

NI02764

Register of Mortgages for  
L. HERBERT & SON, LIMITED

Printed on: 18/09/98  
[P = Partly Satisfied]  
[W = Wholly Satisfied]

Particulars of Mortgage		Names of Mortgagees		Satisfactions W/P Date Doc	
Doc. No.	183	NORWICH UNION			
Registered	16/09/98	MORTGAGE FINANCE LTD			
Created	11/09/98				
Acquired					
Amount £	1,040,000				

DEED OF MORTGAGE AND FLOATING CHARGE.  
Over the lands hereditaments and  
premises known as 33 Ann Street, Belfast  
as detailed in DOC 183 on the Main File.

M

COMPANIES FORM No. 402

Particulars of a mortgage  
or charge



402

Pursuant to Article 402(1) of the Companies (Northern Ireland) Order 1986.

Please do not  
write in  
this margin

Please complete  
legibly, preferably  
in black type, or  
bold block lettering

\* insert full name  
of company

To the Registrar of Companies

For official use

Company number

[ ] [ ] [ ] [ ]

NR764/83  
3204

Name of company

\* L. HERBERT & SON LIMITED

Date of creation of the charge

11th September 1998

Description of the instrument (if any) creating or evidencing the charge (note 2)

DEED OF MORTGAGE AND FLOATING CHARGE

Amount secured by the mortgage or charge

ONE MILLION AND FORTY THOUSAND POUNDS (£1,040,000.00) together with interest and all other monies hereby covenanted to be paid and all monies (if any) hereby secured, together with all monies secured by each and every one of the Principal Deeds ("the Existing Properties")

NB The Company shall not be at liberty, without the previous consent in writing of Norwich Union Mortgage Finance Limited, to create any Mortgage or Charge on the Property.

Names and addresses of the mortgagees or persons entitled to the charge

NORWICH UNION MORTGAGE FINANCE LIMITED  
having its Registered Office at Surrey Street, Norwich

Postcode NR1 3NG

Presentor's name, address and  
reference (if any):

**C. & J. BLACK,**  
Solicitors,  
13 LINENHALL STREET,  
BELFAST,  
BT2 8AA.

REF:EMCC

For official use  
Public Office  
DEPT. OF ECONOMIC DEVELOPMENT  
COMPANIES REGISTRATION  
16 SEP 1998

Mortgage Section  
DEPT. OF ECONOMIC DEVELOPMENT  
REGISTERED  
16 SEP 1998  
COMPANIES REGISTRATION  
NORTHERN IRELAND

**THE PRINCIPAL PROPERTY**

The lands hereditaments and premises known as Number 33 Ann Street, Belfast in the City of Belfast Parish of Shankill, otherwise Belfast Barony of Upper Belfast and County of the City or County Borough of Belfast comprised in an Indenture of Conveyance dated the 19th January One thousand nine hundred and ninety-six between Johnston Umbrellas Limited of the one part and the Borrower of the other part and held by the Borrower in fee simple subject as therein but otherwise free from encumbrances TOGETHER WITH the right-of-way over The Department of the Environment premises adjoining on foot for emergency purposes only subject to the provisions of a Deed between The Department of the Environment and the Borrower dated the 9th day of September, 1998 excluding that part of the premises held by virtue of licence dated the 10th day of September One thousand nine hundred and ninety-six between the Borrower of the one part and the Northern Bank Limited of the other part

(Cont....)

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Please complete legibly, preferably in block type, or bold block lettering

Particulars as to commission, allowance or discount (note 3)

Signed

*[Signature]*

Date

16.9.98

On behalf of (company)[mortgagee/chargee]†

†delete as appropriate

**Notes**

- 1 The original instrument (if any) creating or evidencing the charge, together with these prescribed particulars correctly completed must be delivered to the Registrar of Companies within 21 days after the date of creation of the charge (Article 402). If the property is situated and the charge was created outside the United Kingdom delivery to the Registrar must be effected within 21 days after the date on which the instrument could in due course of post, and if dispatched with due diligence, have been received in the United Kingdom (Article 405). A copy of the instrument creating the charge will be accepted where the property charged is situated and the charge was created outside the United Kingdom (Article 405), and in such cases the copy must be verified to be a correct copy either by the company or by the person who has delivered or sent the copy to the Registrar. The verification must be signed by or on behalf of the person giving the verification and where this is given by a body corporate it must be signed by an officer of that body. A verified copy will also be accepted where Article 405(4) applies (property situate in Great Britain) and Form No. 405 is submitted.
- 2 A description of the instrument, eg "Trust Deed", "Debenture", "Mortgage" or "Legal charge", etc, as the case may be, should be given.
- 3 In this Box there should be inserted the amount or rate per cent, of the commission, allowance or discount (if any) paid or made either directly or indirectly by the company to any person in consideration of his:
  - (a) subscribing or agreeing to subscribe, whether absolutely or conditionally, or
  - (b) procuring or agreeing to procure subscriptions, whether absolute or conditional,for any of the debentures included in this return. The rate of interest payable under the terms of the debentures should not be entered.
- 4 If any of the spaces in this form are insufficient the particulars must be entered on the prescribed continuation sheet.

## THE EXISTING PROPERTIES

Details of Existing Deeds as follows:-

Please complete  
legibly, preferably  
in black type, or  
bold block lettering

DATE	NATURE OF DEED	PARTIES	PROPERTY
(a) 11.8.1997	MORTGAGE AND FLOATING CHARGE	Lebreh Limited of the first part; Lebreh Limited of the second part; L. Herbert & Son Limited of the third part; Herbel Restaurants Limited of the fourth part; Norwich Union Mortgage Finance Limited of the fifth part	The premises 35/39 Royal Avenue in the County of the City of Belfast comprised in an Indenture of Conveyance dated the 15th day of April 1958 and made between Alfred Edward McConnell of the first part; Sir Robert Melville Terence McConnell of the second part and Lloyds Permanent Building Society of the third part and held in fee simple subject to the payment of the yearly rent of £208.00 reserved by an Indenture of Fee Farm Grant but otherwise free from encumbrances together with Floating Charge over all property assets and undertakings of the Borrower Company
(b) 22.3.1996	MORTGAGE AND FLOATING CHARGE	Lebreh Limited of the first part, Lebreh Limited of the second part, Lebreh Limited of the third part and Norwich Union Mortgage Finance Limited	The freehold lands hereditaments and premises situate and known as 25/27 Ann Street Belfast in the Parish of Belfast County of the City or County

(Cont....)

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write in this  
binding margin

Please complete  
legibly, preferably  
in black type, or  
bold block lettering

of the fourth  
part

Borough of  
Belfast  
comprised in an  
Indenture of Fee  
Farm Grant dated  
the 22nd May  
1920 between  
Belfast Estate  
Company Limited  
of the one part  
and Jonathan  
Dinsmore of the  
other part  
subject to the  
annual rent of  
£35.00 and to  
the covenants  
and conditions  
therein  
contained and  
under an  
Indenture of  
Conveyance made  
the 18th June  
1991 between  
Alexander David  
Finlay and  
Margaret Ruth  
Cochrane of the  
one part and  
Cassidy's (Ann  
Street) Limited  
of the other  
part and held by  
the Borrower in  
fee simple free  
from  
encumbrances and  
Floating Charge  
over all  
property assets  
and undertakings  
of the Borrower  
Company

(c) 2.3.1985 MORTGAGE AND  
FLOATING CHARGE Lebreh Limited  
of the first  
part, Lebreh  
Limited of the  
second part,  
Michael Arthur  
Herbert of the  
third part and  
Norwich Union  
Mortgage Finance  
Limited of the  
fourth part

The leasehold  
hereditaments  
and premises  
now known as  
146/148 Bridge  
Street  
Portadown  
in the County  
of Armagh  
comprised in an  
Indenture of  
Lease made the  
13th day of

(Cont....)

September 1993  
between Derek  
James Curry of  
the one part and  
Lebreh Limited  
of the other  
part for the  
term of 575  
years from the  
13th day of  
September 1993  
subject to the  
yearly rent of  
£1 (if demanded)  
and to the  
covenants and  
conditions  
therein  
contained and  
Floating Charge  
over all  
property assets  
and undertakings  
of the Borrower  
Company

<p>(d) 2.3.1995</p>	<p><del>MORTGAGE AND FLOATING CHARGE</del></p>	<p>Lebreh Limited of the first part, Lebreh Limited of the second part, Michael Arthur Herbert of the third part and Norwich Union Mortgage Finance Limited of the fourth part</p>	<p>The leasehold hereditaments and premises premises known as Unit 3 Hanover Place Coleraine in the County of Londonderry comprised in an Indenture of Lease made the 30th day of March 1994 subject to the yearly rent of £1 (if demanded) and to the covenants and conditions therein contained and Floating Charge over all property assets and undertakings of the Borrower Company</p>
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<p>(e) 12.3.1993</p>	<p><del>MORTGAGE and FLOATING CHARGE</del></p>	<p>Lebreh Limited of the first part Michael Arthur</p>	<p>The leasehold hereditaments shop premises</p>
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(Cont....)

Herbert of the  
second part and  
Norwich Union  
Mortgage Finance  
Limited of the  
third part

known as 21/23  
Bridge Street  
Newry in the  
County of Down  
held by the  
Borrower in Fee  
Simple free from  
encumbrances and  
Floating Charge  
over all  
property assets  
and  
under-takings of  
the Borrower  
Company

(f) 9.8.1994 MORTGAGE  
and FLOATING  
CHARGE

Lebreh Limited  
of the first part  
Lebreh Limited of  
the second part,  
Michael Arthur  
Herbert of the  
third part  
and Norwich Union  
Mortgage Finance  
Limited of the  
fourth part

The freehold  
hereditaments  
and premises  
situate at  
Wellington Road  
in the Town of  
Enniskillen  
County of  
Fermanagh  
and held by the  
Borrower in fee  
simple free from  
encumbrances and  
Floating Charge  
over all  
property assets  
and  
under-takings of  
the Borrower  
Company

(g) 9.12.1994 MORTGAGE  
and FLOATING  
CHARGE

Lebreh Limited  
of the first part  
Lebreh Limited  
of the second  
part Michael  
Arthur Herbert  
of the third part  
and Norwich Union  
Mortgage Finance  
Limited of the  
fourth part

The leasehold  
hereditaments  
and premises  
situate at Ards  
Shopping Centre  
Newtownards in  
the Borough of  
Newtownards  
Town-land of  
Corporation  
North Parish of  
Newtownards  
Barony of Lower  
Castlereagh and  
County of Down  
comprised in an  
Indenture of  
Lease made the  
15th day of  
September 1994  
between

(Cont...)

Ravenseft  
Properties  
Limited of the  
one part and  
Lebreh Limited  
of the other  
part for the  
term of 125  
years from the  
24th June 1994  
subject to the  
yearly rent of 5  
pence (if  
demanded) and to  
the covenants  
and conditions  
therein  
contained and  
Floating Charge  
over all  
property assets  
and undertakings  
of the Borrower  
Company

(h) 27.3.1995 CHARGE AND  
FLOATING CHARGE

Lebreh Limited  
of the first  
part, Lebreh  
Limited of the  
second part,  
Michael Arthur  
Herbert of the  
third part and  
Norwich Union  
Mortgage Finance  
Limited of the  
fourth part

The lands  
hereditaments  
and premises  
situate at  
Castledawson  
County  
Londonderry and  
comprised in  
Folio LY 5827  
County  
Londonderry  
and held by the  
Borrower in fee  
simple free from  
encumbrances  
and Floating  
Charge over all  
property assets  
and undertakings  
of the Borrower  
Company.

(i) 11.7.1996 CHARGE AND  
FLOATING CHARGE

Lebreh Limited of  
the one part;  
Herbel  
Restaurants  
Limited of the  
second part and  
Norwich Union  
Mortgage Finance  
Limited of the  
third part

The lands  
hereditaments  
and premises  
situate at  
Dungannon County  
Tyrone and  
comprised in  
Folio TY 15265  
County Tyrone  
and held by the  
Borrower in fee

(Cont...)



simple free from  
encumbrances and  
the leasehold  
lands  
hereditaments  
and premises  
comprised in  
Folio TY 17295L  
County Tyrone  
and held by the  
1st Chargor for  
the residue of  
the term of 25  
years from the  
1st day of July  
1996 subject to  
the rent and  
terms and  
conditions  
therein  
contained and  
Floating Charge  
over all  
property assets  
and undertakings  
of the Borrower  
Company.

(j) 7.8.1996 DEED OF  
SUBSTITUTED  
SECURITY

Lebreh Limited  
of the first  
part; L. Herbert  
& Son Limited of  
the second part  
and Norwich Union  
Mortgage Finance  
Limited of the  
third part

The leasehold  
and freehold  
lands  
hereditaments and  
premises situate  
at Unit 1 Hanover  
Place, Coleraine,  
County  
 Londonderry  
comprised in an  
Indenture of  
Conveyance and  
Assignment dated  
the 23rd day of  
February 1989  
and made between  
Coleraine  
Borough Council  
of the first  
part; the  
Society of the  
Governor and  
Assistants  
London of the  
New Plantation  
in Ulster within  
the Realm of  
Ireland of the  
second part and  
L. Herbert & Son  
(Cont...)

Limited of the  
third part held  
by the Second  
Chargor as to  
portion thereof  
for the residue  
of the term of  
999 years from  
the 13th day of  
July 1883  
subject to the  
yearly rent of  
£3.00 and the  
covenants on the  
part of the  
Lessee and  
conditions  
therein  
contained and as  
to the other  
portion thereof  
held by the  
Second Chargor  
in fee simple  
free from  
encumbrances and  
Floating Charge  
over the  
property assets  
and undertakings  
of the Second  
Chargor.

- (k) 24.4.98 **MORTGAGE AND FURTHER CHARGE** Lebreh Limited of Mortgage, Charge and Floating Charge registered against those properties referred to in paragraphs (a) to (j) of the Existing Properties
- the first part;  
Herbel  
Restaurants  
Limited of the  
second part; L.  
Herbert & Son  
Limited of the  
third part and  
Norwich Union  
Mortgage Finance  
Limited of the  
fourth part
- (l) 4.9.1998 **MORTGAGE CHARGE AND FLOATING CHARGE** Lebreh Limited of the first part  
Herbel  
Restaurants  
Limited of the  
second part; L.  
Herbert & Son  
Limited of the  
third part and  
Norwich Union  
Mortgage Finance
- The leasehold and  
freehold premises  
80/82 Main  
Street and 2/12  
Central Avenue  
Bangor County  
Down comprised in  
an Indenture of  
Lease dated the  
13th November  
1894 and made

(Cont....)

Limited of the  
fourth part

between Viscount  
Bangor of the  
one part and  
George Matthews  
of the other  
part for the  
unexpired  
residue of the  
term of 999  
years from the  
13th day of  
November 1894  
subject to the  
adjusted yearly  
rent of £22.48  
and to portion  
thereof  
comprised in an  
Indenture of  
Conveyance dated  
the 1st day of  
September 1967  
between Viscount  
Bangor of the  
first part;  
Peter Mansfield  
Wetherby and  
William Stephen  
Brownlow of the  
second part and  
Provincial Bank  
of Ireland  
Limited of the  
third part for  
an estate in fee  
simple subject  
to but with the  
benefit of  
various  
Sub-Leases  
issuing out of  
the premises but  
otherwise free  
from  
encumbrances and  
Floating Charge  
over the  
property assets  
and undertakings  
of the Borrower

Floating Charge of all L. Herbert & Son Limited's undertaking and  
all its property assets and rights whatsoever and wheresoever  
present and future

DUPLICATE FOR THE FILE



NI02764

CERTIFICATE OF THE REGISTRATION OF A MORTGAGE

Pursuant to Article 409(3) of the  
Companies (Northern Ireland) Order 1986

I HEREBY CERTIFY that a Mortgage or Charge  
dated the eleventh day of September One thousand nine hundred and  
ninety-eight and created by

L. HERBERT & SON, LIMITED

and OTHERS

for securing One million and forty thousand pounds (1,040,000.00)  
plus interest and all other monies

on any account whatsoever, was this day REGISTERED pursuant to  
Part XIII of the Companies (Northern Ireland) Order 1986.

Given under my hand at Belfast, this sixteenth day of September  
One thousand nine hundred and ninety-eight

*Janet McEneaney*

for the Registrar of Companies for  
Northern Ireland

Certificate  
received by

*P. Bell*

Date

*24/5/88*