

THIS DEED is made on the 28 day of October 2015

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 **CROWN PROPERTIES (SCARBOROUGH) LIMITED** (CRN 3865410) whose registered office is Crown Arcade, Albion Road, Scarborough, YO11 2BT ("the Owner")
- 3 **SVENSKA HANDELSBANKEN AB (PUBL) (INCORPORATED IN SWEDEN)** (CRN FC014392) whose registered office is 2nd Floor, 4M Building, Malaga Avenue, Manchester Airport, Manchester, M90 3RR ("the Mortgagee")

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 Section 106 Agreement" means an Agreement dated the twentieth day of March 2009 made under Section 106 of the Town and Country Planning Act 1990 between Ryedale District Council (1) Lea Hunter Wilson of Dervorguilla New Abbey Dumfries DG2 8BY, Francis Roger McTaggart Brewis of Ardwell House Ardwell by Stranraer Wigtownshire DG9 9LY and Ralph Mickael Rodnay Brewis of 17 Woodthorpe Road Putney London SW15 6UQ acting as The Trustees of The DK Brewis Trust ("Original Owner") (2) and Halegrove Malton Limited (3)
- 1.2 The Property means the property known as land and buildings known as Westfield Way, Norton, Malton North Yorkshire
- 1.3 The Mortgagee consents to the completion of this deed and declares that it's interest in the Property shall be bound by the terms of this deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Property, provided that the Mortgagee shall not be personally liable for any breach of the obligations in this deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Property.
- 1.4 The clause headings do not form part of this deed and shall not be taken into account in its construction or interpretation.

2 Recitals

- 2.1 The Land is now vested in the Owner as the successors to the Original Owners, now registered at HM Land Registry Title Number NYK368466

- 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

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

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

- 3.1 At Schedule 2 "the Owner's and Developer's Covenants with the Council" paragraph 1 "Strategic Transport Contribution" should be deleted and replaced with the following:

1 Strategic Transport Contribution"

The Owner covenant to pay to the Council the Strategic Transport Contribution as follows: -

- (i) Industrial Units (£20,341.20 total)

- 50% (i.e. £10,170.60) to be paid following the Occupation of the 8th industrial unit.
- the remaining 50% (£10,170.60) to be paid following the Occupation of the 14th industrial unit.

- (ii) Office Units (£72,118.80 total)

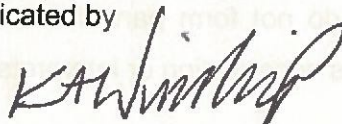
- 50% (i.e. £36,059.40) to be paid following the Occupation of the 10th office unit.
- the remaining 50% (£36,059.40) to be paid following the Occupation of the 16th office unit.

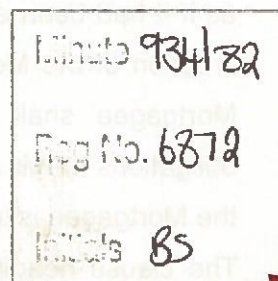
4 Confirmation of the Agreement

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

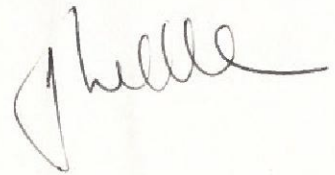

Council Solicitor



**EXECUTED AS A DEED by
CROWN PROPERTIES
(SCARBOROUGH) LIMITED**

In the presence of

Witness



Name

LOWRIE JAMES IN REANT

Address

2 STATION VIEW

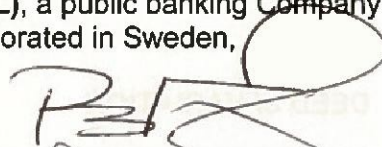
CLONMATE

SCARBOROUGH

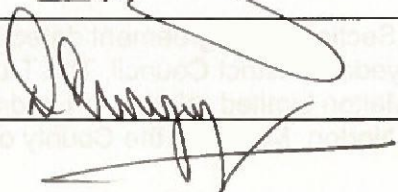
YO12 4NY

**EXECUTED AS A DEED on behalf
of SVENSKA HANDELSBANKEN AB
(PUBL), a public banking Company
incorporated in Sweden,**

by



and



being persons who, in accordance with the laws of that territory, are acting
under the authority of the Company.

DATED

2015

THE RYEDALE DISTRICT COUNCIL

and

CROWN PROPERTIES (SCARBOROUGH) LIMITED

and

SVENSKA HANDELSBANKEN AB (PUBL)

DEED of VARIATION

Relating to a Section 106 Agreement dated 20 March 2009
and made between Ryedale District Council, The Trustees of the DK Brewis
Trust and Halegrove Malton Limited relating to Land and Buildings known as
Westfield Way, Norton, Malton in the County of North Yorkshire

**K A WINSHIP
Council Solicitor
MALTON**