

524183.1 TE

(Approved by the District Land Registrar Auckland No. 4206/1974)

[New Zealand]

Memorandum of Transfer

Creating Storm and Surface Water Drainage Easement

\$1.

WHEREAS 1) DRYDEN WILLIAM PHILLIPSON of Auckland Sales Representative and BEVERLEY JOAN PHILLIPSON his wife (hereinafter with their successors and assigns referred to as "the Grantors") being registered as proprietors of an estate in fee simple

Subject however to such encumbrances liens and interests as are notified by memorandum underwritten or endorsed hereon in All the land situate in the Land Registration District of North Auckland more particularly described in the Schedule hereto (hereinafter called "the said land")

IN CONSIDERATION of the sum of _____ paid to _____ by _____

(hereinafter referred to as "the Transferee") (the receipt whereof is hereby acknowledged) DO HEREBY TRANSFER unto the Transferee all estate and interest in the land described in the Schedule hereto

N.Z. Stamp Duty AKO

22-X-76 143008 -DIY *****1.00

IN WITNESS WHEREOF these presents have been executed the _____ day of _____ 19____

SCHEDULE

AREA	LOT AND DEPOSITED PLAN	OTHER DESCRIPTION	TITLE REFERENCE
1027 m ²	Lot 2 Deposited Plan 77243	Part Allotment 31 Parish of Waikomiti	33C/1031

MEMORANDUM OF ENCUMBRANCES

Building Line Restriction in K43769
Drainage Easement in gross created by Transfer 540063
Mortgage Nos. 321113.4 and 321113.5

Statement of Passing over Information:

This information has been supplied by a third party. Accordingly, the Vendor and Austar Realty Limited are merely passing over this information as supplied to us by others. While we have passed on this information supplied by a third party, we have not checked, audited or reviewed the records or documents and therefore to the maximum extent permitted by law neither the Vendor nor Austar Realty Limited or any of its salespersons or employees accept any responsibility for the accuracy of the materials. Intending purchasers are advised to conduct their own investigation.

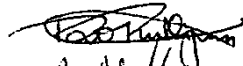

2) It was a condition of the approval of THE BODY CORPORATE called THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF WAITEMATA (hereinafter called "the City") which is the local authority where the said land is situate to the deposit of the said plan 77243 that a stormwater drainage easement should be created over that part of the said land marked "B" on the said plan 77243 (hereinafter called "the easement land")

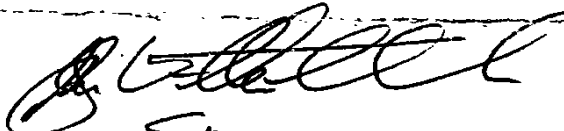
NOW THEREFORE IN FULFILLMENT OF the said requirements as to the creation of a Stormwater Drainage Easement and IN CONSIDERATION OF these premises ~~easement in gross full and free right liberty and licence~~ for all time hereafter to carry convey lead drain and discharge water whether rain tempest spring soakage or seepage water in any quantities on to through or over the easement land AND to collect and concentrate at such place or places on any of the roads shown on the said Plan No. 77243 and/or any other roads in the vicinity of the said land as the City 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 and velocities the said water from such roads or any of them on to the easement land or any part or parts thereof AND for any of the purposes aforesaid and from time to time construct dig lay extend maintain alter repair renew and cleanse open drains pipes or conduit through over along or under the easement land or any part or parts thereof AND ALSO full power and authority for the City 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 practicable to the surface of the said land AND PROVIDED FURTHER that the City shall not be responsible for any damage caused by the exercise by it of the rights hereinbefore conferred on it by the deposit of silt debris or any other matter on the easement 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 City to carry lead convey conduct drain or discharge water through open drain pipes

or conduits on the easement land or any part or parts thereof AND THAT the City 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 City at Common Law or by statute AND the Grantors DO HEREBY COVENANT with the City that they 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 City 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 21st day of October One thousand nine hundred and seventy-six.

SIGNED by the said
DRYDEN WILLIAM PHILLIPSON
and BEVERLEY JOAN PHILLIPSON
in the presence of :-


Sutton
Auckland

TRANSFER of

Correct for the purposes of the Land Transfer Act

Solicitor for the Transferee

Waitemata City Council Transferee

D.W. & B.J. Phillipson Transferor

Particulars entered on the Certificates of Title set out in the description of land on the first page herein on the date and at the time stamped below.

District Land Registrar
Assistant

EARL KENT MASSEY PALMER & HAMER
Solicitors
Auckland

of the District of



DISTRICT OF REGISTRY
AUCKLAND NO. 5
32/1031
524183-1

