

## **NORTH YORKSHIRE COUNCIL**

### **COMMONS ACT 2006 — SECTION 12**

#### **Notice of an application to transfer a registered right of common in gross and application for the registration of the transfer in the Commons Register**

**Application Reference Number: CA6 056**

#### **Burn Moor (CL211)**

Application has been made to the North Yorkshire Council by Edward Parker and Kathryn Anne Parker under Section 12 of the Commons Act 2006 and in accordance with Schedule 4(6) of the Commons Registration (England) Regulations 2014.

The application, which includes documentary evidence, can be viewed at:

<https://www.northyorks.gov.uk/environment-and-neighbourhoods/land-and-waterways/common-land-and-village-greens/common-land-applications-and-decision-notice>

or you can request a copy by contacting the Commons Registration Officer: -

email: [commons.registration@northyorks.gov.uk](mailto:commons.registration@northyorks.gov.uk) , telephone: 01609 532364

or write to: North Yorkshire Council, Commons Registration, County Hall, Northallerton, North Yorkshire DL7 8AD

Any person wishing to make a representation regarding this amendment:

- should quote the Application No. CA6 056
- must state the name and postal address of the person making the representation and the nature of that person's interest (if any) in any land affected by the application.
- may include an e-mail address of the person making the representation
- must be signed by the person making the representation
- must state the grounds on which the representation is made
- should send the representation to: Commons Registration Officer, Commons Registration North Yorkshire Council, County Hall, Northallerton, North Yorkshire DL7 8AD or e-mail to [commons.registration@northyorks.gov.uk](mailto:commons.registration@northyorks.gov.uk) on or before 20 May 2025.

Representations cannot be treated as confidential, and a copy will be sent to the applicant in accordance with Regulation 25 of the 2014 Regulations. Should the application be referred to the Planning Inspectorate for determination, in accordance with Regulation 26 of the 2014 Regulations, any representations will be forwarded to the Planning Inspectorate.

A summary of the effect of the application (if granted) is as follows: the Registration Authority will amend the register to show that the rights at entry nos. 57 and 60 have been transferred from John Ellershaw and Kathleen Mary Ellershaw to Edward Parker and Kathryn Anne Parker.

Dated: 31 March 2025

Karl Battersby

Corporate Director – Environment  
North Yorkshire Council

**Commons Act 2006: section 12****Transfer of a registered right of common in gross  
and application for registration of the transfer in the  
commons register****This section is for office use only**

Official stamp

Application number

COMMONS ACT 2006

NORTH YORKSHIRE COUNCIL

COMMONS REGISTRATION AUTHORITY

DATE: 17 JAN 2025

CA6 056

Register unit number

CL211

Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

- **This form provides (in Part A) for the transfer of a registered right of common in gross by way of deed and (in Part B) for the application to register such transfer in the register of common land, under section 12 of the Commons Act 2006.** Although there is no requirement that you use a solicitor or other professional adviser to complete the form, please be aware that the commons registration authority can only assist in completion of the clerical aspects of the form. Persons with legal queries should seek advice from a solicitor or other professional adviser before completing the form.
- The transfer of a registered right of common in gross will usually need to be made by deed in order to be effective in law (see section 52(1) of the Law of Property Act 1925). You may use Part A of this form to effect the transfer, but if you do not, you will instead need to attach to your application your own transfer deed, or if a deed is not required, explain why this is the case. For example, if one of the exceptions in section 52(2) of the Law of Property Act 1925 applies e.g. the transfer is effected in an assent by a personal representative. Where the transfer deed in Part A is not being used, you need complete only Part B of this form. The transfer of a right of common in gross does not operate in law until it has been registered in the register of common land by way of an application made using Part B of this form.
- Only the following persons can apply to register a transfer of a right of common in gross for the purposes of section 12: the registered owner of the right of common (the Transferor) or the person into whose possession that right of common will be transferred (the Transferee). Where the application is made by the Transferee, the Transferor must consent to the application.
- You will be required to pay a fee for your application. Ask the registration authority for details. You would have to pay a separate fee should your application be referred to the Planning Inspectorate.

**PART A: TRANSFER DEED****Note 1**

*The Transferor is the registered owner of the right of common in gross described in box 3.*

*If there is more than one Transferor, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the Transferor is a body corporate or an unincorporated association, and the company registration number if applicable.*

**Note 2**

*The Transferee is the person to whom the right of common will be transferred.*

*If there is more than one Transferee (e.g. if the right is to be owned jointly), list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the Transferee is a body corporate or an unincorporated association, and the company registration number if applicable.*

**1. Transferor**Name: Postal address: 

Postcode

**2. Transferee**Name: Postal address: 

Postcode

**Note 3**

Enter the description of the right of common in gross as shown in the register of common land or of town or village greens. Insert the relevant register unit number(s) and the rights section entry number for the right in the register. If the right is exercisable over more than one register unit, enter the details of the right in each register unit (use a separate sheet if necessary).

**Note 4**

This is the operative section of the transfer. Please seek legal advice before completing this form if you are unsure about its effect.

In particular, the title guarantees referred to in this box impose obligations on the Transferor. There are two types of title guarantee, though either may be modified. In providing such guarantees the Transferor gives certain binding promises relating to the transfer. If you have any concerns or queries about the effect of these title guarantees please seek legal advice before completing this form. Insert any modifications to the title guarantees in this box.

In Defra's view it will not be possible to transfer part of a right if that right has not been quantified in the deed of right or the register.

**3. Right of Common in gross**

Description of the right of common:

Register unit number(s):

Rights section entry number(s):

**4. Transfer of Right of Common in gross**

The Transferor transfers the Right of Common in gross described in box 3 of this Deed of Transfer to the Transferee, with full/limited title guarantee (*delete as necessary*).

**Note 5**

*Insert here any consideration payable and any agreed covenants. Please seek legal advice if you are unsure of the effect of provisions included in this box.*

**Note 6**

*The Transferor must execute this form as a deed. The Land Registry has issued guidance on the execution of deeds. However, please seek legal advice if you are unsure how to execute.*

*If there is more than one Transferor all of them must execute. If the Transfer contains covenants or declarations by the Transferee (i.e. which are included in box 5), it must also be executed as a deed by every Transferee.*

**Note 7**

*Insert the date of completion of the transfer.*

**5. Additional provisions relating to the Transfer**

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**6. Execution of deed**

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**7. Date of Transfer**

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**PART B: REGISTRATION****Note 8**

Insert name of commons registration authority.

**8. Commons Registration Authority**

To the:

NORTH YORKSHIRE COUNCIL

Tick the box to confirm that you have enclosed the appropriate fee for this application:

**Note 9**

If there is more than one applicant, list all their names and addresses in full. (An application may be made by the registered owner of the right of common in gross (the Transferor) or the person to whom the right is transferred (the Transferee), or both; if there is more than one Transferor or Transferee all the Transferors or the Transferees must apply.) Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association, and the company registration number if applicable. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via email. If box 10 is not completed all correspondence and notices will be sent to the first named applicant.

**9. Name and address of the applicant**

Name:

EDWARD PARKER & KATHRYN ANNE PARKER

Postal address:

BURNHEAD FARM  
MEWITH  
HIGH BENTHAM

Telephone number:

Postcode LA2 7AR

Fax number:

E-mail address:

**Note 10**

This box should be completed if a representative, for example a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

**Note 11**

For further details of the requirements of an application, including evidence, refer to paragraph 6 of Schedule 4 to the Commons Registration (England) Regulations 2014.

**Note 12**

Please tick the relevant box to confirm whether the transfer relates to the full right or only part of it. In Defra's view it will not be possible to transfer part of a right if that right has not been quantified in the deed of right or in the register.

**10. Name and address of representative, if any**

Name:

VERITY GAWTHORP

Firm:

THE RURAL LAW PRACTICE, THOMSON HAYTON WINKLEY

Postal address:

336 RURAL AUCTION CENTRE  
CROOKLANDS  
MILNTHORPE

Postcode LA7 7FP

Telephone number:

015395 67571

Fax number

E-mail address:

**11. Basis of application for registration and qualifying criteria**

Tick one of the following boxes to indicate the capacity in which you are applying. Are you the:

Transferor (the registered owner of the right of common in gross to be transferred): ☐

Transferee (the person to whom the right has been transferred): ☒

**12. Full or part of the Right of Common in gross**

Tick one of the following boxes to indicate whether the transfer relates to the full right or only part of it:

the full right: ☒

part of the right (and if so, please give details below): ☐

Describe below the part of the right that is the subject of this application:

**Note 13**

Where the Transferee is the applicant, the consent of the Transferor is required (and if more than one, of each of them). List or enter here (all) declaration(s) of consent from the Transferor(s).

Either list the declaration(s) attached to the application, or include in the box any declaration(s) made and signed. Include the full name and address of (the/every) Transferor.

**Note 14**

Box 14 requires completion only if Part A of the Form is not used.

A transfer of a registered right of common in gross will usually need to be made by deed. If the transfer deed in Part A of this form has not been used, you will need to attach your own transfer deed. In certain circumstances a deed is not required (see section 52(2) of the Law of Property Act 1925 for further details). Please insert details if one of the exceptions in section 52(2) applies, attaching the relevant supporting documentation.

**13. Declarations of consent from every Transferor (where the Transferee is the applicant)**



Both care of Goad &  
Butcher, Midland Bank,  
Chambers, Market Place,  
Settle BD24 9DR

We hereby consent to  
the registration of the  
Transfer deed to transfer  
the Commons rights  
held in gross under  
entry 57 and entry 60  
of CL211 to Edward  
Parker and Kathryn  
Anne Parker

**14. Details of the transfer**

Description of the Right of Common in gross transferred, as shown in the common land register:

PLEASE SEE SEPARATE SHEET

Date of Transfer

30<sup>th</sup> NOVEMBER 2020

Name and postal address of (every) Transferee:

BURNHEAD FARM  
MEWITH  
HIGH BENTHAM  
LA2 7AR



**Form CA6 – Separate Sheet**

**14. Details of the Transfer**

Description of the Right of Common in gross transferred, as shown in the common land register:

**Entry 57 of CL 211**

To graze:

- (a) 2 sheep with followers from 1 April to 15 August in each year and
- (b) 2 sheep or
- (c) 2 hogs from 16 August to 31 October and 1 December to 31 March in each year to the extent of 2 sheep gaits, the moor is closed during the whole of November, over the whole of the land comprised in this Register unit

**Entry 60 of CL 211**

To graze:

- (a) 15 sheep with followers from 1 April to 15 August in each year and
- (b) 15 sheep or
- (c) 15 hogs from 16 August to 31 October and 1 December to 31 March in each year to the extent of <sup>15</sup>~~14~~ sheep gaits, the moor is closed during the whole of November, over the whole of the land comprised in this Register unit

**Note 15**

List all supporting documents which accompany the application. This will include evidence of your capacity to apply and the deed of transfer (if Part A of this form is not used). Use a separate sheet if necessary.

There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed.

**Note 16**

List any other matters which should be brought to the attention of the registration authority. Full details should be given here or on a separate sheet if necessary.

**15. Supporting documentation**

CERTIFIED COPY OF TRANSFER DEED DATED  
30 NOVEMBER 2020 (IN DUPLICATE)

**16. Any other information relating to the application**

**Note 17**

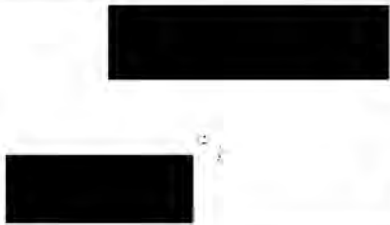
*The application must be signed and dated by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association. Please add the date next to the signature.*

**17. Signature of Applicant(s)**

Name(s):

EDWARD PARKER &amp; KATHRYN ANNE PARKER

Signature(s):



15<sup>th</sup> January 2025

15<sup>th</sup> January 2025

**REMINDER TO PERSONS COMPLETING THIS FORM**

**You are responsible for telling the truth in this form and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.**

**You are advised to keep a copy of the form and all associated documentation.**

**Data Protection Act 1998**

*This form, any supporting information, and any representations made, cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you including this form and accompanying documents to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.*

*This form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.*

# HM Land Registry

## Transfer of whole of registered title(s)

# TR1

Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

We certify this to be a true copy of the original

Dated this 16 day of Jan 2025

Rural Law Practice  
The Rural Law Practice,  
J36 Rural Auction Centre, Crooklands,  
Miltonthorpe LA7 7FP

Remember to date this deed with the day of completion, but not before it has been signed and witnessed.

Give full name(s) of all the persons transferring the property.

Complete as appropriate where the transferor is a company.

1 Title number(s) of the property:

2 Property:

- (1) The whole of the freehold property at Burnhead Farm, Mewith, High Bentham, LA2 7AR and registered at HM Land Registry with title absolute title under title numbers NYK153748 and NYK356167;
- (2) the whole of the freehold property at Heigh Head, Clapham-cum Newby comprised within a conveyance dated 11.11.1982 between (1) Isabel Whitaker, Ruth Margaret Fawcett, Jean Hannah Townley and James Edwin Shaw and (2) John Ellershaw and Kathleen Mary Ellershaw ('the 1982 Conveyance');
- (3) the freehold property at Burnhead Farm, Mewith, High Bentham being part of the land comprised in a conveyance dated 25.05.1994 between (1) Joseph Ellershaw and Doris Ellershaw and (2) John Ellershaw and Kathleen Mary Ellershaw ('the 1994 Conveyance'); and
- (4) the freehold property at Burnhead Farm, Mewith, High Bentham, LA2 7AR comprised within a Conveyance dated 10.11.1977 between (1) Joseph Ellershaw and Doris Ellershaw and (2) John Ellershaw and Kathleen Mary Ellershaw ('the 1977 Conveyance')

All of the land within title numbers NYK153748, NYK356167 and contained within the 1982 Conveyance, the 1994 Conveyance and the 1977 Conveyance and forming the Property being shown edged red on the Plan annexed hereto

3 Date:

30 NOVEMBER 2020

4 Transferor:

JOHN ELLERSHAW and KATHLEEN MARY ELLERSHAW in relation to the Property within title NYK153748, the 1982 Conveyance, the 1994 Conveyance and the 1977 Conveyance and STEPHEN JOHN ELLERSHAW and ANITA JANE ELLERSHAW in relation to the Property within title NYK356167.

For UK incorporated companies/LLPs

Registered number of company or limited liability partnership including any prefix:

For overseas companies

(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any

Give full name(s) of all the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

prefix:

- 5 Transferee for entry in the register:  
EDWARD PARKER and KATHRYN ANNE PARKER

For UK incorporated companies/LLPs

Registered number of company or limited liability partnership including any prefix:

For overseas companies

(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any prefix:

- 6 Transferee's intended address(es) for service for entry in the register:

Burnhead Farm, Mewith, High Bentham, LA2 7AR

- 7 The transferor transfers the property to the transferee

- 8 Consideration

☒ The transferor has received from the transferee for the property the following sum (in words and figures):

One million, six hundred and forty-six thousand nine hundred and forty-four pounds and ninety-six pence  
(£1,646,944.96)

☐ The transfer is not for money or anything that has a monetary value

☐ Insert other receipt as appropriate:

- 9 The transferor transfers with

☒ full title guarantee

☐ limited title guarantee

(a) The covenants implied under the LPMPA 1994 are modified so that:

a) the covenant set out in section 2(1)(b) of the LPMPA 1994 shall not extend to costs arising from the Transferee's failure to:

i. make proper searches; or

ii. raise requisitions on title or on the results of the Transferee's searches; and

(b) the covenant set out in section 3 of the LPMPA 1994 shall extend only to charges or incumbrances created by the Transferor.

- 10 Declaration of trust. The transferee is more than one person and

☐ they are to hold the property on trust for themselves as joint tenants

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
  - in the first box, or
  - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, or
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to Joint property ownership and practice guide 24: private trusts of land for further guidance. These are both available on the GOV.UK website.

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

- ☒ they are to hold the property on trust for themselves as tenants in common in equal shares
- ☐ they are to hold the property on trust:

## 11 Additional provisions

### 1. Definitions:

**Charge:** means the charge appearing at entries 6/7 of the charges register of title number NYK153748 as at 16:03:04 on 28.09.2020

**Commons Rights:** means

1. The rights to graze 23 ewes or 23 hogs or 23 ewes with followers as contained in entry number 32 of Commons register Unit CL137 for Newby moor;
2. The rights to graze 138 ewes and 49 hogs as forming part of the grazing rights contained in entry number 36 of Commons Register Unit CL211 for Burn Moor;
3. The rights to graze 12 sheep and their followers as contained in entry number 52 of Commons Register Unit CL211 for Burn Moor;
4. The rights to graze 2 sheep, 2 sheep with followers or 2 hogs as contained in entry 57 of Commons Register Unit CL211 for Burn Moor; and
5. The rights to graze 15 sheep, 15 sheep with followers or 15 hogs as contained in entry 60 of commons Register Unit CL211 for Burn Moor

### 2. The Property is transferred together with the Commons Rights

### 3. The Transferor will sell the Property free from incumbrances other than:

- a) any matters, other than the Charge, contained or referred to in the entries or records made in registers maintained by HM Land Registry as at 16:03:04 on 28.09.2020 under title number NYK153748 and as at 16:03:30 on 28.09.2020 under title number NYK356167;
- b) any matters discoverable by inspection of the Property before the date of this deed;
- c) any matters which the Transferor does not and could not reasonably know about;
- d) any matters, other than the Charge, disclosed or which would have been disclosed by the searches and enquiries which a prudent buyer

- would have made before entering into this deed;
- e) public requirements;
- f) any matters which are unregistered interests which override registered dispositions under Schedule 3 to the Land Registration Act 2002 and unregistered interests which override first registration under Schedule 1 to the Land Registration Act 2002; and
- g) any matters disclosed in the 1977 Conveyance, the 1982 Conveyance or the 1994 Conveyance.

4. All matters recorded at the date of this deed in registers open to public inspection, are deemed to be within the actual knowledge of the Transferee for the purposes of section 6(2)(a) of the Law of Property (Miscellaneous Provisions) Act 1994, notwithstanding section 6(3) of that Act.
5. The Transferee covenants by way of indemnity only, on the Transferee's behalf and on behalf of the Transferee's successors in title, to observe and perform the charges, incumbrances, covenants, conditions, stipulations, restrictions, agreements and declarations contained, mentioned or referred to in the property and charges registers of NYK153748 and NYK356167 and in the 1977 Conveyance, the 1982 Conveyance and 1994 Conveyance in so far as they are subsisting and capable of taking effect and will keep the Transferor indemnified against all proceedings, costs, claims and expenses arising from any failure to do so.

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to Joint property ownership and practice guide 24: private trusts of land for further guidance.

Examples of the correct form of execution are set out in practice guide 8: execution of deeds. Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 3.

## 12 Execution

Signed as a Deed by the said  
**JOHN ELLERSHAW**  
In the presence of:

Signed as a Deed by the said  
**KATHLEEN MARY ELLERSHAW**  
In the presence of:

Signed as a Deed by the said  
**STEPHEN JOHN ELLERSHAW**  
In the presence of:

Signed as a Deed by the said  
**ANITA JANE ELLERSHAW**  
In the presence of:

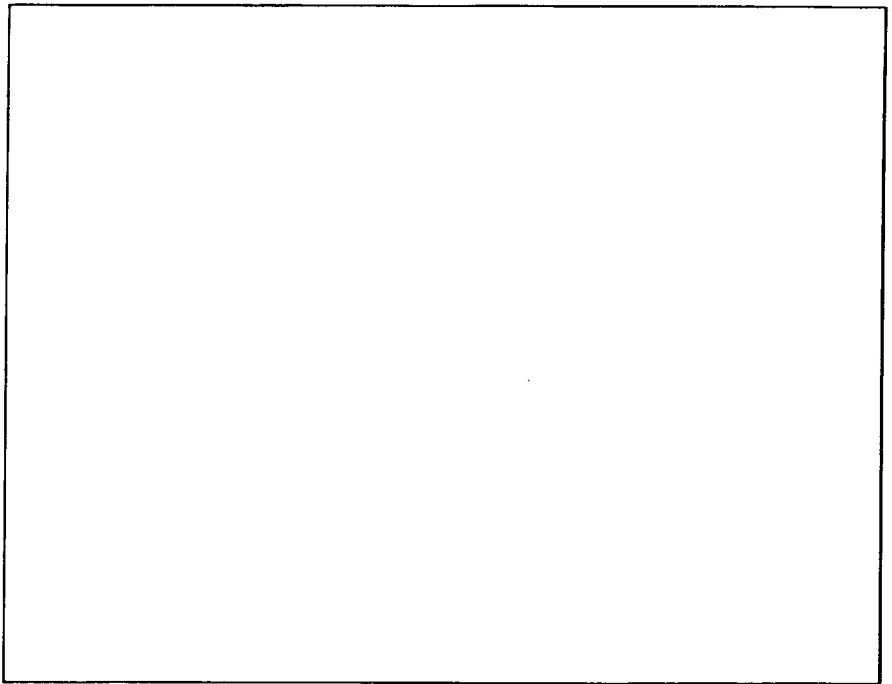
Signed as a Deed by the said  
**EDWARD PARKER**  
In the presence of:

[REDACTED]  
Verity Gawthorp  
336 Rural Auction Centre  
Crooklands, Milnthorpe  
Cumbria LA7 7FP  
Solicitor

Signed as a Deed by the said  
**KATHRYN ANNE PARKER**  
In the presence of:

[REDACTED]  
Verity Gawthorp  
336 Rural Auction Centre  
Crooklands, Milnthorpe  
Cumbria LA7 7FP  
Solicitor



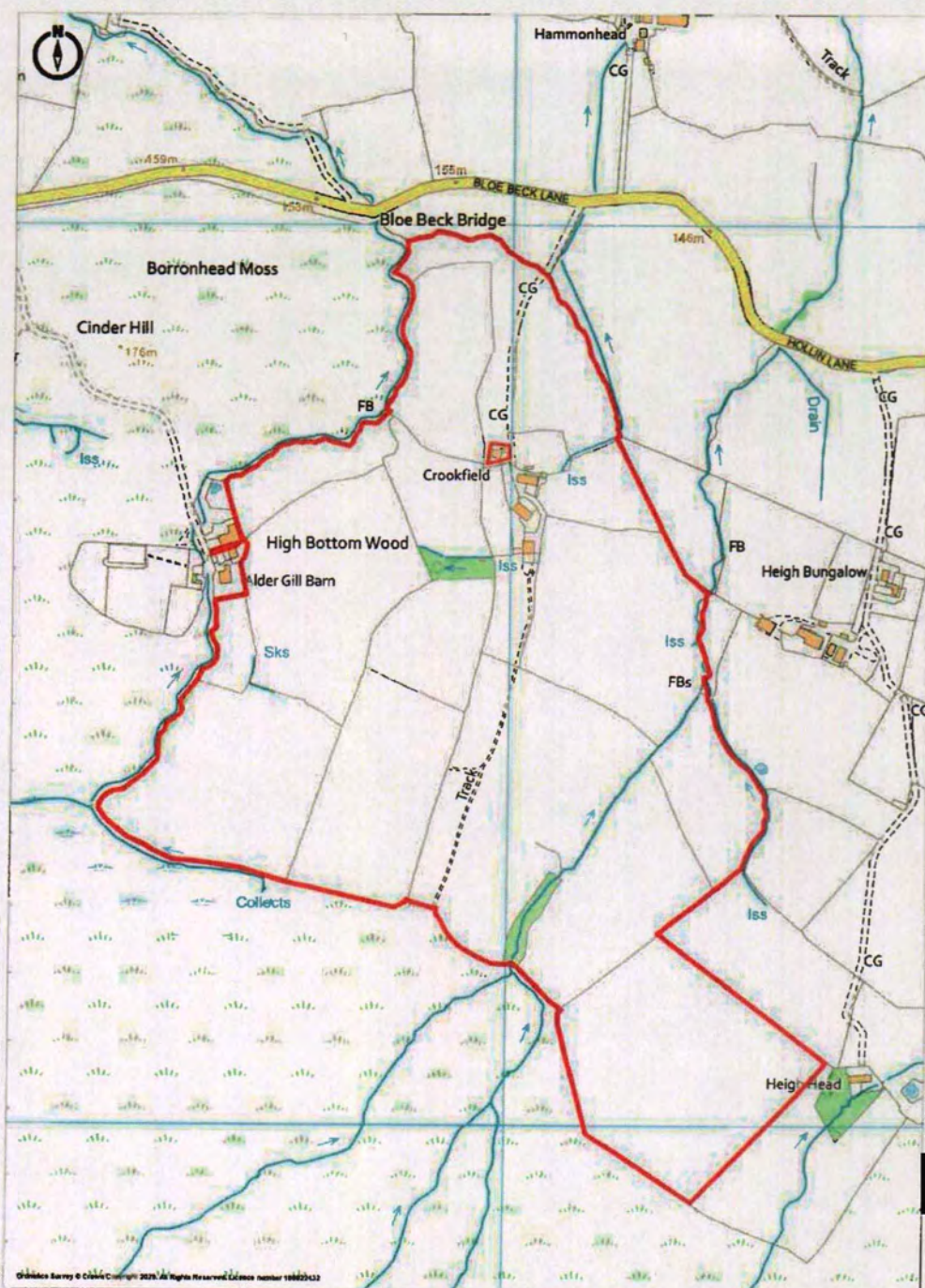


**WARNING**

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.



**Promapv2** Ordnance Survey Crown Copyright 2020. All rights reserved.  
 Licence number 100022432.  
 Plotted Scale - 1:7500. Paper Size - A4



Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

We certify this to be a true copy of the original

Dated this 16 day of Jan 2025.

*Rural Law Practice*  
The Rural Law Practice,  
J36 Rural Auction Centre, Crooklands,  
Muirthorpe LA7 7FP

Remember to date this deed with the day of completion, but not before it has been signed and witnessed.

Give full name(s) of all the persons transferring the property.

Complete as appropriate where the transferor is a company.

1 Title number(s) of the property:

2 Property:

- (1) The whole of the freehold property at Burnhead Farm, Mewith, High Bentham, LA2 7AR and registered at HM Land Registry with title absolute title under title numbers NYK153748 and NYK356167;
- (2) the whole of the freehold property at Heigh Head, Clapham-cum Newby comprised within a conveyance dated 11.11.1982 between (1) Isabel Whitaker, Ruth Margaret Fawcett, Jean Hannah Townley and James Edwin Shaw and (2) John Ellershaw and Kathleen Mary Ellershaw ('the 1982 Conveyance');
- (3) the freehold property at Burnhead Farm, Mewith, High Bentham being part of the land comprised in a conveyance dated 25.05.1994 between (1) Joseph Ellershaw and Doris Ellershaw and (2) John Ellershaw and Kathleen Mary Ellershaw ('the 1994 Conveyance'); and
- (4) the freehold property at Burnhead Farm, Mewith, High Bentham, LA2 7AR comprised within a Conveyance dated 10.11.1977 between (1) Joseph Ellershaw and Doris Ellershaw and (2) John Ellershaw and Kathleen Mary Ellershaw ('the 1977 Conveyance')

All of the land within title numbers NYK153748, NYK356167 and contained within the 1982 Conveyance, the 1994 Conveyance and the 1977 Conveyance and forming the Property being shown edged red on the Plan annexed hereto

3 Date:

30.11.2020

4 Transferor:

JOHN ELLERSHAW and KATHLEEN MARY ELLERSHAW in relation to the Property within title NYK153748, the 1982 Conveyance, the 1994 Conveyance and the 1977 Conveyance and STEPHEN JOHN ELLERSHAW and ANITA JANE ELLERSHAW in relation to the Property within title NYK356167.

For UK incorporated companies/LLPs

Registered number of company or limited liability partnership including any prefix:

For overseas companies

(a) Territory of incorporation:

(b) Registered number in the United Kingdom including any

Give full name(s) of all the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

prefix:	
5	<p>Transferee for entry in the register: <b>EDWARD PARKER and KATHRYN ANNE PARKER</b></p> <p><u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>
6	<p>Transferee's intended address(es) for service for entry in the register:</p> <p><b>Burnhead Farm, Mewith, High Bentham, LA2 7AR</b></p>
7	<p>The transferor transfers the property to the transferee</p>
8	<p>Consideration</p> <p><input checked="" type="checkbox"/> The transferor has received from the transferee for the property the following sum (in words and figures):</p> <p>One million, six hundred and forty-six thousand nine hundred and forty-four pounds and ninety-six pence (£1,646,944.96)</p> <p><input type="checkbox"/> The transfer is not for money or anything that has a monetary value</p> <p><input type="checkbox"/> Insert other receipt as appropriate:</p>
9	<p>The transferor transfers with</p> <p><input checked="" type="checkbox"/> full title guarantee</p> <p><input type="checkbox"/> limited title guarantee</p> <p>(a) The covenants implied under the LPMPA 1994 are modified so that:</p> <p>a) the covenant set out in section 2(1)(b) of the LPMPA 1994 shall not extend to costs arising from the Transferee's failure to:</p> <p>i. make proper searches; or</p> <p>ii. raise requisitions on title or on the results of the Transferee's searches; and</p> <p>(b) the covenant set out in section 3 of the LPMPA 1994 shall extend only to charges or incumbrances created by the Transferor.</p>
10	<p>Declaration of trust. The transferee is more than one person and</p> <p><input type="checkbox"/> they are to hold the property on trust for themselves as joint tenants</p>

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
  - in the first box, or
  - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, or
- It is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to Joint property ownership and practice guide 24: private trusts of land for further guidance. These are both available on the GOV.UK website.

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

- ☒ they are to hold the property on trust for themselves as tenants in common in equal shares
- ☐ they are to hold the property on trust:

## 11 Additional provisions

### 1. Definitions:

**Charge:** means the charge appearing at entries 6/7 of the charges register of title number NYK153748 as at 16:03:04 on 28.09.2020

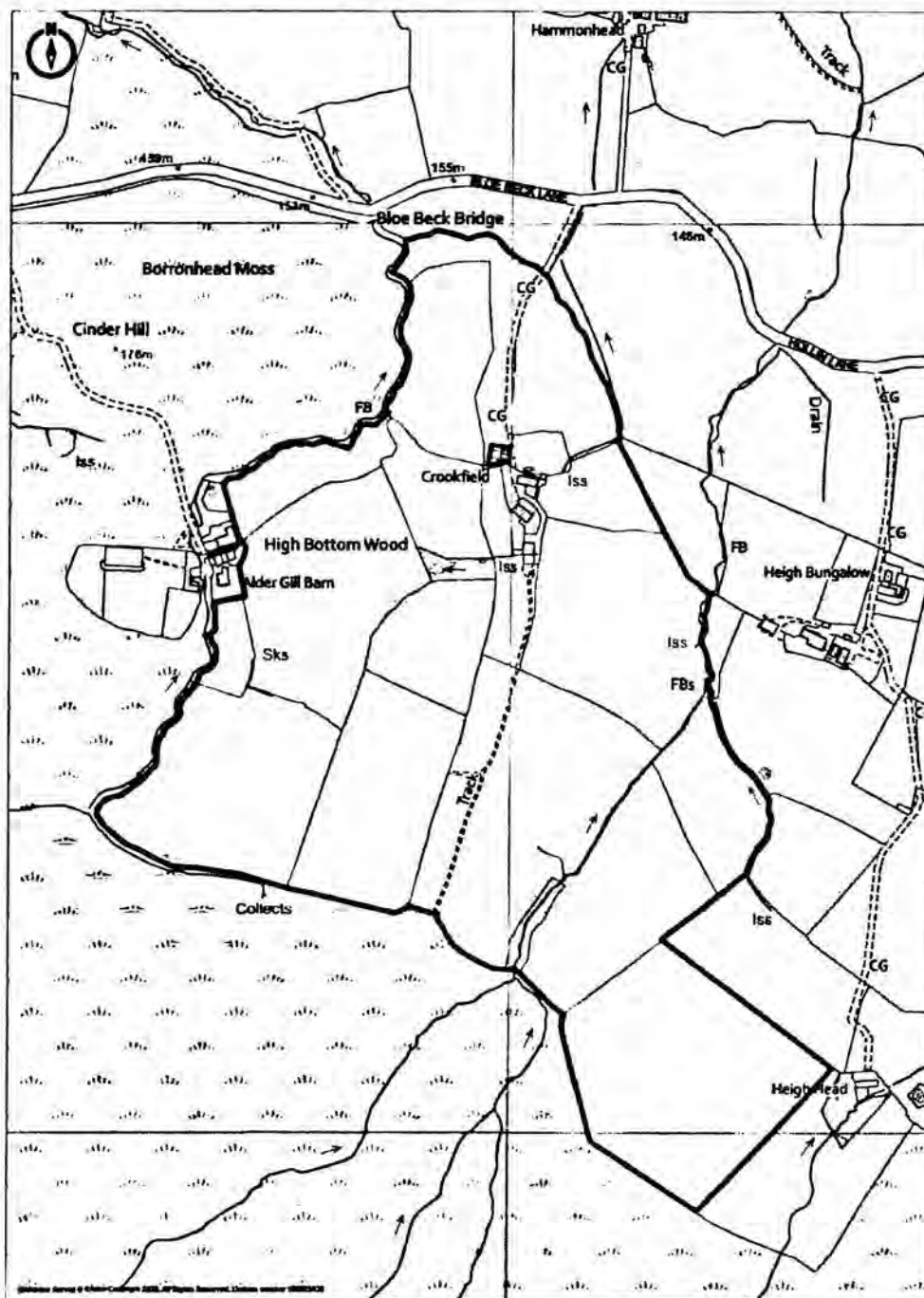
**Commons Rights:** means

1. The rights to graze 23 ewes or 23 hogs or 23 ewes with followers as contained in entry number 32 of Commons register Unit CL137 for Newby moor;
2. The rights to graze 138 ewes and 49 hogs as forming part of the grazing rights contained in entry number 36 of Common Register Unit CL211 for Burn Moor;
3. The rights to graze 12 sheep and their followers as contained in entry number 52 of Commons Register Unit CL211 for Burn Moor;
4. The rights to graze 2 sheep, 2 sheep with followers or 2 hogs as contained in entry 57 of Commons Register Unit CL211 for Burn Moor; and
5. The rights to graze 15 sheep, 15 sheep with followers or 15 hogs as contained in entry 60 of commons Register Unit CL211 for Burn Moor

### 2. The Property is transferred together with the Commons Rights

### 3. The Transferor will sell the Property free from incumbrances other than:

- a) any matters, other than the Charge, contained or referred to in the entries or records made in registers maintained by HM Land Registry as at 16:03:04 on 28.09.2020 under title number NYK153748 and as at 16:03:30 on 28.09.2020 under title number NYK356167;
- b) any matters discoverable by inspection of the Property before the date of this deed;
- c) any matters which the Transferor does not and could not reasonably know about;
- d) any matters, other than the Charge, disclosed or which would have been disclosed by the searches and enquiries which a prudent buyer



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Plotted Scale - 1:7500. Paper Size - A4



- g) any matters disclosed in the 1977 Conveyance, the 1982 Conveyance or the 1994 Conveyance.

4. All matters recorded at the date of this deed in registers open to public inspection, are deemed to be within the actual knowledge of the Transferee for the purposes of section 6(2)(a) of the Law of Property (Miscellaneous Provisions) Act 1994, notwithstanding section 6(3) of that Act.
5. The Transferee covenants by way of indemnity only, on the Transferee's behalf and on behalf of the Transferee's successors in title, to observe and perform the charges, incumbrances, covenants, conditions, stipulations, restrictions, agreements and declarations contained, mentioned or referred to in the property and charges registers of NYK153748 and NYK356167 and in the 1977 Conveyance, the 1982 Conveyance and 1994 Conveyance in so far as they are subsisting and capable of taking effect and will keep the Transferor indemnified against all proceedings, costs, claims and expenses arising from any failure to do so.

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to Joint property ownership and practice guide 24: private trusts of land for further guidance.

Examples of the correct form of execution are set out in practice guide 8: execution of deeds. Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 3.

## 12 Execution

Signed as a Deed by the said

**JOHN ELLERSHAW**

In the presence of:

**RICHARD THOMAS BENTON**  
**MANOR PLACE**  
**SEATTLE, B024 900**


Signed as a Deed by the said

**KATHLEEN MARY ELLERSHAW**


In the presence of:

**RICHARD THOMAS BENTON**  
**MANOR PLACE**  
**SEATTLE, B024 900**

Signed as a Deed by the said  
**STEPHEN JOHN ELLERSHAW**  
In the presence of:

  
RICHARD THOMAS BOUTLEY  
MARKET PLACE  
SETTLE  
B024 400.

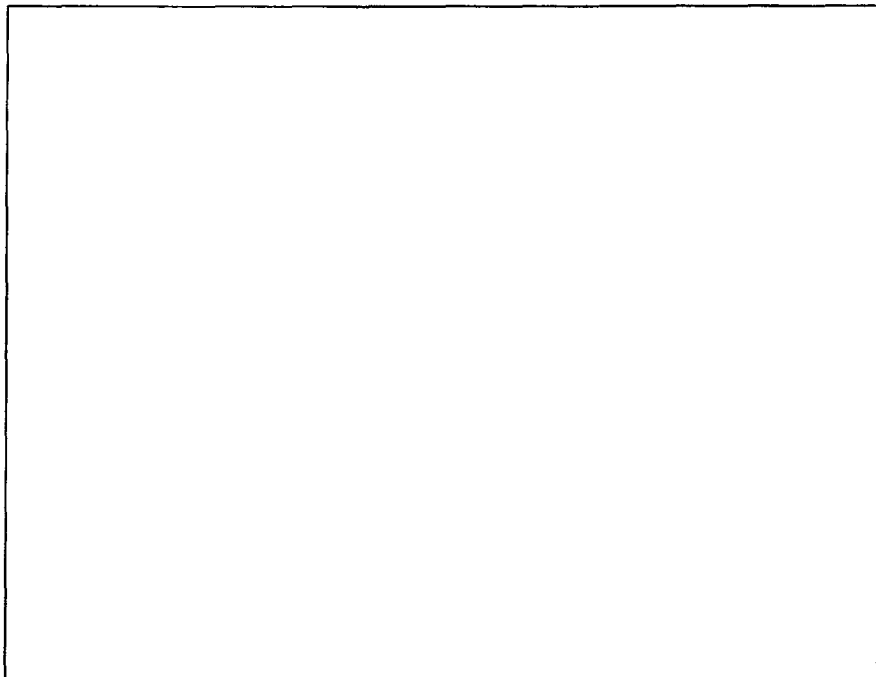
Signed as a Deed by the said  
**ANITA JANE ELLERSHAW**  
In the presence of:

  
RICHARD THOMAS BOUTLEY  
MARKET PLACE  
SETTLE  
B024 400.

Signed as a Deed by the said  
**EDWARD PARKER**  
In the presence of:

Signed as a Deed by the said  
**KATHRYN ANNE PARKER**  
In the presence of:





**WARNING**

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.