SOLICITORS

LL.B. LL.B. , LL.B. CONSULTANT B.L., S.S.C.

122 ARGYLL STREET DUNOON ARGYLL PA23 7ND

TELEPHONE 2941 STD CODE (0359)

OUR REF

J/8/R

AR 5-8-7. YOUR REFEROWN ESTATE OFFICE **EDMIBURSH** 27 OCT 1980

24th October 1980

The Crown Estate Commissioners, Crown Estate Office,

10 Charlotte Square, EDINBURGH. EH2 4DR.

RECEIVED

Dear Sirs,

Messrs

- Subjects at Seaside, Tighnabruaich.

We write to confirm that we act on behalf of Messrs own subjects at Seaside, Tighnabruaich.

The property at Seaside consisting of shops and dwellinghouses above has been owned by the family for a considerable period. It has recently become apparent that part of the property lying generally to the east of the buildings consists of ground which was formerly part of the foreshore but which has for many years been incorporated with the main buildings.

We enclose copy of the Lease between the Ministry of Transport and registered on 1st July, 1949 which shows the ground in question shown outlined in red. It is the block of ground second from the left.

The original Lease of 1917 ran for thirty one years until 1948. It was then renewed by the Minister of Transport who apparently had statutory authority to deal with the foreshore at that time. So far as we can understand, the Lease lapsed in 1979 and has not been renewed.

We would imagine that the foreshore is now technically vest in the Crown Estate Commissioners, as statutory successors to the Minister of Transport.

have now retired from business and are in the process of selling off the various shops and dwellinghouses at Seaside. In order that a good title can be given to the whole subjects known as Seaside,, Tighnabruaich, we are writing to ask you to confirm whether or not you would be willing to grant a formal title to the ground which was formerly part of the foreshore at a price to be agreed or for a nominal consideration. Our clients would of course be responsible for your legal expenses.

The problem of this foreshore ground has been outstanding for some considerable time and accordingly it would be of great help to us if you would be able to confirm to us as soon as possible that you would in principle be willing to grant such a Disposition.

We look forward to hearing from you.

We are, Yours faithfully, Enc. _ 4 NOV 1980

Messrs. Corrigall, Ritchie & McLean, 122 Argyll Street, Dunoon, Argyll, PA23 7ND

J/8/R

AR5-8-7

4 November 1980

Dear Sirs.

I am writing in reply to your letter of the 24 October 1980 concerning the ownership of an area of ground, formerly foreshore, at Seaside, Tighnabruaich to say that the ground in question as shown by pink colour on the enclosed plan is Crown Estate property under the management of this office.

The Commissioners are prepared to sell the proprietary rights and interests of the Crown in this area to Messrs. on the lines of the enclosed draft form C.4. at a price to be determined by the District Valuer after the purchasers have had the opportunity of making representations to him.

The property forms part of the Crown Estate and no title thereto shall be shown and no requisition or objection shall be made in respect thereof. Warrandice will be from fact and deed only.

In addition to the purchase price, the Commissioners' Solicitor's charges, costs incurred in the preparation of plans, and all stamp duties (if any) will be payable by the purchasers.

The Commissioners will be glad to hear from you at your early convenience that the above-mentioned terms are accepted in order that the Valuation Office may be instructed. When the price has been settled the Commissioners' Solicitor will be instructed in the matter. If, however, your clients require formal documentation immediately we will be prepared to enter into Missives now on the basis that your clients agree to pay the price assessed by the District Valuer.

SOLICITORS

CONSULTANT
BLLSS.C.

122 ARGYLL STREET DUNOON AR GYLL PA23 7ND Z841

PE (STD CODE (0369

____J/8/R

AR 5-8-7

17th November 1980

Crown Estate Commissioners, Crown Estate Office, 10 Charlotte Square, EDINBURGH.

Dear Sirs,

Subjects at Seaside, Tighnabruaich.

We thank you for your letter of 4th November, with enclosures.

We are pleased to note that the Commissioners are prepared to sell their rights in the above subjects on the usual terms and conditions It would be helpful to us if your Solicitor could let us have an offer to sell the subjects at a price to be agreed by the District Valuer. Perhaps you would be good enough to instruct him accordingly. We are obliged to you for your prompt assistance in this matter.

We are, Yours faithfully, Messrs. Corrigall, Ritchie & McLean,

122 Argyll Street,

J/8/R

Dunoon,

Argyll,

AR5-8-7

PA23 7ND

21 November 1980

Dear Sirs.

SUBJECTS AT SEASIDE, TIGHNABRUAICH - MESSRS.

Thank you for your letter of 17 November 1980 confirming that your clients are prepared to purchase the above subjects on the terms outlined in my letter of 4th November.

The Commissioners' Solicitor has been asked to issue a formal offer and the District Valuer has been instructed to assess the purchase price; you should be hearing from both shortly.

The Chief Valuer, Valuation Office, 43 Rose Street, Edinburgh, EH2 2NJ

AR5-8-7

21 November 1980

Dear Sir,

SUBJECTS AT "SEASIDE", TIGHNABRUAICH

The Crown Estate Commissioners are proposing to grant to Messrs. Feu Disposition of an area of reclaimed foreshore at Tighnabrusich extending to approximately 0.06 acre as shown by pink colour on the enclosed plan.

The Deed will be drawn on lines generally indicated by the accompanying specimen print (C.4) a copy of which was supplied to Messrs. agents on 4th November 1980.

The Commissioners Solicitor's costs for the preparation and completion of the deed will be payable by the purchasers.

The Commissioners would be glad if the District Valuer could be instructed to determine on their behalf a consideration to be paid for the proposed sale.

The District Valuer is asked to communicate with Messrs. Corrigall, Ritchie & McLean, 122 Argyll Street, Duncon, PA23 7ND, quoting reference J/8/R.

Reference	AR5~8 - 7

SALE OF GROUND AT SEASIDE, TIGHNABRUAICH: MESSRS.

Messrs. are to purchase an area of reclaimed foreshore at Tighnabruaich. Early entry is required and I would therefore be grateful if would enter into Missives on our usual terms and on the basis that the purchase price is to be that determined by the District Valuer. The description agents are Messrs. Corrigall, Ritchie & McLean of 122 Argyll Street, Dunoon; plans are enclosed for your use.

with file.

21.11.80

J/8/R

AR5-8-7/1960

26th November 1980.

Dear Sire.

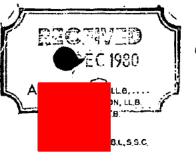
Subjects at Sesside. Tistmebrusich - Mesers.

On behalf of and as anthorised by the Crown Estate Commissioners acting in exercise of the powers of the Crown Estate Act 1961, on behalf of The Queen's most excellent Majesty (who soting and on behalf as aforesaid are hereinafter called "the Commissioners"), I hereby offer to sell to your clients, Mesers. That piece of land being part of the foreshore below high water mark of Ordinary Spring Tides, otherwise known as Mean High Water Springs in the Parish of Tighnabrusion and County of Argyll as shown delineated in red and coloured pink on the accompanying plan dosquetted with reference hereto and that on the following terms and conditions:-

- 1. On account of entry to the subjects being requested immediately on conclusion of these missives without the consideration having been fixed, the consideration which will be paid to the Commissioners shall be such sum as shall be determined by the District Valuer after your clients have had reasonable opportunity of making representations to him. Such consideration will be payable to the Commissioners within seven days of such determination with interest at the statutory rates calculated from the date of entry aftermentioned to the date of payment.
- 2. The date of entry will be the date of conclusion of these missives.
- 3. The said piece of land delineated and coloured pink on the said plan has been reslaimed and is partially occupied by buildings pertaining to other subjects belonging to your clients.
- 4. The conveyance will be a Feu Disposition based upon the Specimen C.4 (Scotland), a copy of which is annexed and signed as relative hereto, but will contain such additional clauses and medifications as I may consider appropriate to embody the terms of these missives. No titles or searches will be exhibited or delivered while warrandice will be granted from fact and deed.
- 5. Your clients will relieve the Commissioners of all legal costs and expenses in connection with and incidental to the preparation and completion of the Feu Disposition. Should however the proposed transaction not be completed then they shall relieve the Commissioners of all preliminary legal costs and expenses.

Yours faithfully,

Messre. Corrigall, Ritchie & Molean, Solicitors, 122 Argyll Street, DUECON, Argyll, PA23 7ND



SOLICITORS

122 ARGYLL STREET DUNOON AR GYLL PA23 7ND TELEPHONE
2941
STD CODE (0369)

OUR REF

J/7/R

YOUR MEF AR5-8-7/DMC

4th December, 1980.

Esq.,

W.S., 48 Castle Street, Edinburgh, EH2 3LX.

Dear Sirs,

On behalf of and as authorised by our Clients, Messrs, we hereby accept your formal offer dated 26th November 1980 on behalf of your Clients, the Crown Estate Commissioners, to sell ALL and WHOLE that piece of ground being part of the foreshore below High Water Mark of ordinary spring tides in the Parish of Tixhnabruaich and County of Argyll shown delineated in red and coloured pink on the plan annexed and signed as relative to your said offer, and we now hold the bargain to be concluded.

We are,

Solicitor (Scotland)

Crown Estate Commissioners

1. 556d

Messrs. Subjects at Seaside, Tighnabruaich

Missives have now been concluded and I return the file. No doubt you will now instruct the District Valuer regarding the determination of the

consideration.

8th December 1980 File herewith. СПОКИЯ ЕЙГАНЕ ОРИСЕ ЕВНІЗУЛІСИ — 9 DEC 1980

RECEIVED

on 21 November, however my transfer of 3 mentes from the dutidoes not appear to have been noted.

	',
	ADE 9
Reference	AR5-8-6
IXCICICILE	

FORESHORE AT TIGHNABRUAICH, ARGYLL.

I would refer to the Chief Valuer's letter of 14 October 1981, the second paragraph of which correctly summarizes the situation.

The most recent lease of the large area of foreshore (of which the site to be sold to the forms a part) was for 31 years from Lammas 1948 in favour of This was assigned to in 1971; when the lease expired in 1979 her agents advised that she no longer wished to continue the lease. This was accepted, though we reserved the Commissioners' rights to enforce or claim in respect of sobligations under the lease. Since then two occupiers of part of the reclaimed foreshore have requested to buy the property and we hope to obtain the names and addresses of the occupiers of the remaining sites so they may also be contacted.

Returning to the District Valuer's problem. Some of the buildings on the area leased were in existence when the 1948 lease was granted and so must be assumed to have formed part of the subjects of let, but our consent was to be obtained for any new buildings or alterations to existing buildings - no such consents were ever sought or granted (our remedy being to remove the offending works at the lessees' expense). The lease contained no restoration clause, the ground was merely to be delivered up in good and substantial repair and proper condition on expiry.

16.12.81

with AR5-8-4 and 6.





Valuation Office Inland Revenue
The Chief Valuer (Scotland)
Meldrum House 15 Drumsheugh Gardens Edinburgh EH3 7UN
Telephone 031-225 8511

Crown Estate Receiver

Crown Estate Commissioners

Crown Estate Office . 10 Charlotte Square

EDINBURGH

EH2 4DR

CORT LOTE OFFI

15 OCT 1951

Your reference

_ AR5-8-6

Our reference

CV(S) 43278F

Date

14 October 1981

Dear Sir,

FORESHORE AT TIGHNABRUAICH, ARGYLL

I refer to your letter of 2 October 1980%

The District Valuer has been investigating the facts and formulating his views prior to stating proposals to the disponees' Agents. He informs me that the foreshore site appears to have been part of a larger area leased from about 1917 for two consecutive terms of 31 years each, during which it was reclaimed for use as part (along with a neighbouring roadside plot) of a boatyard. Not only was it reclaimed from its nature as foreshore, it had a workshop structure erected upon it.

Since the former leases are understood to have expired before the entry date in this case (26 September 1980) it would appear on a strict view of the law that the Commissioners could exact a price reflecting not only the value of the solum but also the presence of a building thereon.

Before the District Valuer proceeds I should be glad to have your observations on this aspect of the matter.

Similar considerations apply in the case of the neighbouring foreshore site at Seaside, Tighnabruaich (your letter AR5-8-7 of 21 Movember 1980) where the reclaimed site carries a range of outbuildings behind a tenement of shops and houses.

Yours faithfully,

for CHIEF VALUER SCOTLAND



SOLICITORS



122 ARGYLL STREET DUNOON AR GYLL PA23 7ND TELEPHONE 2941 STD CODE (0389)

OUR MEF J/

J/7/R

YOUR REF AR5-8-7

11th January, 1982.

Crown Estate Commissioners, Crown Estate Office, 10 Charlotte Square, Edinburgh, EH2 4DR.

Dear Sirs.

CROWN ESTATE OFFICE EDRIBURGH 14 JAN 1982

Mesers

RECEIVED

Subjects at Seaside, Tighnabruaich, Argyll

We refer to the previous correspondence concerning the above matter from which you will remember that missives were concluded for the purchase of the above by our Clients on the basis that the District Valuer would fix a price.

The District Valuer visited the property as long ago as January 1981 and since that date we have been pressing him constantly for a figure. His most recent letter to us indicated that he would require to take your instructions about certain matters which he considered outstanding before he could fix a valuation. As you will appreciate, until a valuation is arrived at, our Clients' other transactions cannot proceed any further and accordingly we would be most obliged to you if you would endeavour to do all you can to aid the District Valuer in reaching his valuation.

If you think we could be of any further assistance in this matter, no doubt you would let us know.

We are,

Yours faithfully,

Regen 22. J. 11. 11. 15.2



The Chief Waluer, Meldrum House, 15 Drumsheugh Gardens, Edinburgh, EH3 7UN.

CV(S) 43278F

AR5-8-6

22 January 1982

Dear Sir.

S FORESHORE AT TIGHNABRUAICH, ARGYLL.

I refer to your letter of 14 October, with apologies for the delay in replying.

The Commissioners are advised that in making his valuation the District Valuer should take into account the value of the buildings on the ground. If the proposed purchasers raised strong objections, they should, of course, be referred to this office in order that the Commissioners' Solicitor can be instructed in the matter.

As you said, this principal will apply both to the above case and to the proposed sale to Messrs. The Solicitors recently wrote to express concern at the long delay in completing the valuation, it is hoped therefore that swift progress can now be made.

Messrs. Corrigall, Ritchie & McLean, 122 Argyll Street, Dunoon, Argyll, PA23 7ND.

J/7/R

AR5-8-7

22 January 1982

Dear Sirs,

MESSRS. : SUBJECTS AT SEASIDE, TIGHNABRUAICH.

I refer to your letter of 11 January concerning the delay in obtaining the District Valuer's assessment of the purchase price to be paid for the above subjects.

The Chief Valuer did indeed write to this office late in 1981 raising a question on behalf of the District Valuer. This query has now been dealt with and it is sincerely hoped that the valuation will be completed soon.

SOLICITORS



Esq.,
Solicitor (Scotland),
Crown Estate Commissioners,
48 Castle Street,
EDINBURGH EH2 3CX.

122 ARGYLL STREET DUNOON ARGYLL PA23 7ND

25 OCT 1982

TELEPHONE 2941 STD CODE (0369)

21st October, 1982.

Dear Sir,

Messrs.
Subjects at Seaside, Tighnabruaich, Argyll.

In accordance with a remit to him to fix a price for a piece of the foreshore at Tighnabruaich the District Valuer Inland Revenue has propsed a sum of £4000. Our clients consider this to be too high in the circumstances, and we have asked the District Valuer to explain the basis of his valuation. We have established from him that his instructions were that in determining the consideration to be paid for the small piece of foreshore concerned, account was to be taken of all buildings situated on the ground and if jour clients objected to this basis of fixing the price the matter should be raised with the Crown Estate Commissioners.

As our correspondence on the subject was latterly with you, we are addressing our reproresentations through you with a copy of our letter to the Commissioners...

The foreshore at this part of Tighnabruaich could not be considered to be suitable, in its natural state, for the erection of buildings of the kind our clients have on the ground. These are outbuildings used in connection with the main buildings erected on ground above high water mark. The foreshore had to be made up by tipping spoil on it and when this had consolidated the buildings were erected. All this involved time effort and capital outlay on the part of the tenants of the ground. There was no contribution whatsoever by the Commissioners. It is because our clients feel that the District Valuer is seeking to reap the benefit of the tenants' efforts in this respect for the benefit of the Commissioners that our clients feel aggrieved.

Furthermore, on examining the terms of the Feu Disposition, we feel that it implies that the buildings on the site belong to the Commissioners. It is true that on the principle that what is on the ground belongs to the owner of the ground, this would be so, but we do not think that there has been any dispute as to ownership of the buildings on the site, in this case and to seek to apply the principle now to justify the price, seems unfair. In the crofting Counties, of which Argyll is one, we find a somewhat analogous situation in the case of the crofting tenant who provides his own crofthouse and steading. The Crown is Landlord in many such situations but if the Crown resumes possession of the holding it pays compensation for the buildings. It then recoups this expenditure when the holding is relet. However, if only the land is resumed and the crofter is given a feu of the ground on which his buildings are erected there is no grassum for the value of the buildings included in the consideration in the Feu Disposition.

We note too that the conditions contained in the Feu Disposition reserves to the Crown and those with its authority and to the public generally, all rights they usually have in the foreshore. In short, the Commissioners are giving very little away, to justify the price.

We/

We should mention too that some of the outbuildings have been demolished by gales since the District Valuer was on the site and can have no value now.

We shall be grateful if you will place these representations before your principals with any comment you may have and let us know in due course if they are prepared to relent from their original instructions and advise the District Valuer to adjust his valuation to take account of site value only.



Reference DMC

W.S.

Soliciter (Scotland)

Crown Estate Commissioners

25th October 1982.

Argyll -Messrs.

Subjects at Seaside, Tighnabruaich

I have received the accompanying letter dated 21st October from Corrigall, Ritchie & McLean and should be pleased to be advised.

Miss

EROWN ESTATE CONCE

2 6 OCT 198%

Perhaps you will remember these cases. Mr. & Mrs.
and Messrs. are purchasing from the
Crown Estate Commissioners, areas of foreshore at
Tighnabruaich and problems have arisen over the District
Valuer's assessment.

On the advice of Mr. (see min. dated 18/12/81 in AR5-8-7) the District Valuer was instructed that in making his valuations he should take into account the value of any buildings on the ground. The District Valuer has set a

consideration of

E4,000 in

respect of the subject to be purchased by Messrs.

Since the purchasers originally thought that only a nominal consideration would be payable they are, understandably, rather peeved. I refer you to the letters from Corrigall, Ritchie and MacLean, the agents for Messrs.

It would appear that in a strict legal sense the purchasers do not have a case. The buildings are on Crown land and can therefore be considered Crown owned. The purchasers entered into missives conditional upon the District Valuer's assessment being accepted and presumably all the points now raised with us were raised with the District Valuer prior to his valuation being set.



(Miss)

28/10/82

Mr. (via Mrs. to see) files AR5-8-6 and AR5-8-7 herewith.

SOLICITORS

L.B. V. LL.B., S.S.C. L.S.S.C.

122 ARGYLL STREET
DUNOON
ARGYLL
PA23 7ND

TELEPHONE 2941 STD CODE (0369)

YOUR REF DMC

3rd December, 1982.

Esq., W.S., Solicitor, Crown Estate Commissioners, 48 Castle Street, Edinburgh, EH2 3LX.

Dear Sir,

Messrs Subjects at Seaside, Tighnabruaich, Argyll

We refer to our letter of 21st October which you acknowledged on 25th October. Since then we have heard nothing from you despite a reminder sent on 15th November.

Our Clients are now under threat of court action to implement a contract for the sale of the property and the matter is now one of great urgency. We would ask you to treat it as such.

Although the matter at issue is the valuation put on the foreshore by the District Valuer he has explained that his remit from the Commissioners required him to value the subjects with the buildings on them. Any change in this basis of valuation will require to be made by the Commissioners and not by him (the District Valuer). We mention this in case it is suggested that our Clients discuss this with the District Valuer and not the Commissioners. We wish to avoid being passed back and fore between one and the other.

We are,

Reference......DMC

Crown Latina Commissioner

9th December 1982.

Argyll - AR5-8-6 - AR5-8-7

Foreshore at Tighnabruaich, Argyll

Following receipt of Corrigall Ritchie & McLean's letter of 3rd December on behalf of Messrs. in the light of their urgency, I asked to see the file.

As I said in my minute of 18th December 1981 we simply do not know what the terms of the purchase and sale transactions are. I am certainly not clear how either Messrs. Or the came into ownership of subjects which were latterly leased under assignation to Mrs. which lease expired in 1979.



It is Corrigall Ritchie & McLean who are trying to advance a "moral" argument. They make play of the time effort and capital outlay on the part of the tenants. They do not say that the works were carried out by their clients. Before taking a final position on this I would like to know who carried out the reclamation works etc. and how in particular the came to believe that they had a title to sell the subjects. If you agree I shall take up these points with the solicitors concerned. I would need to see also File AR5-8-6.

File AR5-8-7 herewith.

P.T.O.

CROWN SSTATE OFFICE EDINBURGH 10 DEC 1982

DECEMED

S/7/R

7th February 1983.

Dear Sirs.

Argyll - AR5-8-7 Mosers.

Subjects at Seaside, Tighnabruaich

DMC

I refer to your recent correspondence and to Mr. stelephone conversations with your Mr.

Referring particularly to your letter of 21st October 1982, I note that you say that your clients feel aggrieved because the District Valuer, in taking into account all buildings situated on the ground in his valuation, is seeking to reap the benefit of the tenants' efforts for the benefit of my principals. Your clients are not and were not themselves the tenants. The Lease in favour of Mr. registered on 1st July 1949, was assigned to Mrs. in 1971 and it expired in 1979. At that time Mrs. segents advised my principals that she no longer wished to continue with the Lease and this was accepted. There has been no tenancy since then.

While the argument contained in the third and fourth paragraphs of your letter of 21st October would have some appropriateness if your clients were the tenants, it cannot in the actual circumstances do so.

For the foregoing reasons, accordingly, I confirm on behalf of my principals that they consider it to be only appropriate that their original instructions to the District Valuer be maintained to the effect of including the buildings in the valuation. They have an obligation under statute to obtain full consideration in terms thereof for such a disposal and consequently see themselves to be obliged to seek consideration for the buildings as well as for the land when the purchaser is not a tenant, or even a former tenant, who erected the buildings.

It is regretted that there is some delay in responding to your letter of 21st October in substance.

Yours faithfully,

(Sed.) D. 7 C.

Corrigall Ritchie & McLean, Solicitors, 122 Argyll Street, DUNCON, Argyll, PA23 7ND.

Reference	DMC
120101000000000000000000000000000000000	

W.S. Solicitor (Scotland) Crown Estate Commissioner

7th February 1983.

Argyll - AR5-8-7 Messrs. Subjects at Seaside, Tighnabruaich

I have replied to Corrigall Ritchie & McLean today. As Mr. explained to you, they appear to have been acting for an Executry in this case. It seems that one of the beneficiaries was dissatisfied with the delays and went to another firm of solicitors who in turn lodged a complaint with the Law Society about the delays. It may be that the complaint is not based only on delay but perhaps on other matters as well.

It is possible that the did themselves build or take some part in the building in question. If so the particular question may not have been fully dealt with to their satisfaction. Mr. who was speaking on the telephone for Corrigall Ritchie & McLean was not himself familiar with the history. He himself appeared to accept the position and the explanation of it, but said that he would have to speak to his senior partner about it. We can only wait and see.

File herewith.

CROWN ESTATE OFFICE [Q]...i2.... = 8FEB 1983

RECENCE

Resume 2 marths-far response

Э

The Chief Valuer, Meldrum House, 15 Drumsheugh Gardens, Edinburgh, EH3 7UN.

CV(S)43278F AR5-8-7

15 February 1983

Dear Sir,

MESSRS. SUBJECTS AT SEASIDE, TIGHNABRUAICH.

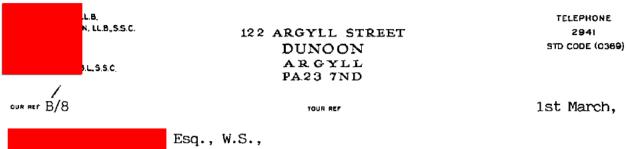
This is to bring you up to date on the state of play as we see it.

Agents for Messrs. wrote to us at the end of October 1982 telling us that they had received notice of the District Valuer's assessment of £4,000 for the subjects in question. They agreed in effect that although we were entitled in law to value for the buildings morally we ought not to charge.

Our response was that Messrs. are not and were not our tenants. The lease (latterly assigned to a Mrs. expired in 1979 and she gave notice that she did not require an extension. As we are statutorily obliged to turn the Crown Estate to best financial account we cannot give a discount on what is the proper consideration.

Perhaps, therefore, the District Valuer would conclude matters on this basis.

SOLICITORS



1st March, 1983

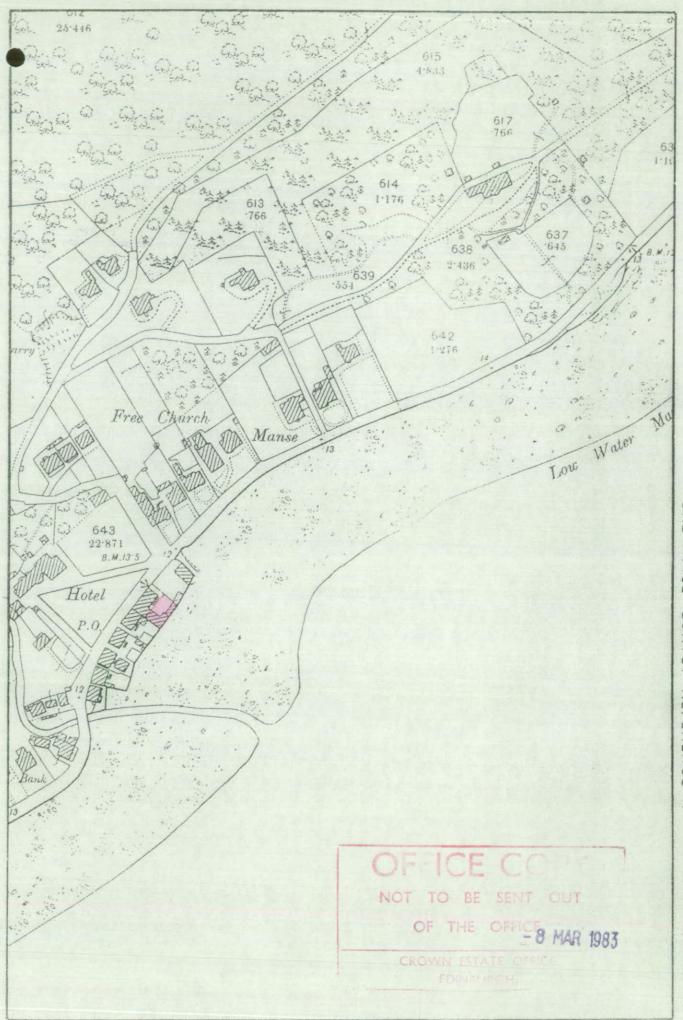
Solicitor, Crown Estate Commissioers, 48 Castle Street, Edinburgh, EH2 3LX.

Dear Sir,

Messrs Seaside, Tighnabruaich.

We refer to previous correspondence and now confirm on behalf of our clients that they are withdrawing opposition to the District Valuer's value for the above property. Our clients are therefor prepared to proceed on the basis of the District Valuer's valuation and should be grateful if you could now let us have your draft Feu Disposition for revisal as soon as possible.





Crown Estate Commissioners
10 Charlotte Square Edinburgh.

SCALE: 1/2500

DISTRICT VALUER

Ext. No. 3368

TO

Your reference

CV43915F

THE CHIEF VALUER SCOTLAND

My reference

OGD744/80

Date

DH/ES

28 March 1983

MESSES

SUBJECTS AT SEASIDE, TIGHNABRUAICH

I refer to previous correspondence.

I now report that the consideration to be paid by
Messrs for the sale to them of an area of
reclaimed foreshore extending to 0.06 acre or thereby,
together with buildings thereon at Seaside, Tighnabruaich
is determined at £4000 on the understanding that the Deed
will be drawn on lines generally indicated by the Specimen
Print, a copy of which was supplied by the CEC to
Messrs on 4 Nov 1980 and that the Commissioners'
Solicitor's costs for the preparation and completion of
the Deed will be payable by the purchasers.

I understand that the Commissioners have been informed direct by Messrs Corrigall Ritchie & McLean of the above.

SGD

DISTRICT VALUER

11th April 1983.

B/8

Dear Sirs,

Argyll - AR5-8-7 Messrs.

Property at Seaside, Tighnabruaich

DMC

I refer to your letter of 28th March and enclose herewith a draft Feu Disposition. The consideration has been stated at the sum of £4,000 which is the figure that you have advised us that the District Valuer is proposing to set. My principals have not been advised by the District Valuer about the finalisation of his determination. In your letter of 1st March 1983 you confirmed on behalf of your clients that they are withdrawing opposition to the District Valuer's value for the property. I wonder whether they have in fact told the District Valuer that. On 15th February of this year my principals wrote to the District Valuer asking him to conclude matters. He could be expected to do so quickly if in fact your clients have told him that they withdraw their objections and accept his determination. The point is that of course the District Valuer is expected to give, and does give, every reasonable opportunity to a purchaser to make representations in connection with a determination or valuation. My principals have written again to the Valuer on 22nd March asking him what the position is.

However, the enclosed draft will enable us to proceed on the assumption that your clients have accepted or will immediately accept the determination. If for some reason they are still not doing so, at least you are enabled to revise the Feu Disposition in respect of everything except the price. I look forward to hearing from you.

Yours faithfully,

Corrigall Ritchie & McLean, Solicitors, 122 Argyll Street, DUNCON, Argyll, PA23 7ND

· Enc.



Valuation Office Inland Revenue

The Chief Valuer (Scotland)

Meldrum House 15 Drumsheugh Gardens Edinburgh EH3 7UN

Telephone 031-225 8511

Crown Estate Receiver Crown Estate Commissioners Crown Estate Office 10 Charlotte Square EDINBURGH, EH2 4DR

Entra Trans

Your reference AR6-8-7

Our reference CV(S) 43915F

Date

11 April 1983

Dear Sir

MESSRS JAMIESON: SUBJECTS AT SEASIDE, TIGHNABRUAICH

I refer to your letter of 22 March

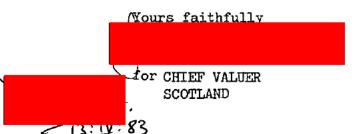
The general situation here is of course very similar to that in the neighbouring case of Mr & Mrs (your reference AR5-8-6) and the general views indicated in my letter of 19 January in that case (this office reference CV(S) 43278F) are relevant.

While the whole matter has extended over a lengthy period of time, much of the time had passed before our involvement began at the end of 1980. It is understood that in 1976 the began to sell off their property in parts, discovering or re-discovering in the process that they only had a sub-lessee's title to the area which had been foreshore. The reference to an agreed price of £500 is believed to relate to their negotiations with one Mrs who held the lessee's interest in a larger area of foreshore which included the spart, the lease having only a short period unexpired (expiry date understood to be Lammas 1979). Accordingly the subject matter of the £500 transaction is not comparable with the ownership interest being dealt with by the District Valuer. And, of course, the land was not "valueless foreshore" but a reclaimed site with buildings.

After investigations and discussions with the Agents during 1981, the District Valuer consulted with this office as to the valuation approach and, taking account of the views expressed in your letter to this office of 22 January 1982, he stated his proposals to the Agents. When they indicated (after discussions) in June 1982 that they intended to raise with you a question on the basis of valuation, the District Valuer stayed his hand until he learned recently that the Agents had written to the Commissioners' Solicitor accepting his valuation. In the circumstances he has now reported his determination at £4000 (FOUR THOUSAND POUNDS) and I attach a copy herewith.

I am satisfied that the District Valuer has approached the valuation in a reasonable manner, taking due account of all the circumstances and the available evidence of value. It seems clear that the problem here has arisen fundamentally from a failure to appreciate the differences between ownership, leasehold occupation and the absence of any right or title.

Renume Liver



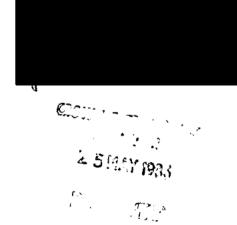
SUBJECTS AT SEASIDE, TIGHNABRUAICH: MESSRS.

I refer to Mr. s minute dated 11th April 1983, and now refer Mr. to the Chief Valuer's letter of 11th April which encloses a copy of the District Valuer's valuation dated 28th March 1983.

Mr. will see that the District Valuer reports a determination of £4,000 as expected. Messrs. Corrigall Ritchie and McLean can therefore be told that the District Valuer's determination has now been received and the draft Disposition may be taken as stating the price at £4,000.



Mr. with file.



DEC

B/8

15th April 1983.

Dear Sire,

Argyll - AR5-8-7 Mesors.

Property at Seacide, Tighnabruaich

Further to my letter of 11th April I understand from my principals that the District Valuer has now confirmed his determination at £4,000.

Yourd faithfully,



Corrigall Ritchie & McLean, Solicitors, 122 Argyll Street, DUMCON, Argyll, PA23 7ND