

SCHEDULE 3
SALE UNDER SECTION 22(3) OR 23(1)

Distribution of proceeds of sale

- 5 (1) An owner selling the sale subjects (referred to in this paragraph as the “selling owner”) shall, within seven days of completion of the sale—
- (a) calculate each owner’s share; and
 - (b) apply that share in accordance with sub-paragraph (2) below.
- (2) An owner’s share shall be applied—
- (a) first, to repay any amounts due under any heritable security affecting that owner’s flat or former flat;
 - (b) next, to defray any expenses properly incurred in complying with paragraph (a) above; and
 - (c) finally, to pay to the owner the remainder (if any) of that owner’s share.
- (3) If there is more than one heritable security affecting an owner’s flat or former flat, the owner’s share shall be applied under paragraph (2)(a) above in relation to each security in the order in which they rank.
- (4) If any owner cannot by reasonable inquiry be identified or found, the selling owner shall consign the remainder of that owner’s share in the sheriff court.
- (5) On paying to another owner the remainder of that owner’s share, the selling owner shall also give to that other owner—
- (a) a written statement showing—
 - (i) the amount of that owner’s share and of the remainder of it; and
 - (ii) how that share and remainder were calculated; and
 - (b) evidence of—
 - (i) the total amount of the proceeds of sale; and
 - (ii) any expenses properly incurred in connection with the sale and in complying with sub-paragraph (2)(a) above.
- (6) In this paragraph—
- “remainder”, in relation to an owner’s share, means the amount of that share remaining after complying with sub-paragraph (2)(a) and (b) above;
 - “share”, in relation to an owner, means the share of the net proceeds of sale to which that owner is entitled in accordance with subsection (4) or, as the case may be, subsection (5) of section 22.