

Your Ref: CAL/MJ/HUTC5/62

Our Ref: LMR/498 SP/CRS/006

25 February 2011

Messrs Hewats
Solicitors
LP - 5
CASTLE DOUGLAS

Proof of Title

Legal Services
Municipal Chambers
Buccleuch Street
Dumfries DG1 2AD
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Sheena Plant
Direct Dial 01387 245932
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E-mail head.legal.services@dumgal.gov.uk

LP-9 Dumfries / DX 580642

Dear Sirs

On behalf of and as authorised by The Dumfries and Galloway Council, constituted in terms of the Local Government etc (Scotland) Act 1994 and having their Principal Office at Council Offices, English Street, Dumfries DG1 2DD (hereinafter referred to as "the Council") I hereby accept the terms of your qualified acceptance dated 16 February 2011 of the terms of my qualified acceptance dated 1 February 2011 of the terms of your offer dated 21 January 2011 on behalf of your clients namely Hutchinson Pension Fund Second Generation to purchase ALL and WHOLE the subjects known as and forming Jubilee House, Dumfries Enterprise Park, Heathhall, Dumfries (hereinafter referred to as "the subjects of sale") but subject to the following further qualifications:-

1. For the avoidance of doubt the purchaser shall be your clients namely Derek Anthony Hutchinson, Carole Barbara Hutchinson, Martin Derek Hutchinson, Hayley Marie Hutchinson and Michael Anthony Hutchinson as Trustees for the Trust known as Hutchinson Pension Fund Second Generation established by Trust Deed dated 21 March 2009. For the further avoidance of doubt where reference is made in your said offer dated 21 January 2011, my said qualified acceptance dated 1 February 2011 and your qualified acceptance dated 16 February 2011 and the missives to follow hereon, to the purchaser it shall be deemed to be referring to the said Derek Anthony Hutchinson, Carole Barbara Hutchinson, Martin Derek Hutchinson, Hayley Marie Hutchinson and Michael Anthony Hutchinson as Trustees foresaid and not Derek Hutchinson.

2. The words "when viewed by our client" where they are incorporated in your said qualified acceptance are deleted.

3. Qualifications 2 and 3 incorporated in your said February 2011 are hereby deleted.

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4. A copy of a letter dated 22 February 2011 from the Contaminated Land Technician regarding the subjects of sale is enclosed herewith. The subjects of sale shall be disposed subject to the terms of the said letter dated 22 February 2011 and the purchaser shall free and relieve the Council of any liability, claims, actions of whatever nature arising out of the terms of the said letter or of any contamination land issues relating to the subjects of sale.
5. Qualification 10 incorporated in my said qualified acceptance dated 1 February 2011 is hereby withdrawn
6. The terms and conditions of your said offer dated 21 January 2011, my qualified acceptance dated 1 February 2011 and your qualified acceptance dated 16 February 2011 and this further qualifying missive and all that may follow hereon, shall form a continuing and enforceable contract ad infinitum notwithstanding delivery of the Disposition in favour of the purchaser.

Yours faithfully

Mary Smith Kerr

Mary Smith Kerr
Cooper Officer

Witness:

Print Name:

Date:

Address:

C.R. Simpson

Carly-Rose Simpson

25 February 2011

Council Offices
Buccleuch Street
Dumfries