

Local Search and Defective Title Indemnity for Remortgages

Defect

One or more of the matters listed:-

1. Missing Deeds

any unknown rights servitudes burdens provisions conditions and/or stipulations contained in any missing deed(s) to which the property is subject and which are still subsisting and capable of taking effect

2. Leasehold Conditions

existing breach of any title condition or burden or condition contained in the lease of the property where the title to the property is leasehold

3. Rights of Way

absence of a legal grant of right of way to and from the property for pedestrians and/or vehicles in support of existing physical use

4. Drainage

absence of a legal easement for services to and drainage from the property in support of existing physical use and/or absence of a right of access to any septic tank situated outside the curtilage of the property in existing physical use

5. Road Charges

absence of an agreement specifying liability for maintenance of any road or pathway used for the purpose of exercising any right of way (whether or not legally granted) to and from the property in existing physical use

6. Bankruptcy (Scotland) Act 1993

- a. Deeds of Gift and transfers at undervalue completed in the five years prior to the date of mortgage
- b. rights accruing to the survivor under a joint tenancy agreement occurring less than five years before the date of mortgage

7. NHBC Certificate

a lost and/or the non-existence of any NHBC Foundation 15 Architects' certificate issued after practical completion or other similar guarantee document

8. Planning/Building Regulations

failure to obtain planning permission or building regulation consent for works previously carried out or missing documents relating to either approval

9. Matrimonial Homes Act

absence of appropriate documentation required in terms of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 as amended in respect of the property