

# Memorandum of Transfer.

459460 TE  
0101870



WHEREAS HAROLD MASON WARNER Engineer and ROBERT EDWIN FAWCETT Solicitor or both of Auckland (hereinafter called "the transferors") ...

are registered as proprietors of an estate in fee simple as tenants in common in equal shares

subject, however, to such encumbrances, liens, and interests as are notified by memoranda

underwritten or endorsed hereon, in those pieces of land containing together FIVE .

ACRES TWO ROODS TWENTY <sup>NINE</sup> AND <sup>SIX</sup> TENTHS PERCHES more or less being Lots

753 754 755 760 761 763 771 772 773 774 and 776 on a Plan deposited.

in the Land Registry Office at Auckland as Number 35362 and Lots 781 782 .

783 784 786 791 792 793 795 796 798 800 and 801 on the said Deposited

Plan Number 35363 which said pieces of land are parts of the land comprised .

and described in CERTIFICATES OF TITLE VOLUME 817 FOLIO 217 (Auckland Registry) and VOLUME 924 FOLIO 204

AND WHEREAS the transferors requested the Body Corporate known as THE CHAIR -

MAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF WAITEMATA (hereinafter called

"the transferee") to approve of the scheme of subdivision shown on the said .

plans which the transferee agreed to do upon the transferors giving the base-

ment hereinafter set forth N O W THIS INSTRUMENT WITNESSETH that in pursu-

ance of the said agreement AND IN CONSIDERATION of the premises the transfer-

ors DO and each of them DOETH HEREBY TRANSFER AND GRANT unto the transferee its

successors and assigns as an easement in gross full right liberty and license.

at all times hereafter :-

(a) TO collect and concentrate at such place or places on any of the roads .

shown in the said plans as the transferee shall think fit all water whether .

from rain, tempest, spring, seepage or soakage which shall fall upon or other-

wise make its way to or upon any of the said roads and to drain discharge or .

allow to escape in any quantities the said water from any of such roads on to .

any part or parts of the lands hereinbefore described and without being res-

ponsible for any damage caused thereby or by the deposit of silt or debris . . . . .

brought on to the said lands or any part or parts thereof

(b) FROM time to time and at any time to enter upon the said lands or any parts

thereof, and thereon to dig lay construct repair maintain and inspect such drains

and sewers as may be necessary or desirable for the better disposing of water .

which under the provisions hereof the transferee has the right to drain, dis-

charge or allow to escape from any of the said roads on to the said lands as .

aforsaid and to use the said drains or sewers for the purpose and as may be .

necessary or desirable in order to obtain the benefit of the grant hereby made.

PROVIDED HOWEVER that in digging, laying or constructing any such drain or . .

sewer the transferee shall be bound to cause to the lands upon which the same .

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is to be dug laid or constructed as little damage as is reasonably practicable due regard being had to recognised engineering principles of drainage and to the necessity for causing a minimum of damage and inconvenience to the general body of owners or occupiers of lands which may be affected by the construction of any such drain or sewer

AND THE TRANSFERORS DO HEREBY for themselves their and each of their executors administrators and assigns and the registered proprietor or proprietors for the time being of the said lands covenant with the transferee its successors and assigns that the transferors their and each of their executors administrators and assigns or such registered proprietor or proprietors as aforesaid will not at any time hereafter do or commit any act which will in any way interfere with the enjoyment by the transferee of the rights and liberties hereby vested in it by virtue of the provisions hereof AND IT IS HEREBY DECLARED that the rights and immunities from liability which the transferee may now or hereafter possess by virtue of any statute or at common law shall not be prejudiced by the foregoing grant And no liability shall be created or deemed to be created upon the transferee in respect of the flow of water or solids from the point or points at which the same may enter upon or be deposited upon the said land

IN WITNESS WHEREOF this Instrument has been executed this 22 day of August One thousand nine hundred and forty nine

SIGNED by the said HAROLD MASON WARNER )  
as transferor in the presence of : )

*H. M. Warner*  
*Roberts*  
*Auckland.*

*[Signature]*

SIGNED by the said ROBERT EDWIN FAWCETT )  
as transferor in the presence of : )

*R. E. Fawcett*  
*Roberts*  
*Auckland.*

*[Signature]*

459460

No.

Correct for the purposes of the Land Transfer Act.

TRANSFER

NORTH

H. G. WARDER & ANOR: Vendor.

*W. A. Brown*  
Solicitor for Purchaser.

WAI TEMATA COUNTY C.L.: Purchaser.

Particulars entered in the Register Book, S

817/217, 924/204

1 day of September 19 1919

at 10.9 o'clock.

*E. W. Arthur*

Assistant Land Registrar

of the District of Auckland.

17860  
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119149

10.9

RUSSELL, McVEAGH & CO.,

Solicitors,

AUCKLAND.

