ScotLIS Document 7

Title Information: PTH4544

Search summary

Date/Time of search	21-08-2023 17:06:35
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Section A PTH4544

Property

Date of first registration	13-04-2000
Date title sheet updated to	19-03-2020
Hectarage Code	0.7
Real Right	OWNERSHIP
Map Reference	NO2529
Title Number	PTH4544
Cadastral Unit	PTH4544
Sasine Search	56125
Property address	WEST ORCHARD, WESTER BALLINDEAN, INCHTURE, PERTH PH149QS
Description	Subjects cadastral unit PTH4544 WEST ORCHARD, WESTER BALLINDEAN, INCHTURE, PERTH PH14 9QS edged red on the cadastral map being 0.75 hectares in measurement on the Ordnance Map; together with (One) the fences lying along the boundaries of the subjects in this Title insofar as fronting any road or track; (Two) a servitude right for all pipes, drains, cables and others serving the subjects in this Title and passing in, through, under or over the adjoining subjects; (Three) a servitude right of access to enter any neighbouring subjects so far as necessary for the purpose of maintaining and repairing any wall, fence or other structure lying along the boundary of the subjects in this Title, but subject to restoration of any surface damage occasioned by the exercise of said right; and (Four) a servitude right of pedestrian and vehicular access to and egress from the subjects in this Title over the track lying to the south west thereof.

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Section B PTH4544

Proprietorship

ANNE MARIE CULBERT Woodwell Farmhouse, Rait, Perth.

Entry number	1
Date of registration	13-04-2000
Date of Entry	28-03-2000

Consideration	£4000

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Section C

PTH4544

Securities

There are no entries.

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Section D PTH4544

Burdens

Number of Burdens: 5

Burden 1

Disposition by Allan Struthers to Alexander Robertson and another and their assignees, recorded G.R.S. (Perth) 17 Apr. 1940 of Farm and Lands of Wester Ballindean, contains the following burdens:

It is hereby declared that the whole fences, hedges, ditches, dykes or walls bounding the subjects hereby disponed shall be mutual and shall be maintained by my said disponees and their foresaids and the proprietors of the adjoining ground and their respective successors in equal proportions in all time coming.

Burden 2

Deed of Servitude containing Disposition by (One) James Philip Rettie (who and whose successors are hereinafter referred to as "Mr. Rettie"), Proprietor of Lands and Farm of Wester Ballindean ("Wester Ballindean"), (Two) Peter Ballingall (who and whose successors are hereinafter referred to as "Mr. Ballingall"), Proprietor of (a) 29 poles of ground, with dwellinghouses Cruachan and Quarry Wynd Cottage thereon ("Mr. Ballingall's two houses") and (b) 0.077 acre of ground, with shop thereon ("Mr. Ballingall's shop") and (Three) Harold Wallace (who and whose successors are hereinafter referred to as "Mr. Wallace"), Proprietor of 7 poles 29 yards of ground with The Cottage thereon ("Mr. Wallace's house") to each other and Commander Robert Augustus Fell and another (who and whose successors are hereinafter referred to as "Commander and Mrs. Fell"), Proprietors of Lands and Farm of Easter Ballindean
(hereinafter referred to as "Easter Ballindean"), recorded G.R.S. (Perth) 4 Jan. 1966 of servitude rights to use as at present for the water supply of the properties belonging to the said Proprietors respectively all parts of the water supply system situated on or passing through the said properties, with right of access to said parts on all necessary occasions for the purpose of cleaning, repairing and renewing the same on payment of all surface damage thereby occasioned as such damage, failing agreement, should be determined by arbitration as aftermentioned, contains the following conditions with regard to the use and maintenance of the said system:

(First) Each party will be liable for the maintenance in good order of all pipes, taps, connections and other fittings serving his own property, but otherwise the cost of maintaining the whole of the said system from the source to the point at which the connection to Easter Ballindean is taken (and including the installation and maintenance of the aftermentioned valve or other control) shall be met by Mr. Rettie to the extent of five-fourteenths, by Mr. Ballingall to the extent of one-fourteenth in respect of his said house Cruachan and to the extent of onefourteenth in respect of his said house Quarry Wynd Cottage and to the extent of onefourteenth in respect of his shop, by Mr. Wallace to the extent of one-fourteenth in respect of his house and by Commander and Mrs. Fell to the extent of five-fourteenths in respect of Easter Ballindean;

(Second) Mr. Rettie, Mr. Ballingall, Mr. Wallace and Commander and Mrs. Fell shall be bound to ensure that so far as their respective properties are concerned there will be no wastage of water, and that

during a time of scarcity no water is used except for domestic and/or animal drinking purposes, and the question of whether there is a scarcity shall be determined, failing agreement, by arbitration as aftermentioned;

(Third) Neither Mr. Rettie, Mr. Ballingall, Mr. Wallace nor Commander and Mrs. Fell shall be entitled to increase the number or size of the existing draw-off points on his property without first getting the written consent of the other three parties, but the question of whether such consent is being unreasonably withheld by any of the other three parties will be referred to arbitration as aftermentioned;

(Fourth) If required by Mr. Rettie, there will be installed in the said system a screw valve or other control which will be operated to ensure that Mr. Rettie, Mr. Ballingall, Mr. Wallace and Commander and Mrs. Fell get during a time of scarcity a fair proportion of the available water for domestic and/or animal drinking purposes, and the location and design of said screw valve or other control and the operation thereof shall, failing agreement, be determined by arbitration as aftermentioned;

(Fifth) The costs of maintaining the said system shall include inter alia the before-mentioned surface damages;

(Sixth) Any question hereinbefore referred to arbitration shall be determined by an Arbiter to be appointed, failing mutual appointment, by the Sheriff Substitute at Perth.

Burden 3

Disposition by James Philip Rettie with consents to Whitehall Chambers Trustees Limited as Trustees for Rettie Family Discretionary Trust, recorded G.R.S. (Perth) 17 Sep. 1990 of 1.828 hectare of ground, contains the following burdens:

(One) There is reserved to me and my successors as proprietors of the subjects retained by me a heritable and irredeemable servitude right of pedestrian, vehicular and livestock access over the area cross-hatched in yellow on the plan annexed hereto to the road lying to the south of the said hatched area and also the fields leading from the said road;

(Two) There is reserved to all statutory undertakers a right of access to the subjects hereby disponed on all necessary occasions for the purpose of maintaining, renewing and repairing all necessary pipes, cables, drains and others;

(Three) There is reserved to me and my successors as proprietors of the subjects retained by me a heritable and irredeemable servitude right of pipe track for the pipes running from the mains water supply to the subjects retained by me, with access thereto on all necessary occasions for the purpose of maintenance, repair and renewal of the said pipes, subject to payment for all damage occasioned thereby;

(Four) There is reserved to me and my successors as proprietors of the subjects retained by me a heritable and irredeemable servitude right of use, tolerance and wayleave in respect of the existing pipes running to the septic tank situated in the East Orchard and serving part of the subjects retained by me, TOGETHER WITH a right of access for myself and my successors as proprietors of the said retained

subjects on all necessary occasions for the purpose of maintenance, repair and renewal of the said pipes, drains, cables and others, subject to payment for any damage caused thereby;

(Five) There is reserved to me and my successors as proprietors of the subjects retained by me a heritable and irredeemable servitude right of use, tolerance and wayleave in respect of the outfall pipe from the septic tank in the East Orchard;

(Six) IT IS HEREBY DECLARED THAT the boundaries on the subjects hereby disponed where they meet a boundary on subjects retained by me will be mutual boundaries and the cost of upkeeping same will be the responsibility of myself and my successors as proprietors of the subjects retained by me to the extent of one half thereof and by the proprietors for the time being of the subjects hereby disponed to the extent of the other half, DECLARING FURTHER THAT the boundaries of the subjects hereby disponed where they meet the public road will be the sole responsibility of my said Disponees and their successors of the subjects hereby disponed, and further the boundary separating that part of the subjects hereby disponed on which the said dwellinghouse is erected where the boundary separates the access road from the subjects retained by me is entirely within the ownership of my said Disponees and their successors and shall be maintained by them at their sole expense at all times.

Note: The plan annexed to the above Disposition has not been produced to the Keeper. The said area cross hatched in yellow cannot therefore be identified on the Title Plan.

Burden 4

Disposition by Whitehall Chambers Trustees Limited and another with consents to John Crothers Culbert and another and their assignees and disponees, recorded G.R.S. (Perth) 20 Mar. 1991 of subjects of which the subjects in this Title form part, contains the following burdens:

(First) There is reserved in favour of all parties now making use of the same and their successors in title a right to use, maintain, repair and where necessary renew all drains, pipes, septic tanks, cables and generally all services now serving any other subjects and situated in or crossing the subjects hereby disponed, with access thereto on all necessary occasions for all necessary purposes but subject to restoration of all damage that may be occasioned by the exercise of any of said rights, and declaring that where such drains and such other services serve more than one property, the same shall be mutual and shall be maintained, repaired and, where necessary, renewed at the mutual expense of the parties making use of the same;

(Second) Where the subjects hereby disponed march with subjects now or lately forming part of the remainder of the Farm of Wester Ballindean, the fences, walls, hedges or other boundaries along such march shall be mutual and maintainable by the adjoining proprietors at mutual expense in all time coming; and where such boundaries are not at present marked by any fence or the like, the adjoining proprietors may agree to erect a fence or other boundary along such march which shall, after erection, be maintained mutually by the adjoining proprietors in all time coming thereafter; and where the subjects hereby disponed march with any other subjects not previously forming part of the said Farm of Wester Ballindean, the boundaries shall be accepted by the disponees as possessed by us;

(Third) The subjects hereby disponed shall be kept in a neat and tidy condition and free from any accumulation of rubbish and scrap in all time coming to the reasonable satisfaction of the neighbouring

proprietors, and any areas not occupied by buildings shall only be used as amenity or garden ground for the benefit of any dwellinghouse erected on the said subjects;

(Fourth) There is reserved in favour of the proprietors of the fields lying to the south of the southern section of the subjects hereby disponed (being Wester Ballindean Orchard lying on the south east of the public road) a right of access for all descriptions of traffic across said southern section by the existing route tinted blue on the cadastral map, subject to the proprietor of said field contributing to the cost of maintenance of the said right of access his proportion to be calculated according to his use thereof;

(Fifth) There is reserved in favour of the parties now making use of the same and their successors a heritable and irredeemable servitude right to use, maintain and repair and where necessary renew the existing mains water pipe crossing the subjects hereby disponed and serving the subjects lying in the area of Hilltown of Ballindean, with access thereto on all necessary occasions for all necessary purposes, subject to restoration of any surface damage occasioned by the exercise of such rights;

(Sixth) No buildings other than a garage, shed, wood store or the like, being buildings not intended for permanent habitation, shall be erected at any time in future on the area immediately to the north west of Wester Ballindean Farmhouse now belonging to James Philip Rettie, nor shall such buildings be constructed with any windows facing to the north west, north or north east, or in such a position as to prevent pedestrian access to the wall of the adjacent building.

Burden 5

Tree Preservation Order No.1 2019 by Perth and Kinross Council (under Section 160 of the Town and Country Planning (Scotland) Act 1997) effective on 26 Nov. 2019 and confirmed on 18 Mar. 2020 and registered 19 Mar. 2020 contains conditions affecting trees or groups of trees (including prohibitions against the cutting down, topping, lopping, wilful destruction &c thereof), situated on that part of the subjects in this title tinted brown on the cadastral map.

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