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709111 TE  
01011870

(Approved by the District Land Registrar, Auckland, No. 3280)

[New Zealand

## Memorandum of Transfer By way of Drainage Easement

**Whereas** RICHARD THOMAS FERGUSON of Auckland Boilermaker (hereinafter with his executors administrators and assigns referred to as and included in the term "the Grantor") is 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 that piece of land situate in the Land Registration District of Auckland containing THREE RODS AND THIRTEEN PERCHES (Oa. 13r. 13p.) more or less being Lots 2, 3, 4 and 5 on a plan lodged for deposit in the Land Registry Office at Auckland under No. 51857 being part of Allotment 18 of the Parish of Waikomiti and being part of the land comprised and described in Certificate of Title Volume 1104 Folio 76 (North Auckland Registry) SUBJECT to:-

- (1) Memorandum of Mortgage No. 537635 in favour of Godfrey Norman Lyal Bayly and
- (2) ~~Memorandum of Mortgage No. 537636 in favour of Stella Irene Fawcett~~

AND WHEREAS the Grantor has agreed to transfer and grant unto the Body Corporate called **THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF WAITEMATA** (hereinafter with its successors and assigns referred to as and included in the term "the Corporation") the easements and other rights hereinafter set out NOW THIS MEMORANDUM OF TRANSFER WITNESSETH that IN PURSUANCE of the said Agreement and IN CONSIDERATION of the premises the Grantor DOTH HEREBY TRANSFER AND GRANT unto the Corporation as an easement in gross full and free right liberty and license for all time hereafter to carry convey lead drain and discharge water whether rain tempest spring soakage or seepage water in any quantities on to through or over the said land AND to collect and concentrate at such place or places on any of the roads shown on the said plan as the Corporation shall think fit all water which shall fall upon or otherwise make its way on to or be directed or diverted on to the said roads or any of them and to carry convey lead drain discharge or allow to escape in any quantities the said water from such roads or any of them on to the said land or any part or parts thereof AND for any of the purposes aforesaid and from time to time to construct dig lay extend maintain alter repair renew and cleanse open drains pipes or conduits through over along or under the said land or any part or parts thereof AND ALSO full power and authority for the Corporation its surveyors engineers workmen contractors agents and servants with or without horses carts motor or other vehicles

and machinery plant and equipment from time to time and at all times to enter and remain for any of the purposes aforesaid upon the said land or any part or parts thereof as shall be necessary for such purposes and generally to do and perform such acts and things in or upon the said land as may be necessary or proper for or in relation to any of the purposes aforesaid PROVIDED HOWEVER that all works authorised to be carried out hereunder shall be carried out as expeditiously as possible and with as little disturbance as possible to the surface of the said land. AND PROVIDED FURTHER that the Corporation shall not be responsible for any damage caused by the exercise by it of the rights hereinbefore conferred on it or by the deposit of silt or debris on the said land or any part or parts thereof AND IT IS HEREBY DECLARED AND AGREED that nothing herein contained or implied shall compel or be deemed to compel the Corporation to carry lead convey conduct drain or discharge water through open drains pipes or conduits on the said land or any part or parts thereof AND THAT the Corporation may discontinue such drainage and recommence such drainage at will AND THAT nothing herein contained or implied shall abrogate limit restrict or abridge or be deemed to abrogate limit restrict or abridge any of the rights powers and remedies vested in the Corporation at common law or by statute AND the Grantor DOth HEREBY COVENANT with the Corporation that he will not at any time hereafter do or permit the doing of any act which will in any way whatsoever interfere with the enjoyment by the Corporation of the rights and privileges vested in or conferred on it by virtue of these presents

In Witness Whereof these presents have been executed the 9<sup>th</sup> day of September One thousand nine hundred and sixty-three

SIGNED by the abovenamed RICHARD )

THOMAS FERGUSON in the presence )

of:-

J. G. Fitzgerald  
Solicitor  
Auckland.

R. J. Ferguson

I, GODFREY NORMAN LYAL BAYLY the Mortgagee named and described in Memorandum of Mortgage No. 537635 DO HEREBY CONSENT to the foregoing Memorandum of Transfer by Way of Drainage Easement

DATED this 9<sup>th</sup> day of September 1963.

SIGNED by the abovenamed )

GODFREY NORMAN LYAL BAYLY in )

the presence of:-

J. G. Fitzgerald  
Solicitor  
Auckland.

Godfrey N L Bayly

I, STELLA IRENE FAWCETT the Mortgagee named and described in Memorandum of Mortgage No. 537636 DO HEREBY CONSENT to the foregoing Memorandum of Transfer by Way of Drainage Easement

DATED this 9<sup>th</sup> day of September 1963.

SIGNED by the abovenamed )

STELLA IRENE FAWCETT in the )

presence of:-

J. G. Fitzgerald  
Solicitor  
Auckland.

S. I. Fawcett

No. 709111

71  
Correct for the purposes of the Land Transfer Act.

# Transfer By way of Drainage

Easement over Lots 2, 3 4 and  
5 L.T. Plan 51857 pt Allot 18  
Parish of Waikomiti

*J. Anne Hanny*

Solicitor for the Transferee

RICHARD THOMAS FERGUSON  
Transferor.

THE WAITEMATA COUNTY COUNCIL—Transferee.

Particulars entered in the Register-Book, Vol.

folio  
*796/268* 1104/76

this 10th day of October 1963

at 10.40 o'clock

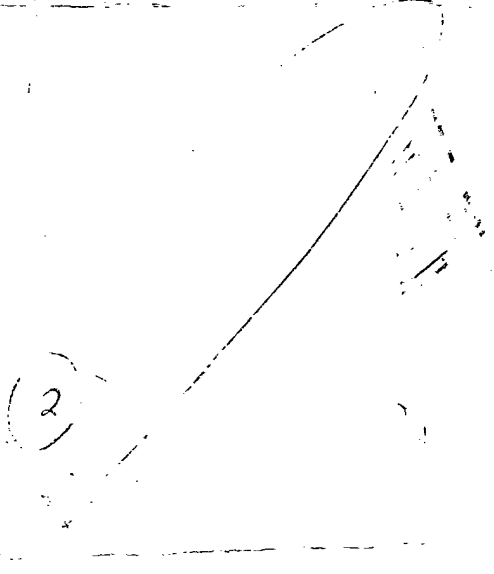
*[Signature]*  
Assistant Land Registrar, North  
of the District of Auckland



The easement created by the within Transfer is subject  
to the provisions of section 27(1) of the Counties  
Amendment Act 1961.

*[Signature]* D.L.R.

Re: Area correct



LAND & SURVEYS  
Easement  
Dufour Bay  
18 OCT 1963  
Time: 10.42  
Page: 12  
District No. 6732

EARL, KENT, MASSEY, PALMER & HAMER

SOLICITORS,  
AUCKLAND, N.Z.

