

THIS DEED is made on the 8th day of December 2009

**BETWEEN**

- 1 THE RYEDALE DISTRICT COUNCIL whose principal office is at Ryedale House Malton in the County of North Yorkshire YO17 7HH ("the Council") and
- 2 YORKSHIRE HOUSING LIMITED of Yorkshire House, 6 Innovation Close, Heslington, York. YO10 5ZF ("the Owner")

**NOW THIS DEED WITNESSES** as follows:

**1 Definitions and Interpretations**

In this Deed the following words and expressions have the following meanings:

- 1.1 The Agreement means an Agreement dated 23 February 2004 made between (1) Ryedale District Council (2) Barratt Homes Limited of Wingrove House, Ponteland Road, Newcastle-upon-Tyne. NE5 3DP
- 1.2 The Property means the property known as land at Kirkbymoorside, York as registered at HM Land Registry under title number: NYK294311 and shown for the purposes of identification edged red on the plan annexed to this Agreement
- 1.3 The clause headings do not form part of this deed and shall not be taken into account in its construction or interpretation.

**Recitals**

- 2.1 Yorkshire Housing Limited are the successors in title to Barratt Homes Limited in respect of the Property.
- 2.2 This deed is supplemental to the Agreement
- 2.3 The parties desire to alter the terms of the Agreement as mentioned below

**3 Variation**

- 3.1 It is mutually agreed that the Agreement shall be varied as follows:-

There shall be added to the Definitions as though they had been contained in the Agreement at the date of execution the following definitions

"Market Lenders"	shall mean lending institutions such as banks and building societies whose main lending business or a substantial part of whose lending business is offering mortgage products to the general public for the acquisition of residential properties by occupation by the member of the general public borrowing from that institution and in the case of persons such as an Eligible Occupier buying a Discount Sale Dwelling charging no more than one percent above the average standard variable rate charged by Halifax, Banco Santander, Northern Rock and
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Yorkshire Building Society and the Nationwide for owner occupier home loans.

“Excessive Interest Rates”

Shall mean Interest chargeable by a lender or Market Lender which is higher than 1% above the average standard variable rate charged by Halifax, Banco Santander, Northern Rock and Yorkshire Building Society and the Nationwide for owner occupier home loans in connection with purchase.

The following additions shall be made as though they had been contained in the Agreement at the date of execution:

- 3.2 There shall be added a new clause and numbered 4.4.1 “In the event that an Eligible Occupier has been approved in accordance with clause 4.4 of the Agreement but that Eligible Occupier is unable to secure a mortgage to purchase a Discount Sale Dwelling as a result of Market Lenders refusing to lend on Discount for Sale Properties in general, or only lending at Excessive Interest Rates or for other reasonable grounds the Housing Association may as an interim measure and with the prior written consent of the Housing Services Manager offer to rent the Discount Sale Dwelling to the relevant Eligible Occupier on an Assured Shorthold Tenancy but only until such time as the Eligible Occupier secures a mortgage for the Discount Sale Dwelling and is able to purchase the dwelling in accordance with the provisions of Paragraph 4 of the Second Schedule to the Agreement. **PROVIDED THAT** in the event that the relevant Eligible Occupier vacates the Discount Sale Dwelling without having purchased the same, the Housing Association shall identify and have approved another Eligible Occupier in accordance with Clause 4.4 of the Agreement but, if that replacement Eligible Occupier is unable to secure a mortgage to purchase the Discount Sale Dwelling as a result of Market Lenders refusing to lend on discount sale properties in general, or only lending at Excessive Interest Rates or for other reasonable grounds the Housing Association may proceed as an interim measure and with prior written consent of the Housing Services Manager (such consent not to be unreasonably withheld or delayed) to offer to rent the Discount Sale Dwelling to the replacement Eligible Occupier on an Assured Shorthold Tenancy, but only until such time as the replacement Eligible Occupier secures a mortgage for the Discount Sale Dwelling and is able to purchase the dwelling in accordance with the provisions of paragraph 4 of the Second Schedule to the Agreement and this procedure may be repeated as often as necessary until such time as a

Chairman  
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 Council Solicitor  
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*Handwritten signature*  
 7/11/09

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	02 November 2009
<b>SLA Number</b>	Not Set



replacement Eligible Occupier is able to secure a mortgage to purchase the Discount Sale Dwelling”

**4 Confirmation of the Agreement**

Save as modified by this deed the Agreement shall continue in full force and affect in all respects.

**IN WITNESS** whereof the parties hereto have executed this Deed the day and year first before written

THE COMMON SEAL of THE )  
RYEDALE DISTRICT COUNCIL )  
was hereunto affixed and is )  
authenticated by )



Minutes 934/82  
Reg No. 6247  
Initials ew

*Dwale Seal*  
Chairman  
*K. W. Melling*  
Council Solicitor

THE COMMON SEAL of )  
YORKSHIRE HOUSING LIMITED )  
was hereunto affixed in the presence )  
two authorised signatories:- )



Authorised Signatory: *G. Barber*

Authorised Signatory: *[Signature]*

Yorkshire Housing  
Limited  
Reg No 3681  
Initials *jj*

DATED 8<sup>th</sup> December

2009

**THE RYEDALE DISTRICT COUNCIL**

**and**

**YORKSHIRE HOUSING LIMITED**

**D E E D of VARIATION**

Relating to Deed of Variation dated 23 February 2004 and made between Ryedale District Council and Barratt Homes Limited relating to land at Kirkbymoorside, York, North Yorkshire

K A WINSHIP  
Council Solicitor  
M A L T O N