

C856710.5 TE

Memorandum of Transfer

CREATING WATER SUPPLY EASEMENT

WHEREAS RALPH KERR MAXWELL of Auckland Member of Parliament and FRANCES MARY MAXWELL his wife (hereinafter referred to as "the Grantor")

(herein called "the Transferor") being registered as proprietor of an estate in fee simple

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in the piece or pieces of land situated in the Land District of North Auckland

~~containing~~ ~~more or less being~~
more particularly described in the Schedule hereto (hereinafter called "the easement land")
and marked A on Deposited Plan 166264

SCHEDULE

441m² more or less being Lot 100 Deposited Plan 166264 and being comprised and described in Certificates of Title 90D/899 and 100D/638 SUBJECT TO:

- (a) Encumbrance B.633891.10
- (b) Land covenant in Transfer B.633891.12
- (c) Mortgage C.659631.1

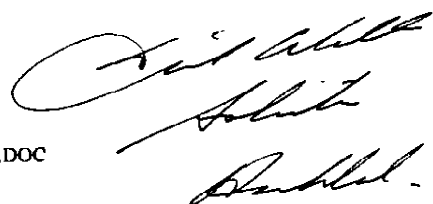
AND WHEREAS as a condition of its approval of Deposited Plan 166264 the WAITAKERE CITY COUNCIL (hereinafter with its successors and assigns called "the Grantee") pursuant to its powers in that regard required the creation of a certain easement over the easement land

X *[Signature]*
X Initial here please

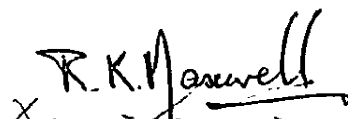
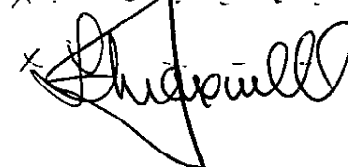
NOW THEREFORE IN CONSIDERATION of the premises AND IN FULFILMENT of the requirement of the Grantee as to the creation of a Water Supply Easement the Grantor DOETH HEREBY TRANSFER AND GRANT unto the Grantee as an easement in gross the full and free right liberty and licence from time to time and at all times hereafter to take convey and lead water in free and unimpeded flow (except when the flow is halted for any period necessary for repair or for any other reason) and in any quantity through or under the easement land and for that purpose to lay pipes or to make use of the pipes now laid beneath the surface of the easement land with full power from time to time and at all times for the Grantee its surveyors engineers workmen contractors agents and servants with any tools implements machinery vehicles or equipment of whatsoever nature necessary for the purpose to enter upon the said land and to remain there for any reasonable time for the purpose of laying inspecting cleansing repairing maintaining and replacing any pipe or pipes and to open up the soil of the easement land to such extent as may be necessary and reasonable in that regard on condition that as little disturbance as is practicable shall be caused to the surface of the easement land and that such surface shall be restored as nearly as practicable to its condition immediately before the commencement of such works and upon the further condition that any damage done in exercising the aforesaid powers is repaired at the expense of the Grantee AND IT IS HEREBY DECLARED that nothing herein contained or implied shall abrogate limit restrict or abridge any of the rights powers and remedies vested in the Grantee at law or by statute and that the Grantee is under no compulsion to exercise the easement hereby created and that the Grantee may at will discontinue from time to time the use of some or all of the said water pipes and at will again recommence the use of the same AND THE GRANTOR DOETH HEREBY COVENANT WITH THE GRANTEE so as to bind himself his successors in title or other the owners or occupiers for the time being of the said land it and they will not at any time hereafter do or permit to be done any act or allow any omission which will in any way whatsoever interfere with the enjoyment of the Grantee of the rights and privileges vested in or conferred on the Grantee by these presents.

IN WITNESS WHEREOF these presents have been executed the 22nd day of May 1995

SIGNED by the said RALPH KERR MAXWELL and FRANCES MARY MAXWELL in the presence of:-



DW25996.DOC

 X
 X
X Sign here please

~~In Consideration of the sum of~~

~~paid to the Transferor by~~

~~(herein called "the Transferee") the receipt of which sum is hereby acknowledged. Hereby Transfers to the Transferee all the Transferor's estate and interest in the said piece or pieces of land~~

~~In witness whereof these presents have been executed this _____ day of _____ 19__~~

~~Signed by the Transferor:~~

~~(by the affixing of its common seal)~~

~~in the presence of:~~

10472 1 820870

MEMORANDUM OF TRANSFER

..... R.K. & F.M. MAXWELL **Transferor**
Grantor

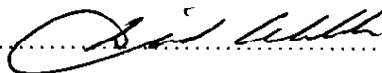
..... The Waitakere City Council **Transferee**
Grantee

Particulars entered in the Register as shown herein on the date and at the time endorsed below.

.....
Assistant / District Land Registrar of the

District of

Correct for the purposes of the Land Transfer Act 1952



SOLICITOR FOR THE TRANSFEEE

I hereby certify that this transaction does not contravene the provisions of Part II A of the Land Settlement Promotion and Land Acquisition Act 1952.

.....
SOLICITOR FOR THE TRANSFEEE

I hereby certify for the purposes of the Stamp and Cheque Duties Act 1971 that no conveyance duty is payable on this instrument by reason of the application of Section 24(1) of the Act and that the provisions of subsection (2) of that section do not apply.



.....
ANSFEREE

