



Isle of Man Government

Reiltys Ellan Vannin

The Isle of Man Land Registry

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| Application Number | : 200900047 |
| Applicant | : Tracy Jayne Duncan |
| Property | : “Croit Shellee”, Clanagh Road, Sandygate, Surby, Isle of Man IM7 3AE (“the property”) |
| First Objectors | : Edward Michael Burgoyne & Wendy Burgoyne |
| Second Objectors | : Jack Dempsey, Madelaine Lily Dempsey & Myles Clifford Dempsey |

Decision of G. E. Anderson, Assistant Chief Registrar, Legal Officer (Land) in respect of the application

Introduction

1. This decision concerns an application made by the applicant under the provisions of Section 14(1)(a) and (2)(b) of the Land Registration Act 1982 (“the LRA 1982”) for the first registration of the ownership of a freehold estate in the property with a possessory class of title (“the application”). The application was presented to the Land Registry on 9th January 2009.
2. On 13th January 2010 the Assistant Chief Registrar, G. Andrew Carnson gave directions to the applicant regarding service of notice of the application. The notice was advertised in the three local newspapers circulating in the Isle of Man and was posted, inter alia, to the first and second objectors who gave notice of their objection to the registration.
3. During the period which began in February 2010 until as recently as June 2013 protracted efforts have been made by the three parties – the applicant, the first and second objectors and the three firms of advocates appointed to act on their behalf – to negotiate and reach an agreement to settle the dispute. During this period I have been in receipt of correspondence and numerous plans, diagrams and revisions thereof and copies of recorded deeds and submissions from the advocates and, in some cases, the parties directly.
4. Despite the best efforts of the parties and their advocates the dispute between the parties has not been resolved. I have therefore to make a decision as to whether the applicant is entitled to be registered with the ownership of a possessory title to the freehold estate in the property.
5. This application graphically illustrates the reasons why the legislature decided that it was necessary to move to a system of the registration of the ownership of estates in land rather than the deduction of title using deeds and hand drawn plans recorded in the Deeds Registry.

Representation of the interested parties

6. The applicant is Tracy Jayne Duncan and she is represented by the firm of advocates, Carter Jones McDonald.
7. In the objection 3 of the second objectors much is made of the difference in the spelling of the second name of the applicant as “Jayne” or “Jane.” This may likewise apply to the spelling of “Tracy” and “Tracey.” The spelling of her name is clarified by the applicant in paragraph 9 of her sworn affidavit dated 27th November 2008. The applicant’s first names are “Tracy Jayne.” This is the spelling used by the applicant in the application which I am prepared to accept. In my view the principle of “de minimis non curat lex” should be applied as nothing turns on the point.
8. The first objectors are Edward Michael Burgoyne and Wendy Burgoyne and they were represented by the firm of advocates, Simcocks Advocates Limited. As will appear below the first objectors have withdrawn their objection to the application.
9. The second objectors are Jack Dempsey, Madelaine Lily Dempsey and Clifford Dempsey who were initially represented by the firm of advocates, Appleby (Isle of Man) LLC but who now represent themselves.

The property and adjoining properties

10. The property was originally described in the application as “Land at Ballamoar Beg Farm, Sandygate, Jurby.” In their letter of objection dated 15th February 2010 the second objectors objected, inter alia, to the use by the applicant of the name of “Ballamoar Beg Farm”. The applicant agreed not to use the name of “Ballamoar Beg Farm” and accordingly changed the name of the property to “Croit Shellee”, Clanagh Road, Sandygate, Surby, Isle of Man IM7 3AE” as set out in the heading above.
11. In order to understand the nature of the dispute in the application and how it has arisen and the land which is affected by the competing interests of the three parties, I have attached to this decision two plans.
12. The first plan is the hand drawn plan annexed to Deed of Conveyance dated 7th November 1984 (December 1984/27) made between the Trustees of the Will of Gillian Patricia Wallis and Gerald Lewis Huxham – **Plan 1**.
13. Plan 1 is annexed for illustrative purposes. Plan 1 indicates clearly the four fields which are central to the application – fields numbered 1364, 1365, 1366 and 1368 – but which subsequently have been renumbered on more modern survey maps.
14. Field 1364 was an empty field but is now part of a garden with a number of outbuildings. It has been renumbered as field 214043 on the survey map extract. It is part of the property.
15. Field 1365 which includes a lane or access road running the entire length of the north eastern boundary of that field (hereinafter referred to as “the northern lane”) linking field 1362 (renumbered on the survey map as field 214045) with the access road being field 1368. Field 1365 has been renumbered as field 214044 on the survey map extract. Field 1365 excluding the northern lane forms part of the property.

16. Field 1366 contained a derelict ruin which was known as “Aunt Jane Wade’s Cottage” dating back to at least 1916 but which is now a substantial dwelling house with a separate outbuilding. The buildings now form a part of field 214044 on the survey map and likewise part of the property..
17. Field 1368 is a private lane or access road which has not been renumbered on the survey map (hereinafter referred to as “the lane”) but excludes the northern lane.
18. The second plan is an extract from the survey map which shows the property and the land in the vicinity of the property – **Plan 2**. The applicant was required by the provisions of Rule 17(1)(a) of the Land Registry Rules 2000 (“the LRR 2000”) to provide, with the application for first registration, “an extract from a survey map on which the boundaries of the land are clearly indicated.” The registry map used by the Land Registry is derived from the maps prepared and maintained by the Department of Infrastructure pursuant to the Isle of Man Survey Act 1991.
19. The interested parties in this application own properties which adjoin or are in the immediate vicinity of the property.
20. The property which is the subject matter of this application as claimed by the applicant is delineated and edged in red on Plan 2 and also has the symbol of a pending application in the Land Registry – a capital “A” against a blue background. The property in its final form comprises fields numbered 214043 and 214044.
21. The freehold estate with a qualified title number 21-00034 in respect of one half of the lane (field previously numbered 1368 on Plan 1) edged red and coloured pink on Plan 2, was registered on 30th June 2006 in the names of the second objectors.
22. The freehold estate with an absolute title number 21-00033 in respect of the property known as “Ballamoar Beg Farm”, a part of which is delineated and hatched red on Plan 2, was registered on 22nd November 2005 in the names of the second objectors.
23. The fields numbered 214036, 214045 and 21406 are owned by the first objectors but have not yet been registered in the Land Registry.
24. The applicant originally applied for possessory title to the four fields numbered 1364, 1365, 1366 and 1368 on Plan 1. On Plan 2 this would comprise of fields numbered 214043, 214044, the northern lane and the lane.
25. During the examination of the application by the Land Registry a number of queries were raised and, furthermore, as a consequence of the negotiations between the parties, the applicant amended the boundaries of the property on the survey map extract.
26. The property in respect of which the applicant claims possessory title is delineated by the red edging on Plan 2. The property in its final form now only includes fields numbered 1364, 1365 (but excluding the northern lane) and 1366 but excludes the entire field 1368 (the lane) on Plan 1. On Plan 2 – the survey map extract - the property now only includes the renumbered fields 214043 and 214044.

The lane or access road

27. As will appear from Plan 1, field 1368 is a private lane or an access road which provides access to the properties which are owned by the interested parties. As stated above I refer in this decision to

field 1368 as “the lane”. All of the interested parties have use of the lane leading to the fork from the main highway which is known as “Clannagh Road” or the A14. At the fork, the lane makes both a sharp turn to the right in a north westerly direction becoming the northern lane and also carries on straight in a south westerly direction leading into the registered land owned by the second objectors. The applicant also uses a short stretch of the lane from the fork to the entrance to the property which is marked by an “X” on Plan 2..

28. At some stage in the past the northern lane was cleared and constructed within Field 1365 and now runs along the entire length of the north eastern boundary of, but within, that field.
29. The freehold estate with a qualified class of title in respect of approximately one half of the lane has been registered in the Land Registry in the names of the second objectors with title number 21-00034. The title has been qualified in the following manner:

“Excepting from the effect of registration any estate arising before a Deed of Conveyance dated 13 May 2005 and made between Francis Thomas Scott and Jacqueline Ann Hawkes of the one part and Colin George Burchnall of the other part.”
30. The remaining half of the lane has not been registered in the Land Registry although in 2012 the second objectors lodged an application for possessory title in respect of most of the remaining half of the lane. This application has not been processed in the Land Registry for the reason that applications are dealt with strictly in accordance with the sequence in which they are presented – their priority - as required by Rule 13 of LRR 2000.
31. The dispute at the heart of this application relates not to the title of the applicant to the property, although the period of adverse possession claimed by the applicant has been queried by both the first and second objectors, but rather to the ownership of the lane and to the competing rights and interests of the owners of adjoining properties to the use of and access to the lane. The dispute is about the lane and not the property.

The application

32. The first and second objectors lodged their objections to the application on 16th February 2010. Attempts by the interested parties to settle the dispute without recourse to litigation were unsuccessful.
33. The application therefore falls to be dealt with by me in terms of Part 11: “Proceedings in the Land Registry”: of the Land Registry Rules 2000.
34. The first step is to consider the objections. Rule 119(3) of the LRR 2000 provides that “unless the Registrar considers the objection to be vexatious, frivolous or otherwise without substance” he shall either convene a hearing or refer the objection to the Land Commissioner. I shall therefore now deal with the merits of the two objections.

First objection

35. The first objectors own the fields numbered 214045 to the north west and fields numbered 214036 and 214046 to the west of the property. These fields have not been registered in the Land Registry. The first objectors also make use of both the northern lane in order to gain access from the main highway to field 214045 and of the lane for access to field 214036.

36. The objection raised by the first objectors concerned “the lane by which we access our property between fields 214044 and 214054” (the northern lane) which they state they have used since 2001 and “an historic right of way” over the lane for access to field 214036 to which there is a gate at the south eastern corner.
37. The first objectors also cast doubt on the period of adverse possession of the property by the applicant.
38. The negotiations did have one positive result. The applicant and the first objectors reached an agreement with regards to the position of their common boundaries and the objection of the first objectors has been withdrawn.

Second Objection

39. The second objectors are the registered owners of both the land situated at Ballamoar Beg Farm under title number 21-00033 and of one half of the lane which is held under title number 21-00034. The boundaries and the extent of title 21-00034 and part of title 21-00033 are delineated on Plan 2. The title to the lane is qualified title.
40. The second objectors raised a number of objections to the application in their letter dated 15th February 2010.
41. The second objectors objected to the applicant claiming “to be of Ballamoar Beg Farm” and to the use by the applicant of the address and the name of “Ballamoar Beg Farm.”
42. As a result, the applicant then agreed not to use the name of “Ballamoar Beg Farm” and changed the name of the property to “Croit Shellee.” The second objectors were advised of these actions taken by the applicant. This action on the part of the applicant therefore disposed of the first two objections of the second objectors.
43. The second objectors also objected to the applicant “claiming part of the lane running around the perimeter of plots 214043 and 214044”. The second objectors stated that they “object to any claim to any part of the lane beyond the entrance to plots 214043 and 214044”.
44. The letter dated 19th March 2010 of Appleby, the firm of advocates who acted for the second objectors, stated that:

“We understand that a dispute has arisen as to the ownership of this lane and that Tracy Jane Duncan has submitted a Possessory Title Application in respect of the lane. Please be advised that our clients wish to dispute Mrs Duncan’s title to the lane.”

The heading of the letter is “Lane at Ballamoar Beg, Sandygate – Title Number 21- 00034.”

45. The second objectors therefore objected to the application for possessory title on the grounds that the property which was the subject matter of the application as first submitted by the applicant, included the lane – field 1368 - in respect of which the second objectors claim ownership.
46. As stated above the applicant then amended her application and excluded the lane – field 1368 - and the northern lane from her claim for possessory title and it is clear from the correspondence between the parties that the second objectors were informed about this step. It appears that the

applicant assumed that by withdrawing her claim to the lane, the second objectors would withdraw their objection but this proved not to be the case.

47. In my view, based on the clear and unambiguous statements of the second objectors and their advocates that the objection related to the claim to the ownership of the lane by the applicant rather than to the claim for possessory title to the property, the withdrawal of such claim should have dispensed with the objection of the second objectors and attention should then have been given to a consideration of the merits of the application itself.
48. When the negotiations stalled once again in June 2013, the second objectors lodged a further bundle of documents on 19th July 2013 in which they detailed three objections to the application.
49. The first objection was that “the second objectors already own part of the land being claimed by the applicant in the application.”
50. The first line of the objection reads as follows: “The plot 1368 which is included in Application No. 200900047 is already an integral part of Ballamoar Beg Farm.”
51. Once again the second objectors have raised their concerns about the ownership of the lane. The second objectors are the registered owners of what is effectively one half of the lane which they hold under a qualified title and they have also applied to the Land Registry for a possessory title to the rest of the lane, save and except for one half of the lane leading from the public highway to the fork. The ownership of the lane is not the issue in this application. However, despite the applicant withdrawing her claim to ownership of the lane, the second objectors persist with this objection.
52. The second objection was that “John Wallis could not legally sell the lane or the fields to Tracey Draper (the applicant)”
53. The first line of the objection reads as follows: “The sale of plot 1368 in 1989 by John Donald Wallis to Tracey Jane Draper was not legal.”
54. Once again this objection deals with the question of the ownership of the lane. However, it is to be noted that the second objectors do not have an interest in nor do they lay claim to the ownership of the property itself.
55. The question of the “sale” of the fields by John Wallis to the applicant forms part of the evidence adduced by the applicant in support of her claim for possessory title and will be taken into account by me when considering the merits of the application.
56. The third objection was that “The time claimed for occupation and possession of the land in Application Number 200900047 is unsubstantiated by the Claimant”
57. The second objectors dispute the fact that the applicant has been in adverse possession of the property for the period required by the Limitation Act 1984 in order for the claim for possessory title to succeed.
58. The second objectors have raised this issue despite the fact that they do not claim to have a better title to or that they are in adverse possession of or have any interest in and to the property which is the subject matter of the application. They have indicated no entitlement to or an interest in Fields 214043 or 214044 or to what was “Aunt Jane Wade’s Cottage”, their concern being only the ownership and the use of the lane.

59. As stated above Rule 119(3) requires me to decide whether the objections of the second objectors are “vexatious, frivolous or otherwise without substance” before deciding on how to proceed with the application.
60. In considering the meaning of the word “vexatious” I referred to the decision of His Honour Deemster Doyle in the matter of *Abrahams v Bentham* CLA 2008/57 who turned to the definition in *The Shorter Oxford Dictionary* which defines “vexatious” as “1. Causing or tending to cause vexation, annoyance, or distress; annoying, troublesome. 2. spec. in Law. Of an action: instituted without sufficient grounds for winning purely to cause trouble or annoyance to the defendant.”
61. The primary, and perhaps, sole reason for the second objectors in objecting to the application was the dispute about the ownership of lane. To meet that objection the applicant withdrew her claim to the ownership of the lane. Does the persistence with the objection by the second objectors then render the objection “vexatious”?
62. The current application should not provide the forum for the conflict between the interested parties about the lane. By persisting with their objection to the application it would seem to me that the second objectors thereby seek to improve their bargaining position in the negotiations relating to the remaining issues about the ownership of and rights over the lane. It is therefore my view that the second objectors have no reason to oppose the application and to that extent therefore the objection is vexatious.
63. That said, some of the issues raised by the first and the second objectors will in any event be considered by me when I deal with the merits of the claim of the applicant as this is part of the process of the first registration of a property in the Land Registry. However, that consideration will now be without further reference to either the first or second objectors.

Merits of the application

64. When considering an application for first registration of an estate in land, Section 13(3) of the LRA 1982 provides that: “It shall not be necessary for the Registrar to approve any title which is proposed to be registered under this Act, but he shall be entitled to withhold registration until he has received such information and documents as he considers necessary to justify him in registering the title applied for.”
65. The applicant lodged the application at the Land Registry on 9th January 2009 together with her founding affidavit dated 27th November 2008. I have to consider whether or not, on the basis of the evidence presented by and on behalf of the applicant, I am able to approve the title which is proposed to be registered by the applicant.
66. An application for possessory title should be supported by evidence to prove the four essential elements:
- the applicant has factual possession of the land
 - the applicant has the necessary intention to possess the land
 - the applicant’s possession is without the owner’s consent and
 - that these three points have been true of the applicant and her predecessors in title through whom the applicant claims title for at least the period of twenty one (21) years prescribed by the Limitation Act 1984, prior to the date of the application.

67. These guidelines are set out in the Practice Guidance Note headed “Possessory title or adverse possession and the Land Registration Act 1982 (as amended)” issued by the Land Registry in April 2004.
68. The evidence lodged by the applicant in support of her claim for possessory title is the following:
- 68.1 the affidavit of the applicant dated 27th November 2008
 - 68.2 the affidavit of Valerie Mary Metcalfe dated 26th August 2008
 - 68.3 the plan of the property and
 - 68.4 the Epitome of Title as set out in Appendix A.
69. The question that I have to consider then is whether or not, on the evidence presented, the applicant is able to satisfy me on each of the four points referred to above.
70. The first element requires the applicant to prove that she and her predecessors in title have been in factual possession of the property for the limitation period of twenty one years. The case of *Powell –v- McFarlane* (1979) 38 P&CR 452 is instructive on the question of factual possession. Slade J said: “Factual possession signifies an appropriate degree of physical control. It must be single and exclusive possession.... I think what must be shown as constituting factual possession is that the alleged possessor has been dealing with the land in question as an occupying owner might have been expected to deal with it and that no-one else has done so.”
71. The affidavit of the applicant states that: “I and my predecessors in title have been in sole and exclusive beneficial occupation and possession of the land for upwards of 33 years past.” In support of this statement the applicant states that her mother, Gillian Patricia Wallis purchased a number of fields in the vicinity of the property on 14th October 1975 and, according to the sworn affidavit of her husband John Donald Wallis dated 2nd June 1980, Mrs Wallis also took possession of the four fields numbered 1364, 1365, 1366 and 1368 which are shown on Plan 1. The affidavit goes on to state that “my late wife occupied the said lands and enjoyed quiet and undisputed possession thereof without any adverse claim being made against her in respect thereof from the 16th October 1975 until her death...” Mrs Wallis died on 6th January 1980.
72. The period of adverse possession is therefore claimed to commence in or about October 1975.
73. Is there evidence to corroborate the statements of the applicant and Mr Wallis? The affidavit of Valerie Mary Metcalfe does cast some light on the nature of the possession which Mrs Wallis enjoyed. Mrs Metcalfe, who lived close to the property, although when she lived there and for what period is not declared, states that “it is within my knowledge that Gillian Patricia Wallis used this land for grazing and the exercise of horses in connection with the Equestrian Centre Mrs Wallis operated. In fact my children rode on the land.” The affidavit gives an idea of the nature of the possession but it deals only with the period between 14th October 1975 and the death of Mrs Wallis in January 1980.
74. In his affidavit Mr Wallis states that since the death of Mrs Wallis, the Trustees of her estate, of which he was one, together with Arthur Colin Ashton Fick, “have so enjoyed the same without any claim being made in respect thereof by any persons or person wheresoever.” On their version the Trustees would have occupied the property until it was “conveyed” to the applicant in 1989.

75. These are the only statements given to substantiate the first element.
76. As such, except for the evidence of Mrs Metcalfe in respect of the period from October 1975 and January 1980, there is no other evidence which supports the bald allegations that the applicant and the Trustees have been in factual possession of the property since at least January 1980.
77. The evidence of the applicant in respect of the period between 1980 and 2008 is that the property was occupied by the Trustees who then conveyed their “right title and interest” in the property to the applicant by Deed of Conveyance dated 7th September 1989.
78. What was the nature of the “right title and interest” which the Trustees conveyed to the applicant?
79. What was vested in the Trustees was the estate of the deceased, Mrs Wallis. However, when dealing with the distribution of the proceeds of the sale of her house and premises Ballamoar Beg, Mrs Wallis specifically excluded the interest which she had in the four fields – 1364, 1365, 1366 and 1368 – from her estate by her Will dated 2nd November 1979. The Will states that: “...but excluding the three acre field with the derelict building thereon known as Aunt Jane Wade’s Cottage.” I presume that this was excluded from the Will because the legal estate in the four fields did not vest in Mrs Wallis.
80. I am prepared to accept the unchallenged evidence that Mrs Wallis was in adverse possession of the property until her death and that she was, at the date of her death, in the course of acquiring possessory rights to the property consequent upon her sole and exclusive possession of the fields and that such rights - her “right title and interest” - in the property may then have vested in the Trustees of her estate.
81. If the Trustees then remained in factual possession of the property after the death of Mrs Wallis and thereby continued to acquire possessory rights to the property, such “right title and interest” would then have been conveyed to the applicant in 1989. However as stated above, there is no evidence of factual possession of the property by the Trustees. I therefore place little store on the 1989 conveyance by the Trustees to the applicant.
82. In my view the conveyance of the “right title and interest” in a property signifies something less than the legal estate. The evidence submitted by the applicant with regards to the first element – the factual possession of the property by the trustees and the applicant - is not sufficient to entitle me to register the title applied for.
83. My comments apply equally to the second element, that is, the intention of the applicant and her “predecessors in title” to possess the property. The evidence which the applicant would need to present is summed up by Slade J in *Powell –v- McFarlane* (1979) 38 PCR 452: “The intention, in one’s own name and on one’s own behalf , to exclude the world at large, including the owner with the proper title if he be not himself the possessor, so far as reasonably practicable and so far as the processes of the law will allow.”
84. The period in respect of which the evidence in support of the claim is not clear lies between 2nd June 1980 and the date of the application or, strictly speaking, the twenty one year period commencing on 26th November 1987 until 27th November 2008, the date of sworn affidavit of the applicant.
85. I have inspected the property. There is little doubt that the applicant is now in sole and exclusive possession and occupation of the property and has been since at least 27th November 2008. The applicant has built a large residence on the property in the place of Aunt Jane Wade’s Cottage and

the fields have been developed into a garden with outbuildings. It is an impressive country residence.

86. It may be that the applicant is able to submit the appropriate evidence to prove the four elements listed above and as stated below I shall afford her a further opportunity to do so. However, on the documents before me, there is little evidence of the circumstances surrounding the “factual occupation and possession” of the property by the applicant or her predecessors in title or that she was in receipt of the rent and profits in respect of the property after the death of her mother in January 1980. If there was evidence of this, the nature of the “right title and interest” conveyed by the one party to the other would be clearer.
87. I am therefore not satisfied that the applicant is entitled to be registered with a possessory title to the property.

The lane

88. The key to the resolution of the dispute between the interested parties lies in resolving the competing claims in respect of the lane. The interested parties to this application – the applicant, the first and second objectors - also claim that they are entitled to rights over the lane in the nature of easements which include rights of way or access and rights in the nature of ladder rights. It is this perceived entitlement to rights over the lane which has contributed towards the delay in the resolution of the dispute.
89. As stated above, the question of the ownership of the lane is not to be decided in this application but there are other issues which I will consider briefly.
90. The applicant claims an appurtenant right of way by prescription over the whole of the lane or field 1368 as it is numbered on Plan 1. To be entitled to any right over land Section 34 of the Limitation Act 1984 requires that the right must have been enjoyed as of right without interruption for the appropriate period which in the case of an easement is twenty one years.
91. There is no dispute between the parties that the first section of the lane leading from the public highway is used by all three parties – the applicant as the only means of access to the property, the first objectors to use the northern lane for access to field 214045 and the lane for access to field 214036 and the second objectors to enable heavy vehicles to access their property, Ballamoar Beg Farm.
92. The first section of the lane is clearly marked on Plan 1 which shows access to Aunt Jane Wade’s Cottage being obtained over Plot 1368 to Plot 1366. The first mention of this Cottage is made in the Certificate of Redemption of Lord’s Rent &c. issued by The Common Lands Board in terms of The Disafforesting (Commoners Allotment) Acts 1866 to 1915 on 3rd March 1916 in respect of the property registered in the name of Ann Jane Wade. The only means of access from the public highway A14 to the property is along the first section of the lane. As stated in 43 above, the second objectors only object to the use of the lane by the applicant “beyond the entrance to plots 214043 and 214044.”
93. I therefore accept that the applicant is entitled to an appurtenant easement of right of way over the first section of the lane up to the gate which she has constructed leading in to the property and which is marked at point X on Plan 2. In making this decision I have exercised my discretion under section 27(c) of the LRA 1982.

94. However, on the basis of the evidence submitted with the application, I do not accept that the applicant has shown that she is entitled to any other prescriptive rights of way over the northern lane or the remainder of the lane after the point X which adjoins the south eastern end of field 214043 leading to the property of the second objectors.

Summary and Decision

I have therefore come to the following decisions:

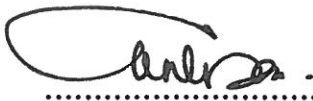
95. in the light of what is stated above, I consider the objections of the second objectors to be vexatious and therefore further consideration of this application will take place without reference to the second objectors; and

96. I am not satisfied that the applicant has shown that she is entitled to be registered with the class of title for which she has applied in this application. I shall therefore withhold registration for a period of twenty eight (28) days from the date of the receipt by the applicant of this decision or such further period as I may in my sole discretion allow, to enable the applicant to provide me with such information and documents as I consider necessary to justify me in registering the applicant with a possessory title to the property; and

97. should I not receive such information and documents within the period referred to in 96 above, I hereby give notice to the applicant under the provisions of Rule 22 of the Land Registry Rules 2000 that I shall instruct that the application for first registration proceed with a qualified title to the freehold estate excepting from the effect of any registration any estate arising before the 27th November 2008; and

98. registration of the title to the property in the name of the applicant shall include an appurtenant right in the nature of an easement of right of way over the first section of the lane from the public highway to the point marked "X" on Plan 2.

Dated at Douglas on the 26th day of September 2013

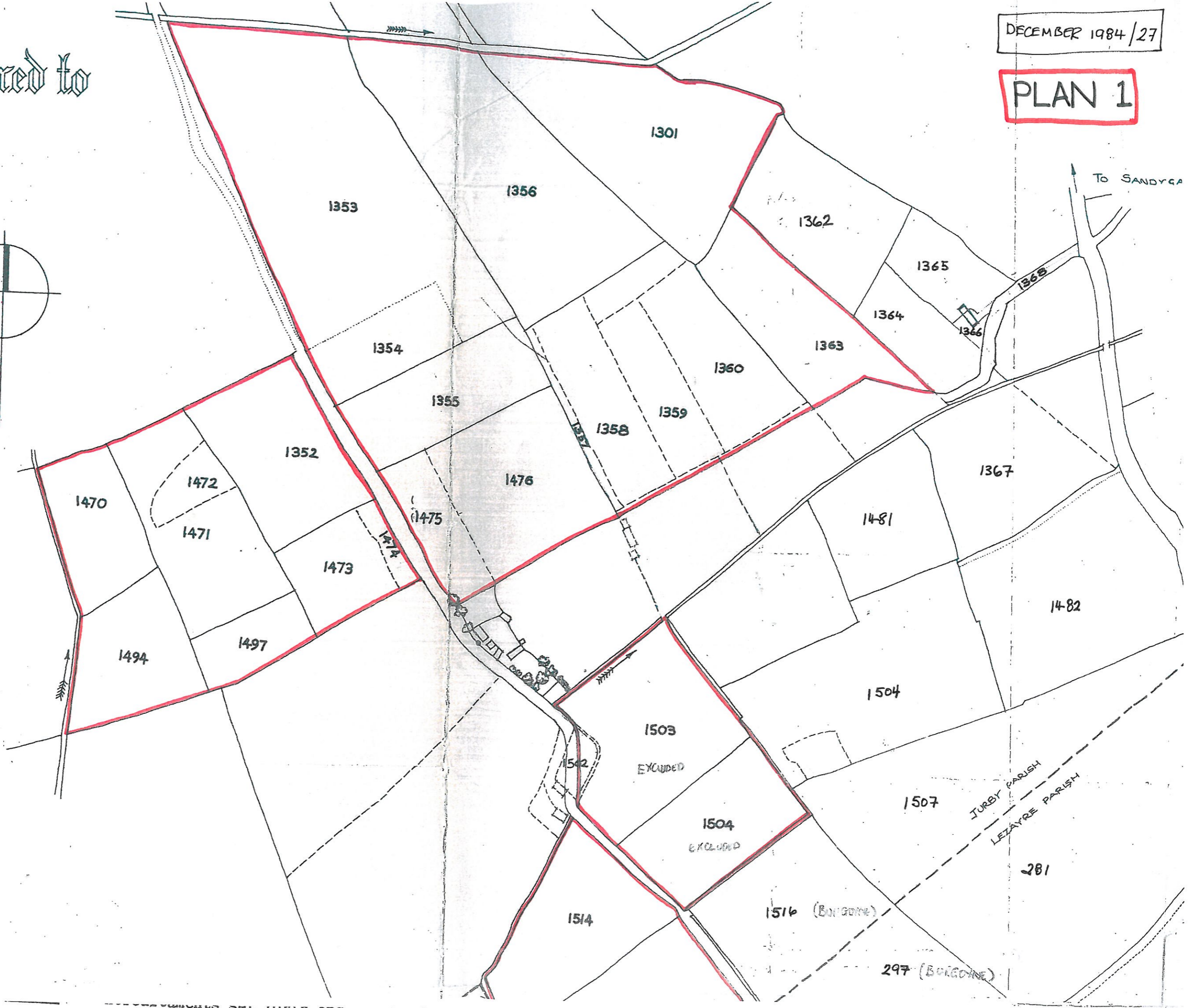
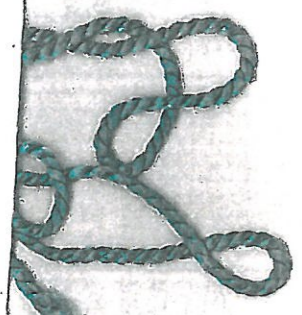
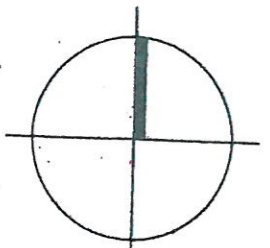


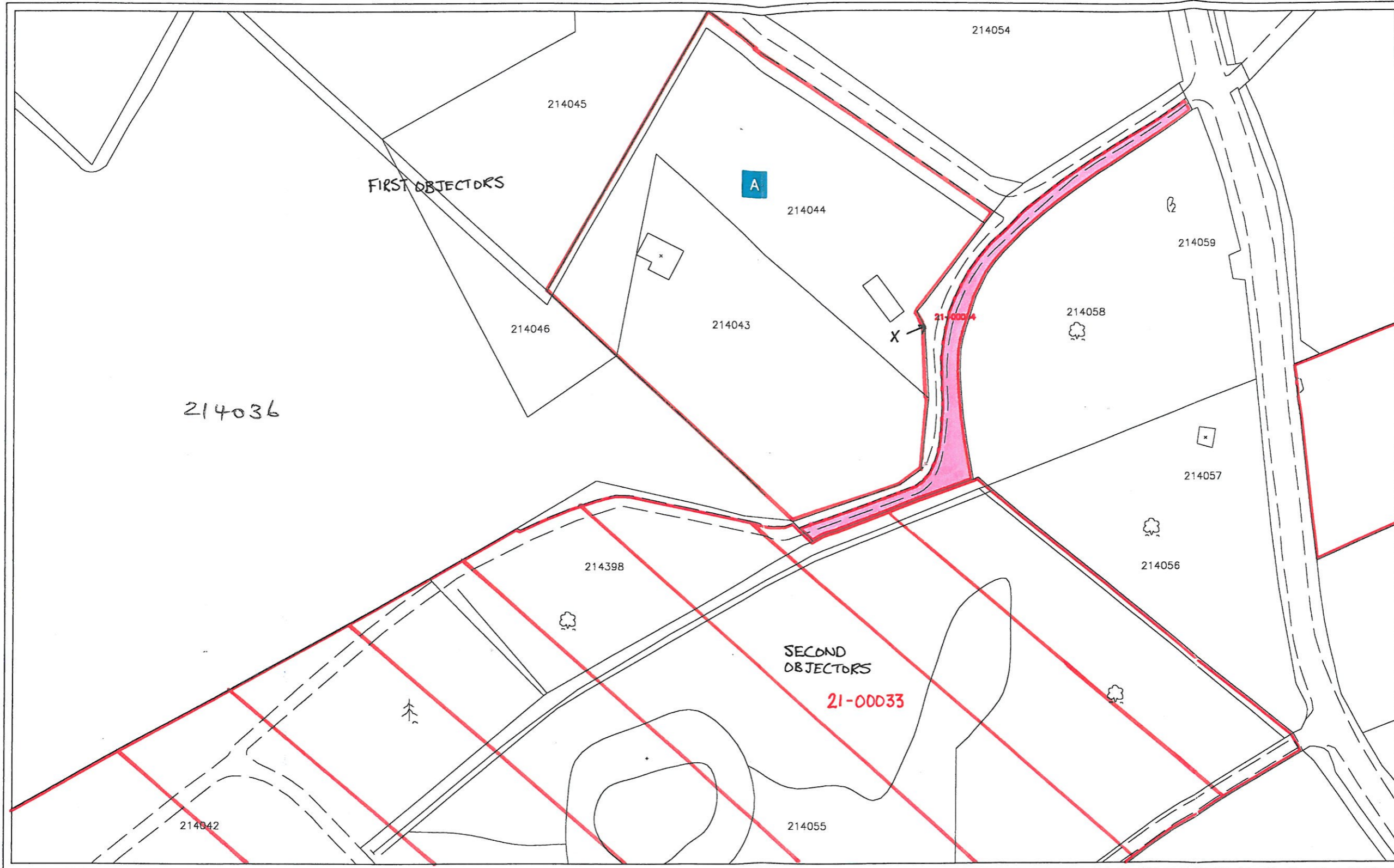
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G. E. Anderson
Assistant Chief Registrar
Legal Officer (Land)

DECEMBER 1984 / 27

PLAN 1

Plan referred to





Note
Map accuracy is dependant upon the scale at which the land was surveyed. For more information and a guide to the map symbols used please refer to information sheets available from the Land Registry.

For Registry Use Only

App No:

Date:
Time:

| | | | |
|----------------|-------|----------------|-------|
| Signatures(s): | Box 1 | Signatures(s): | Box 2 |
| Witness(es): | Date: | Witness(es): | Date: |