

SCHEDULES.

SCHEDULE E

FORM OF PETITION FOR COMPLETING A TITLE TO LANDS WHERE A PROPRIETOR OR PROPRIETORS HAVING ONLY A PERSONAL RIGHT HAVE INTERVENED BETWEEN THE PROPRIETOR LAST INFECT AND THE PETITIONER.

Unto the Honourable the Sheriff of [*specify the county, or say " of Chancery "*],

The Petition of *A.B. of G.*

Humbly sheweth,

That the late *C.D. of G.* died last vest and seised in all and whole [*describe or refer to the lands as the same are described or referred to in the recorded deed or instrument in favour of the person who was last vest and seised in the lands, or refer to them as described in some other recorded deed or instrument*] conform to instrument of sasine [*or other recorded deed or instrument, as the case may be,*] recorded in the [*specify the register of sasines and date of recording, and where there are any real burdens, conditions, or qualifications, here specify or refer to them, or where the lands*

Status: This is the original version (as it was originally enacted).

are held under entail, here specify the conditions of the entail, or refer to them as contained in the entail, as recorded in the register of tailzies, or if it is not so recorded, in the entail or other deed or instrument recorded in the register of sasines.]

Or, that M.N. of Y. was last vest and seised in all and whole [describe or refer and specify title and date of recording, &c. as above]. That the said M.N. by disposition dated [specify date] conveyed the said lands to C.D. of G. That the said C.D. died never having been infeft in the said lands.

That E.F., eldest son of the said C.D. [or otherwise, as the case may be,] is his heir in the said lands, but has only a personal right thereto.

That the said E.F., by disposition dated [specify date], conveyed the said lands to the petitioner.

Or, that upon the death of the said C.D., he was succeeded by E.F. his eldest son [or otherwise, as the case may be,] as his heir in the said lands. That the said E.F. died unserved and uninfeft, [or that the said E.F. expedie a special service as heir of the said C.D., conform to decree of the sheriff of Chancery [or, as the case may be], in his favour as heir foresaid, dated [insert date], but died without being infeft thereon], or that the said E.F. expedie a general service as heir of the said C.D., conform to decree [specify the decree], but made up no further title.

Or otherwise specify the nature of the right in the person of E.F.

That the said E.F. disponed the said lands or conveyed his whole estate, heritable and moveable, to G.H. conform to [describe title by name and date, and where there are any real burdens, conditions, or qualifications, specify or refer to them].

That the said G.H. also died, having only a personal right to the said lands, and was succeeded by his eldest son K.L., his nearest and lawful heir in the said lands, [or otherwise, as the case may be].

That the said K.L. died unserved, and having only a personal right to the said lands, [if the petitioner is his heir, say] and was succeeded by the petitioner the said A.B. his eldest son [or otherwise, as the case may be], and nearest and lawful heir in the said lands [or when the petitioner is a disponee, or has otherwise acquired right from K.L., say], That the said K.L. disponed the said lands [or conveyed his whole estate, heritable and moveable, or otherwise, as the case may be,] to the petitioner, the said A.B., conform to disposition or general disposition [or otherwise, as the case may be], dated [specify date] granted in his favour by the said K.L., who died unserved and having only a personal right to the said lands; [and if the deed be granted under any real burden, or condition, or

qualification, add,] but always under the real burden, &c. ; [*and if the deed be granted in trust or for specific purposes, add*], but always in trust or for the uses, ends, and purposes mentioned in the said general disposition [*or otherwise, as the case may be*].

May it therefore please your Lordship to find the facts above set forth proved, and that the petitioner is entitled to procure himself infeft in the foresaid lands, in terms of “The Conveyancing (Scotland) Act, 1874,” and to decern .

According to justice, &c.

[*Signed by the petitioner or his mandatory.*]

Note.—If any of the transmissions have been judicial, as by adjudication, act and warrant of court, or otherwise, or if by any of the transmissions a part or parts only of the lands are transferred, the necessary alterations may be made on the form of the petition.