

WCC of McElDowney
Approved by the District Land Registrar, Auckland, No. 2875.

New Zealand.

519 299 TE 01011870
Memorandum of Transfer By Way of
Drainage Easement.



Whereas ARTHUR JACOB McELDOWNEY of Titirangi Farmer

(hereinafter called "the transferor ")

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 those pieces of land containing TWO ROODS AND SEVEN AND FOUR TENTHS PERCHES more or less being Lots 5 and 9 on Deposited Plan .. 39710 which said pieces of land are part of Allotment 34 of the Parish of .. Waikomiti being part of the land comprised in CERTIFICATE OF TITLE VOLUME 269 FOLIO 41 (Auckland Registry) SUBJECT to the rights respecting coal in Conveyance No. 88511 AND to the surrender of riparian rights in Conveyances Nos. .. 159063 and 159067 AND to the agreement referred to in K 37943 AND to the .. building line restriction in K 39407.

*Plan not
reinstated but
lots are defined
+ compare pt
of 269/41
as will be
2-1/2 acres to
register the grant*

And whereas the transferor 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 transferor giving the easement hereafter set forth NOW THIS INSTRUMENT WITNESSETH that in pursuance of the said agreement and IN CONSIDERATION of the premises the transferor DO TH 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 Transferor doth for himself his executors administrators and assigns and the registered proprietor or proprietors for the time being of the said land covenant with the transferee its successors and assigns that the transferor his 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 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 22nd day of December One thousand nine hundred and fifty two

Signed by the said ARTHUR JACOB

McELDOWNEY
as transferor in the presence of

A. J. Mc Eldowney

Galfrid J. J. J.
Solicitor
Dunedin

No. 519299

5 Correct for the purposes of the Land Transfer Act.

C. H. Slattery

Transfer By Way of Drainage
Easement over Lots 5 & 9 on D.P. 39710

Solicitor for Transferee.

A. J. McEldowney Transferor.

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

Particulars entered in the Register Book,

26/1/53
16th day of January, 1953

at 10.16 o'clock.



A. J. McEldowney

Assistant Land Registrar

of the District of Auckland.

By transfer cancelled

X1786
Presented Regis
W/X registered
23.12.52

Lot 5
10/1
53
10
10
✓

RUSSELL McVEAGH & CO.,
Solicitors,
AUCKLAND.

