

J & H Mitchell<sup>WS</sup>

SOLICITORS & ESTATE AGENTS

— Since 1836 —



TO WHOM IT MAY CONCERN

Our Ref: D/EMH HIGH034.3

Your Ref:

Date 26 July 2013

### Highland Titles Limited

We are the Scottish solicitors for Highland Titles Limited, a company registered under the laws of the island of Alderney, Channel Islands and having its Registered Office at York House, Victoria Street, Alderney. That company was formerly named Lochaber Highland Estates (CI) Ltd and subsequently changed its name to Highland Titles Limited.

Our clients own land at Keil Hill, Duror of Appin, in the County of Argyll, Scotland. The title is registered in the Land Register of Scotland under Title Number ARG14245. The Company purchased the land, extending to 90.7 hectares in 2007. The area owned by our clients at Keil Hill is now rather less than this as our clients have sold areas of ground to purchasers. Many of these have been half acre plots, titles to which have been registered in the Land Register. Others have been very small souvenir plots.

The Land Registration (Scotland) Act 1979 does not permit registration in the Land Register for small souvenir plots of land. However, the fact that a purchaser of a small souvenir plot from our clients cannot register that title in the Land Register does not mean that he or she has no right of ownership. The purchase gives the purchaser a personal right to the land in question if that land can be identified. We understand that Highland Titles Limited provide a precise geographical location for each souvenir plot. The purchase of a souvenir plot creates beneficial ownership although not a 'real right'. A 'real right' in conveyancing terms is a right of ownership enforceable against third parties and capable of being recorded in the Register of Sasines or registered in the Land Register of Scotland.

Small souvenir plots are not the only form of heritable property in Scotland for which the title cannot be registered in the Land Register. For example, some forms of shared interest in salmon fishings such as a right to fish for salmon from one boat on a Loch, also cannot be registered but are valid forms of ownership. Similarly, most timeshare interests in property are not registered in the Land Register but are nonetheless valid ownerships without limit of time. Arrangements other than registration in the Land Register need to be made for these unregistered forms of ownership of heritable property.

51 ATHOLL ROAD, PITLOCHRY, PERTHSHIRE PH16 5BU  
TEL: 01796 472606 fax: 01796 473198 DX 552040 Pitlochry e-mail: [j@hmittell.co.uk](mailto:j@hmittell.co.uk)  
website: [www.jandhmittell.com](http://www.jandhmittell.com)

PARTNERS: Colin Liddell, BA(Oxon), LLB, WS Lesley M Gray, MA, LLB, WS Duncan W Thomson, LLB, WS  
SENIOR ASSOCIATE: Paul I Keith, LLB  
Colin Liddell is accredited as a Charity Law Specialist

Branch office in Aberfeldy since 1966

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