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Approved by the District Land Registrar, Auckland, No. 2875. [New Zealand.

01011870

Memorandum of Transfer By Way of Drainage Easement.



P. E. Stamp Book 2 AKS

28-VI-55 44158 - DIV *****-11-0

Whereas ERNEST WILLIAM DEAN BELL of New Lynn Grocer ELEANOR MURIEL ..
KIRBY of Mount Albert Married woman CHARLES WILLIAM DICKINS of Henderson ..
Farmer ROBERT GUY of Swanson Builder DOHIS LUCAS of Papatoetoe Married.
Woman WILLIAM PORTEOUS of Auckland Plumber ~~(hereinafter called "the transferors")~~
and ARTHUR EDWIN FORBES THODE of New Lynn Land agent (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 respectively the ..
areas more or less and being the Lots on Deposited Plan 40386 specified in ..
the Schedule hereto which said pieces of land are portions of Allotment 92 of
the Parish of Waikomiti and being part of the land comprised in CERTIFICATE ..
OF TITLE VOLUME 1008 FOLIO 141 (Auckland Registry) Subject as to Lot 44 to.
Caveat No. 18469 ..

11/1
D. Bell
W. P. C.
referred to

And whereas the transferors requested THE BODY CORPORATE KNOWN AS THE
CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF WAITEMATA
(hereinafter called "the transferee") to approve of the scheme of subdivision shown on the said plan
which the transferee agreed to do upon the transferors giving the easement hereafter set forth NOW
THIS INSTRUMENT WITNESSETH that in pursuance of the said agreement and IN CON-
SIDERATION of the premises the transferors DO 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 on the said plan as
the transferee shall think fit all water whether from rain tempest spring seepage or soakage which
shall fall upon or otherwise 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 onto any part or parts of the
lands hereinbefore described and without being responsible for any damage caused thereby or by the
deposit of silt or debris brought onto 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 part or 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 discharge or allow to escape from any of the said roads onto the said lands as
aforesaid 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 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 for themselves and each of them and the executors administrators and assigns of each of them and the registered proprietor or proprietors for the time being of the said land covenant with the transferee its successors and assigns that the transferors and the executors administrators and assigns of each of ^{them} 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 liabilities 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 *20th* day of *April* One thousand nine hundred and fifty five.

Signed by the said ERNEST WILLIAM DEAN BELL, ELEANOR MURIEL KIRBY, CHARLES WILLIAM DICKINS, ROBERT GUY, DORIS LUCAS, WILLIAM PORTEOUS and ARTHUR EDWIN FORBES THODE as transferors in the presence of by their Attorney REGINALD ELCOAT in the presence of :-

E.W. Deane
E.M. Kirby
C.W. Dickins
Robt Guy
Doris Lucas
W. Porteous
A.E. F. Thode

By their
Attorney
Reginald Elcoat

S. G. G. G.
Valuer
Bunderson

THE SCHEDULE

Lot	Area	Lot	Area
5	37.9 perches	44	33 perches <i>1247/58</i>
6	1 rood 2.4 perches	45	32 perches
7	1 rood 1.5 perches	46	32 perches
28	32 perches	47	32 perches
29	32 perches	48	32 1/2 perches
30	36.2 perches	49	32 1/2 perches
33	32.2 perches	50	36.5 perches
34	32 perches	51	35 perches
35	32 perches	52	38.9 perches
37	1 rood 1.3 perches	53	32 perches
38	39.3 perches	56	1 rood 26 perches
39	39.3 perches	57	32.5 perches
40	37.1 perches	58	33.2 perches
41	37.3 perches	59	33.8 perches

All shown on Deposited Plan 40386.

I REGINALD ELCOAT of Henderson Solicitor do solemnly and sincerely declare as follows :-

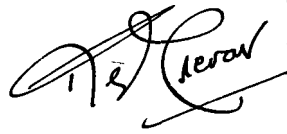
1. THAT I am the Attorney of the within named ERNEST-WILLIAM DEAN BELL, ELEANOR MURIEL KIRBY, CHARLES WILLIAM DICKINS, ROBERT GUY, DORIS LUCAS, WILLIAM PORTEOUS and ARTHUR EDWIN FORBES THODE under and by virtue of a certain Power of Attorney given under their hands on the 22nd day of May, 1943 (a copy whereof is deposited in the Land Registry Office at Auckland under No. 9714)

2. THAT I have received no notice or information of the revocation by death or otherwise of the said Power of Attorney

3. THAT the said Eleanor Muriel Kirby is one and the same person as Eleanor Muriel Berridge named and described in the said Power of Attorney evidence of whose marriage is registered in the Land Registry Office aforesaid under No. 68034

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of "The Justices of the Peace Act, 1927"

DECLARED at Henderson this 20th day of April 1955, before me :



S. G. Guthrie

A SOLICITOR OF THE SUPREME COURT OF NEW ZEALAND.

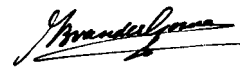
Justice of the Peace in the Dominion of New Zealand

CONSENT

WE, JOHANNES BERNARDUS VAN DER GOUW and ELIZABETH VAN DER GOUW being the Caveators under and by virtue of Caveat No. 18469 affecting Lot. 44 on Deposited Plan No. 40386 DO HEREBY CONSENT to the foregoing Memorandum of Transfer by way of Drainage Easement in favour of the Body Corporate known as The Chairman Councillors and Inhabitants of the County of Waitemata.

DATED this 20th day of April 1955

WITNESS to the signatures of Johannes Bernardus van der Gouw and Elizabeth Gouw as Caveators :-



H. Henderson
Solicitor
and Clerk

WITNESS to the signature of }
ELIZABETH VAN DER GOUW :



A. G. G. G.
Notary Public
Dunedin

I, HENRY ALBERT ANDERSON, Solicitor for ELIZABETH VAN DER GOUW erroneously named in Caveat No. 18469 as ELIZABETH GOUW do hereby certify that the ELIZABETH VAN DER GOUW one of the above consenting parties is the same person as the ELIZABETH GOUW one of the caveators under the said Caveat No. 18469.

H. Henderson

No. 560751

Correct for the purposes of the Land Transfer Act.

Ch. Murray

Transfer By Way of Drainage
Easement over Pt. C/T 1008/141

Solicitor for Transferee.

E.W.D. BELL & ORS. *Transferor.*

THE BODY CORPORATE
KNOWN AS THE CHAIRMAN COUNCILLORS AND
INHABITANTS OF THE COUNTY OF WAITEMATA
Transferee.

17B/438
Particulars entered in the Register Book, 1008/141

12th day of *July*, 1955
at *9.34* o'clock.



M. Brennan
Assistant Land Registrar

Russell McVeagh

10754

X 18 28 7
✓ 15 20 3
X 18 46 9

LAND & DEEDS	
Nature:	<i>J</i>
Firm:	<i>Russell Mc</i>
Date:	<i>12 JUL 1955</i>
Time:	<i>9.34</i>
Fee: £	<i>— : 10 : —</i>
Abstract No.	<i>3027</i>

RUSSELL, McVEAGH & CO.,
Solicitors,
AUCKLAND.

SCOTT PRINTING COMPANY LTD.



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