

SCHEDULE 6

(introduced by section 36(2)(b))

FURTHER FORM OF NOTICE OF PROPOSAL TO REGISTER DEED OF VARIATION OR DISCHARGE OF COMMUNITY BURDEN: AFFIXED VERSION

"NOTICE OF PROPOSAL TO REGISTER DEED OF VARIATION OR DISCHARGE OF COMMUNITY BURDEN"

This notice is intimation that the person who is described below as proposer wishes to vary or discharge a community burden which affects a property described below as the affected unit. The proposer intends to register a deed already granted by certain other owners of units. A copy of the deed in question can be obtained from the proposer on request as can a description of the community burden. If the deed is registered the community burden will be varied or discharged in so far as it affects the property.

Proposer:

(see note for completion 1)

Description of affected unit:

(see note for completion 2)

The community burden and the extent of termination:

(see note for completion 3)

An application to the Lands Tribunal for Scotland for preservation of the community burden(s) must be made not later than [specify the date on which the period mentioned in section 37(1) of this Act expires]. If no application is made by then, you may lose any right you may currently hold to enforce the community burden. For further guidance you may wish to consult a solicitor or other adviser.

Signature of proposer:

Date affixed: .".

Notes for completion of the notice

(These notes have no legal effect)

- 1 The "proposer" is the person who is seeking to discharge or vary the community burden. Give the proposer's name and address (or the proposer's name and the name and address of the proposer's agent).
- 2 Describe the affected unit in a way that is sufficient to identify it. Where the unit has a postal address the description should include that address. Where the title has been registered in the Land Register the description should refer to the title number of the property or of the larger subjects of which the unit forms part. Otherwise it should normally refer to and identify a deed recorded in a specified division of the Register of Sasines.
- 3 Provide a brief description of the community burden. If the burden is wholly to be discharged say so; otherwise describe the extent of variation or discharge.
- 4 This notice requires to be affixed conspicuously to the affected unit and also to a lamp post within 100 metres of that unit (or to at least two lamp posts if there is more than one within that distance of that unit).
- 5 There is to be endorsed on the deed before registration the statement required by subsection (2) of section 37 of the Title Conditions (Scotland) Act 2003 (asp 9).