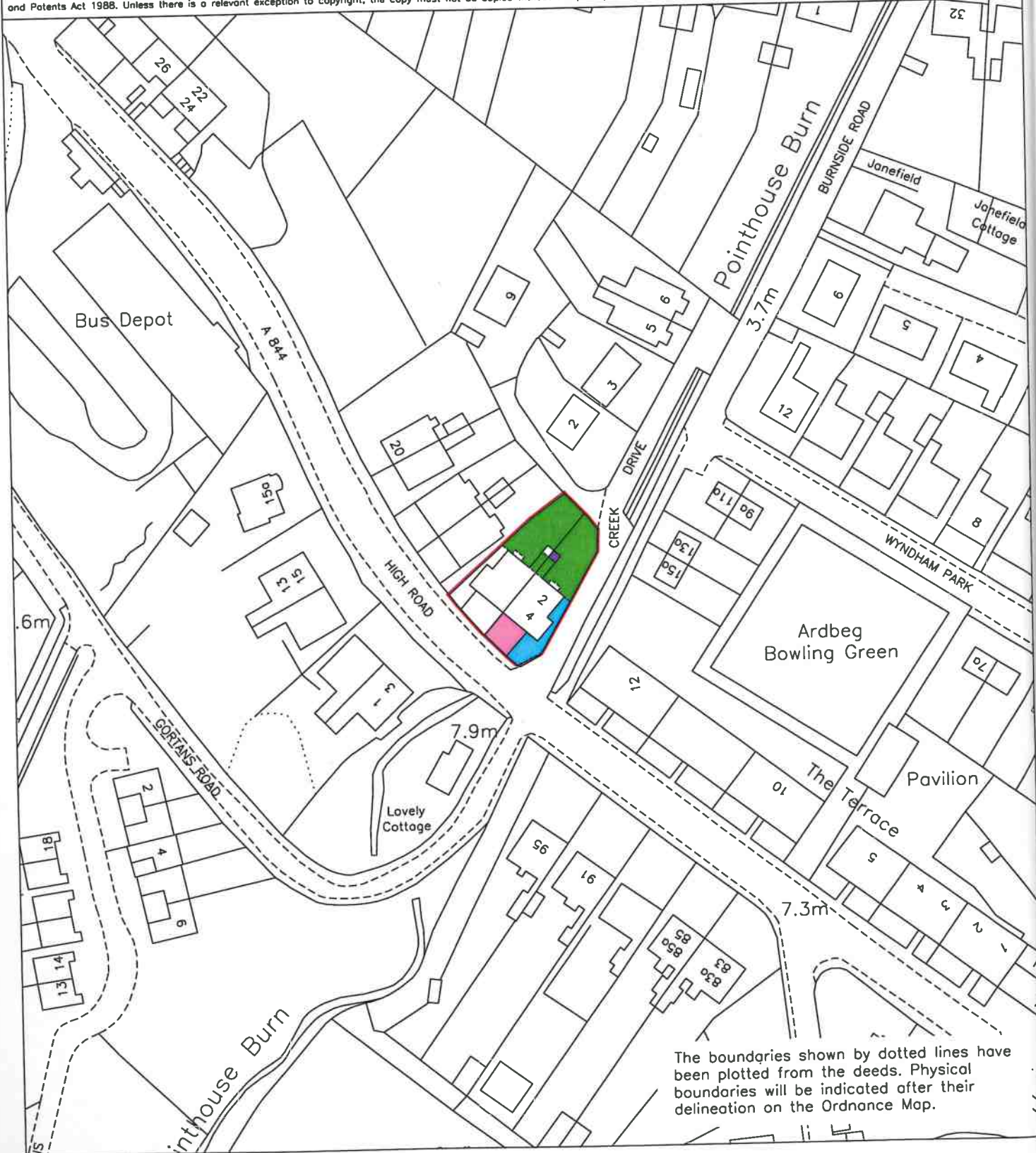
1/1250

Survey Scale

1/2500

NS0866 NS0867 NS06NE

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The boundries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.



TITLE NUMBER BUT4803

A 1

A. PROPERTY SECTION

DATE OF FIRST REGISTRATION

28 AUG 2013

DATE TITLE SHEET UPDATED TO

28 AUG 2013

DATE LAND CERTIFICATE UPDATED TO

28 AUG 2013

INTEREST

PROPRIETOR

MAP REFERENCE

NS0866

DESCRIPTION

Subjects 4 HIGH ROAD, PORT BANNATYNE, ISLE OF BUTE PA20 ONY within the land edged red on the Title Plan being the eastern ground flat house of the Building 2, 4, 6 and 8 HIGH ROAD with the plot of ground tinted pink on the said Plan and the cellar tinted mauve on the said Plan. Together with the rights specified in the Disposition in Entry 3 of the Burdens Section.

Note The minerals are excepted. The conditions under which the minerals are held are set out in the Feu Charter in Entry 1 and the Disposition in Entry 2 of the Burdens Section.



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B 1

B. PROPRIETORSHIP SECTION

ENTRY NO	PROPRIETOR	DATE OF REGISTRATION	CONSIDERATION	DATE OF ENTRY
1	JOHN BOWIE FLEMING KEENAN and ELIZABETH ANN KEENAN spouses, 16 High Street, Kinghorn, KY3 9UE equally between them.	28 AUG 2013	£75,000	22 AUG 2013

Note: 1 There are in respect of the subjects in this Title no subsisting occupancy rights, in terms of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, of spouses of persons who were formerly entitled to the said subjects.

Note: 2 There are in respect of the subjects in this Title no subsisting occupancy rights, in terms of the Civil Partnership Act 2004, of partners of persons who were formerly entitled to the said subjects.



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C 1

C. CHARGES SECTION

ENTRY
NO

SPECIFICATION

DATE OF
REGISTRATION

No Entry



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D 1

D. BURDENS SECTION

ENTRY
NO

SPECIFICATION

- 1 Feu Charter by Commissioner for John Patrick Crichton Stuart, Marquess of Bute to David Lyon and his heirs and assignees, recorded G.R.S. (Bute) 11 Feb. 1896, of 1 acre 37 1/4 poles of ground of which the subjects in this Title form part, contains the following reservation and burdens:

Reserving always to the said Marquess and his heirs and successors the whole stone of every description, except as aftermentioned, and all mines metals and minerals under and within the said piece of ground with full power to the said Marquess and his foresaids to search for, work, win and carry away the same but which shall not be worked nor any operations regarding the same be carried on upon the surface of the said piece of ground or so as to injure the buildings to be erected thereon or so as to depreciate the value of the said ground Declaring always that the said Marquess and his foresaids shall be bound to satisfy and pay all damages that may be occasioned to the surface of the ground or buildings thereon by the working and winning of said stones, mines and others as the same shall be ascertained by two arbiters mutually chosen or by their oversman in case of their differing in opinion and with power to the said David Lyon and his foresaids to quarry stones in the said piece of ground but for the purpose only of erecting houses and walls thereon and of bottoming the proposed road on the east or southeast of the feu; Declaring that these presents are granted with and under the following conditions, provisions and declarations, namely;

(First) The said David Lyon or his foresaids shall be bound to erect a sufficient temporary fence in so far as not already done to the satisfaction of the said Marquess or his Factor before beginning operations all round the said piece of ground and shall maintain it until the walls hereinafter stipulated for shall be erected.

(Second) The said David Lyon and his foresaids shall erect upon the piece of ground hereby disponed four single or double villas fronting the main road from Port Bannatyne and two fronting the Ardbeg Road neither more nor less in number and of the value of five hundred pounds at least each if single villas and eight hundred pounds at least if double villas are erected and upon sites and according to plans which shall have been approved of by the



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said Marquess or his foresaids or his or their Factor and docketed and signed the said plans as relative hereto by the Factor on the Bute Estate and the said villas shall not exceed two stories in height and shall be upheld and maintained by the said David Lyon and his foresaids in all time coming in good and sufficient repair and in the event of the said David Lyon or his foresaids at any time hereafter wishing to erect offices in connection with the said houses or any of them the same whether attached to the said houses or detached shall be placed and constructed on sites and according to plans to be approved of by the said Marquess or his foresaids or his or their Factor for the time and no other buildings shall be erected on said ground and said buildings shall be used solely as private dwellinghouses and offices in connection therewith and the unbuilt on ground shall be kept in a neat and ornate manner as garden or pleasure ground except in such cases as a deviation from the conditions hereby prescribed may be specially authorised in writing by the said Marquess or his Factor or Commissioner for the time.

(Third) The said David Lyon and his foresaids shall be bound to insure the said houses and offices to be erected as aforesaid against loss by fire with some established Insurance Company to be approved of by the said Marquess or his Commissioner or Factor to the extent of at least two thirds of the value thereof and shall keep them so insured in all time coming and annually shall exhibit vouchers for the payment of the premiums on the policy or policies of said insurance and should the said houses or offices or any part thereof be destroyed or damaged by fire or otherwise the said David Lyon or his foresaids shall be bound within twelve months thereafter to rebuild or restore the same to the approval of said Marquess or his foresaids.

(Fourth) The said David Lyon shall be bound to build boundary walls round the piece of ground hereby disposed and as the erection of the said villas proceeds division walls between said villas all of stone and lime and of a height and dimensions to be approved of by the said Marquess or his foresaids or the Factor on the Bute Estates for the time. Declaring that instead of walls as aforesaid the said David Lyon or his foresaids may erect with the approval of the said Marquess or his foresaids parapet walls and railings or partly the one and partly the other and the walls to be built on the north or north east and west or north west boundaries shall be erected to the extent of one half of the thickness thereof on the adjoining ground and shall thereafter be mean and common to the subjects hereby disposed and to the adjoining ground and the said



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David Lyon and his foresaids shall be entitled to recover from future feuars of said adjoining ground one half of the value of said walls whenever such feuars come to use the same and if said boundary walls or either of them shall have already been erected by conterminous feuars the said David Lyon or his foresaids shall in like manner be bound to pay to them one half of the value thereof and thereafter said walls shall be mutual to the said David Lyon and his foresaids and be maintained by them at their joint expense in all time coming. The said David Lyon and his foresaids shall be bound when called upon by the said Marquess of Bute or his Commissioner or Factor to cover in the Pointhouse Burn which flows partly through the piece of ground hereby feued and partly through the ground on the east or south east so far as the said Burn flows through and along the said piece of ground hereby feued; and

(Fifth) It shall not be lawful for the said David Lyon or his foresaids to use the said houses and offices to be erected by them or their foresaids for any purpose other than that for which they are erected except with the consent of the said Marquess or his Commissioner or Factor first had and obtained neither shall it be lawful for them or their foresaids to erect or allow upon the ground hereby feued or any part thereof any brewery, distillery, workshop, steam engine or yard for masons, wrights, smiths, coopers, weavers, candlemakers nor any crackling houses, slaughter houses nor any chemical operations or manufactories or any other occupation which may be a nuisance or occasion disturbance or annoyance to any of the neighbouring feuars nor shall it be lawful to erect or open or keep a shop for the sale of any articles upon the ground hereby feued or to use any of the houses to be erected thereon as an Hotel or public house or for the sale of any excisable liquors nor shall it be lawful to erect any theatre, church, school, hospital or other public building on said ground except in each case with the consent of the said Marquess or his foresaids nor shall it be lawful to the said David Lyon and his foresaids to deposit any nauseous materials, dungheaps, nuisances or obstructions on said ground or the roads, streets or footpaths adjoining it nor to do any other act which might injure the amenity of the place and neighbourhood for dwellinghouses.

- 2 Disposition by Robert Orkney to John Macfie, with consents thereinmentioned, and his heirs and assignees, recorded G.R.S. (Bute) 28 Aug. 1900, of 1 acre 37 1/4 poles of ground of which the subjects in this Title form part, contains the following burdens:

(First) Reserving always to John Patrick Crichton Stuart, Marquess



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of Bute &c., and his heirs and successors the whole stone of every description, except as aftermentioned, and all mines, metals and minerals under and within the said piece of ground with full power to the said Marquess and his foresaids to search for, work win and carry away the same but which shall not be worked nor any operations regarding the same be carried on upon the surface of the said piece of ground or so as to injure the buildings to be erected thereon or so as to depreciate the value of the said ground. Declaring always as it is by the Feu Charter in Entry 1 declared that the said Marquess and his foresaids shall be bound to satisfy and pay all damages that may be occasioned to the surface of the ground and buildings thereon by the working and winning of said stones, mines and others as the same shall be ascertained by two arbiters mutually chosen or by their oversman in case of their differing in opinion and with power to the said John Macfie and his foresaids to quarry stones in the said piece of ground but for the purpose only of erecting houses and walls thereon and of bottoming the proposed road on the east or southeast of the feu.

(Second) That the palings or fences separating the ground hereby disponded from the other parts of Pointhouse garden belonging to me the said Robert Orkney are mutual and shall be upheld and maintained at the mutual expense of the said John Macfie and his foresaids and of me and my foresaids in all time coming.

(Third) That the said John Macfie and his foressaids shall be bound and obliged when called upon by the said Marquess or his Commissioner or Factor to cover in the Point House Burn so far as the same flows through and along the said piece of ground hereby disponded.

- 3 Disposition by John Macfie with consent to Leeds Permanent Building Society and their assignees, recorded G.R.S. (Bute) 15 Sept. 1951, of the subjects in this Title, contains the following rights and burdens:

Together with (First) a right in common with me and the other proprietors of the other three houses the flatted dwellinghouse known as 2, 4, 6 and 8 High Road, Port Bannatyne, Isle of Bute, to (a) the washinghouse and the appliances, fittings and appurtenances therein or thereto belonging, (b) the bleaching green at the back of the said flatted dwellinghouse tinted green on the Title Plan and to the poles and other appurtenances thereof and of access thereto by the existing gate giving entrance from Creek Drive, and (c) the solum on which the said flatted dwellinghouse is erected;



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(Second) a right in common with me and the other proprietors in the other houses in said flatted dwellinghouses or in common with the proprietor of the eastern upper flat house thereof as the case may be to the chimney stacks and to the common drains, sewers, soil, gas, water, ventilating and other pipes, rain conductors and common fittings and appurtenances of the said flatted dwellinghouse; Together also with a right in common with me and the other proprietors in the other three houses in said flatted dwellinghouses and others having interest therein to the parapet walls, railing, and fences enclosing the subjects immediately after described to the respective extents to which the same are mutual to my said disponees and any one or more of the proprietors of said other three houses and any others interested therein; and together also with a right of access to the said several common subjects and others; (Third) a right or access through the hatch leading from the said eastern upper flat house to the roof for one purpose of cleaning the chimneys of the house hereinbefore disposed and other necessary purposes; (Fourth) such right of way leave, if any, as may presently exist in my favour in respect of the subjects hereby disposed to carry through a part of the lands of Ardbeg the drain or sewer conducting the sewage from inter alia the said flatted dwellinghouse to the public sewer laid in Creek Drive or Burnside Road but reserving always to me the right, if any, to said wayleave in respect of the other properties belonging to me: (Fifth) The whole other rights common and mutual to my said disponees and their foresaids and me and the other proprietors in any of the other houses in the said flatted dwellinghouse.

And also with and under the following conditions, provisions and declarations, videlicet:- My disponees and their foresaids shall be bound in common with me and the other proprietor in the other houses in the flatted dwellinghouse and any other having interest therein to uphold and maintain, and where necessary renew the washing house, bleaching green and also the roofs and walls chimney stacks, drains, sewers, soil, gas, water ventilating and other pipes and rain conductors and fittings and appurtenances thereof and all other subjects and appliances common to the said flatted dwellinghouse and all boundary parapet walls railings and fences in which he has a common right his share of the expense being in proportion to the interest therein attaching to the subjects hereby disposed; And Whereas it is a condition of the said sale of the subjects hereinbefore disposed that the following servitude should be constituted in favour of my said disponees and their foresaids, I therefore agree and declare that my said disponees and their foresaids shall have a right of access to the said plot of ground



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situated to the east of the plot of ground tinted pink on the Title Plan and of the said flatted dwellinghouse and tinted blue on the said Title Plan for the purpose of effecting necessary repairs on said house hereinbefore disposed. But declaring that my said disponees and their foresaids shall be bound to make good all surface damage caused to said last mentioned plot of ground by reason of the carrying through of the repairs immediately hereinbefore mentioned, which servitude of access is hereby declared a real lien and burden affecting the said plot of ground coloured blue and the proprietors thereof in all time coming.