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## SCHEDULE 2

### ENACTMENTS REPEALED OR REVOKED

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## APPENDIX

### FORM 12

#### **Form of petition for special service combined with petition for completion of title under section 10 of the Conveyancing (Scotland) Act 1874**

*The Petition of [AB] (design)*

1. The late [CD] (*design*) died intestate at (*place*) on or about (*date*) vest and seised in [*or in a share (eg one-half pro indiviso) of*] ALL AND WHOLE

the subjects forming (*insert short description sufficient to identify subjects for purposes of publication*) in the County of (*insert name of county*) [*or in the Burgh of (insert name of burgh) and County of (insert name of county)*], now in the Sheriffdom of (*insert name of sheriffdom*) described in the Disposition by [G] in favour of [H], dated (*date*) and recorded in the Division of the General Register of Sasines for the County of (*insert name of county*) on (*date*),

[*or if [CD's] infertment contained a particular description:– the subjects forming (describe as above) described in the Disposition in favour of the said [CD] after mentioned,*

[*or describe the subjects particularly,*

conform to Disposition by [S] in favour of the said [CD], dated (*date*) and, along with warrant of registration thereon on behalf of the said [CD], recorded in the said Division of the General Register of Sasines [*or in the Division of the General Register of Sasines for the County of (insert name of county)*] on (*date*) [*or otherwise specify [CD's] infertment*]; but always with and under the burdens and others in (*specify burdens writs*).

2. [CD] never had a son.

3. [EF] (*design*) and [GH] (*design*) were the only daughters ever born to [CD].

4. [EF] predeceased [CD], having died on or about (*date*).

5. The petitioner is the eldest son ever born to [EF], and is accordingly one of the two nearest lawful heirs portioners to [CD], and as such heir in special to [CD] in one-half *pro indiviso* share of the subjects.

6. On [CD's] death he was succeeded by [GH] as his other heir portioner and therefore as such heir in the other half *pro indiviso* share of the subjects.

7. [GH] died on or about (*date*) unserved and uninfert and having only a personal right to the half *pro indiviso* share of the subjects to which she was heir.

8. [GH] conveyed her whole estate heritable and moveable to her husband [JK] (*design*), by her will dated (*date*) and registered (*specify place and date of registration*). An extract is produced herewith.

9. [JK] survived [GH] but died on or about (*date*) never having been infert in the half *pro indiviso* share of the said subjects of which [GH] was heir.

10. [JK] conveyed his whole estate heritable and moveable to the petitioner by his will dated (*date*) and registered (*specify place and date of registration*). An extract is produced herewith.

MAY IT THEREFORE please your Lordship (1) to serve the petitioner nearest lawful heir portioner to [CD] and as such heir in special to [CD] in one-half *pro indiviso* share of the subjects specified above; and (2) to find the facts above set forth proved, and that the petitioner

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is entitled in terms of section 10 of the Conveyancing (Scotland) Act 1874, to procure himself infert in the other one-half *pro indiviso* share of the subjects.

(Signed)

[AB] Petitioner

[or [XY] Agent for petitioner (*designation and business address*)]