



Registration of a Charge

Company name: **MILLER HOMES LIMITED**

Company number: **SC255429**



X7HLB4UI

Received for Electronic Filing: **29/10/2018**

Details of Charge

Date of creation: **20/10/2018**

Charge code: **SC25 5429 0337**

Persons entitled: **AWG PROPERTY LIMITED (REGISTERED NUMBER: SC067190) REGISTERED OFFICE: 47 MELVILLE STREET, EDINBURGH, EH3 7HL**
MACTAGGART AND MICKEL HOMES LIMITED (REGISTERED NUMBER: SC013539) REGISTERED OFFICE: 1 ATLANTIC QUAY, 1 ROBERTSON STREET, GLASGOW, G2 8JB

Brief description: **ALL AND WHOLE (FIRST) THE PLOT OR AREA OF GROUND FORMING PLOT 338 KINGLASS FIELDS, BO'NESS BEING THE PLOT OR AREA OF GROUND OUTLINED IN RED AND MARKED "338" ON THE DEVELOPMENT PLAN APPROVED BY THE KEEPER OF REGISTERS OF SCOTLAND FOR TITLE NUMBER WLN50099 ON 3 MAY 2018 ("APPROVED PLAN"); (SECOND) THE PLOT OR AREA OF GROUND FORMING PLOT 339 KINGLASS FIELDS, BO'NESS... FOR MORE DETAILS PLEASE REFER TO THE STANDARD SECURITY.**

Contains negative pledge.

Authentication of Form

This form was authorised by: **a person with an interest in the registration of the charge.**

Authentication of Instrument

Certification statement: **I CERTIFY THAT SAVE FOR MATERIAL REDACTED PURSUANT TO S.859G OF THE COMPANIES ACT 2006 THE ELECTRONIC COPY INSTRUMENT DELIVERED AS PART OF THIS APPLICATION FOR REGISTRATION IS A CORRECT COPY OF THE ORIGINAL INSTRUMENT.**

Certified by: **J. MURRAY BTO SOLICITORS LLP**



CERTIFICATE OF THE REGISTRATION OF A CHARGE

Company number: 255429

Charge code: SC25 5429 0337

The Registrar of Companies for Scotland hereby certifies that a charge dated 20th October 2018 and created by MILLER HOMES LIMITED was delivered pursuant to Chapter A1 Part 25 of the Companies Act 2006 on 29th October 2018 .

Given at Companies House, Edinburgh on 29th October 2018

The above information was communicated by electronic means and authenticated by the Registrar of Companies under section 1115 of the Companies Act 2006



Companies House



**THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES**

CERTIFIED A TRUE COPY

LYNN RAE
SIMPSON

FOR AND ON BEHALF OF
SHEPHERD AND WEDDERBURN LLP

24-10-2018 DATE

WE, MILLER HOMES LIMITED, (Company number SC255429), incorporated under the Companies Acts in Scotland and having their Registered Office at Miller House, 2 Lochside View, Edinburgh Park, Edinburgh, EH12 9DH (hereinafter referred to as the ("**Purchaser**") entered into a missive with (i) **AWG PROPERTY LIMITED**, incorporated under the Companies acts in Scotland (Registered Number SC067190) and having their registered office at 47 Melville Street, Edinburgh EH3 7HL and (ii) **MACTAGGART AND MICKEL HOMES LIMITED**, incorporated under the Companies Acts in Scotland (Company No. SC013539) and having their Registered Office at 1 Atlantic Quay, 1 Robertson Street, Glasgow G2 8JB (together the "**Seller**") comprising: (1) an offer from Shepherd and Wedderburn LLP on behalf of the Purchaser dated 3 September 2014 and acceptance by Pinsent Masons LLP on behalf of the Seller dated 5 September 2014; (2) a formal letter from Shepherd and Wedderburn LLP on behalf of the Purchaser dated 22 December 2014 and acceptance by Pinsent Masons LLP on behalf of the Seller dated 15 January 2015; (3) a formal letter from Shepherd and Wedderburn LLP on behalf of the Purchaser dated 8 May 2015 and acceptance by Pinsent Masons LLP on behalf of the Seller dated 20 May 2015; (4) a formal letter from Shepherd and Wedderburn LLP on behalf of the Purchaser dated 30 September 2015 and acceptance by Pinsent Masons LLP on behalf of the Seller dated 30 September 2015; (5) a formal letter from Shepherd and Wedderburn LLP on behalf of the Purchaser dated 27 October 2015 and acceptance by Pinsent Masons LLP on behalf of the Seller dated 30 October 2015; (6) a formal letter from Shepherd and Wedderburn LLP on behalf of the Purchaser dated 30 November 2015 and acceptance by Pinsent Masons LLP on behalf of the Seller dated 30 November 2015; and (7) a formal letter from Shepherd and Wedderburn LLP on behalf of the Purchaser dated 14 January 2016 and acceptance by Pinsent Masons LLP on behalf of the Seller dated 14 January 2016 as further amended from time to time together being referred to as the "**Missives**" in respect of the Security Subjects (as hereinafter defined) and in terms of which we have undertaken certain payment and related obligations AND DO HEREBY in security of the performance by us of the obligations *ad factum praestandum* upon us in terms of Clause 4 (*Overage*) of the Price Schedule within the Missives GRANT a Standard Security in favour of the Seller over ALL and WHOLE (FIRST) the plot or area of ground forming Plot 338 Kinglass Fields, Bo'Ness being the plot or area of ground outlined in red and marked "338" on the Development Plan approved by the Keeper of Registers of Scotland for Title Number WLN50099 on 3 May 2018 ("**Approved Plan**"); (SECOND) the plot or area of ground forming Plot 339 Kinglass Fields, Bo'Ness being the plot or area of ground outlined in red and marked "339" on the Approved Plan; Together with a one half pro indiviso share of the mutual access driveway shown coloured blue on the Approved Plan; (THIRD) the plot or area of ground forming Plot 340 Kinglass Fields, Bo'Ness being the plot or area of ground outlined in red and marked "340" on the Approved Plan; Together with a one half pro indiviso share of the mutual access driveway shown coloured blue on the Approved Plan; and (FOURTH) the plot or area of ground forming Plot 341 Kinglass Fields, Bo'Ness being the plot or area of ground outlined in red and marked "341" on the Approved Plan; Which subjects described in the (FIRST), (SECOND), (THIRD) and (FOURTH) place form Part and Portion of ALL and WHOLE the subjects at Kevock Vale, Westmill Road, Lasswade registered in the Land Register of Scotland under Title Number WLN50099 and which subjects hereby secured are so secured together with (One) the whole buildings and other erections (if any) thereon; (Two) the parts, privileges and pertinents thereof; (Three) the whole rights common, mutual or sole effeiring thereto; (Four) the fittings and fixtures therein and thereon and (Five) the Purchaser's whole right, title and interest, present and future, therein and thereto; all hereinafter referred to as the "**Security Subjects**";

The Standard Conditions specified in Schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970 and any lawful variation thereof operative for the time being (the "**Standard Conditions**"), varied as hereinafter mentioned shall apply; And we agree that the Standard Conditions shall be varied to the effect that (One) Standard Conditions 1, 2, 5, 7 and 12 shall not apply to this Standard Security; (Two) the Seller shall not be entitled to serve a calling-up notice except in the event of failure to comply with the terms of Clause 4 (*Overage*) of the Price Schedule annexed to the Missives and Standard Condition 8 is varied accordingly; (Three) the Purchaser shall only be held in default following failure to comply with the terms of Clause 4 (*Overage*) of the Price Schedule annexed to the Missives and Standard Condition 9 is varied accordingly; (Four) the Purchaser shall not create or agree to create a Standard Security over the Security Subjects or any part thereof ranking prior to or pari passu with this Standard Security; Declaring that words or expressions which are incorporated in the foregoing variation which are defined in the Act or in the Schedule shall be deemed to be so defined for the purpose of these presents;

And the Purchaser grants warrandice and consents to the registration hereof for preservation and execution: IN WITNESS WHEREOF these presents consisting of this and the preceding page are executed as follows:-

SUBSCRIBED on behalf of Miller Homes Limited:

at.....EDINBURGH.....
(Place of signing)

on.....17 OCTOBER 2018.....
(Date of signing)

by.....MURA KINNIBURGH.....
(Print name)

by.....YVETTE JACKSON.....
(Print name)

.....
Authorised Signatory for Miller Homes Limited conform to Power of Attorney by Miller Homes Limited dated 29 March 2018.

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Authorised Signatory for Miller Homes Limited conform to Power of Attorney by Miller Homes Limited dated 29 March 2018.



STANDARD SECURITY
by
MILLER HOMES LIMITED
in favour of
AWG PROPERTY LIMITED
and
MACTAGGART AND MICKEL HOMES LIMITED

SUBJECTS: PLOTS 338, 339, 340 AND 341
KINGLASS FIELDS, BO'NESS