

Paratus AMC Limited trading as Foundation and Foundation Lending (“Foundation”) requires that, where Independent Legal Advice must be provided, that advice must be given by a firm separate to that advising the Borrower. The adviser must be a solicitor, and their firm must have a minimum of 3 Law Society of Scotland approved Partners.

1. It has been agreed with Foundation that: Another solicitor in the firm acting for the Borrower may advise where the guarantor is one of two connected directors and shareholders, provided you are content that no conflict exists, and you are happy that your advice is not fettered as a result with reference to:
 - a) the decision in Royal Bank of Scotland plc v Etridge (No 2);
 - b) the Law Society of Scotland Practice Rules 2011: Rule B2 (Conflicts of Interest) ; and
 - c) your firm’s professional indemnity insurer’s guidance on the matter.

2. Foundation will not accept witnessing of documents via video conferencing service.

Where the witnessing of the Borrower’s signature cannot be done by the solicitor providing the Distance ILA Certificate, as a concession, the witnessing of the Borrower’s signature to any document will need to be completed by an independent person which may be a family member as long as they are not associated with the transaction.

3. The Certification to be provided by the Solicitor providing the Independent Legal Advice needs to be completed as per the addendum to the ILA certificate shown below:

Addendum to ILA certificate

I, legal advisor to,
confirm that, I was not able to meet in person and proceeded to
provide them with legal advice via a video conferencing service.

In addition to the confirmations already given in respect of the advice, I hereby confirm that
prior to providing independent legal advice on the terms of the [NAME DOCUMENT] upon
which advice was given, that I took all reasonable steps to ensure that
was alone, and not the subject of undue influence or duress.

Adviser signature:

Advisor Name and Firm Name:

Position:

