

Under the Land Transfer Act 1952

C382854.4

Memorandum of Transfer T.E.

CREATING WATER SUPPLY EASEMENT

WHEREAS RALPH KERR MAXWELL of Auckland Member of Parliament and FRANCES MARY MAXWELL his wife jointly as to an undivided one half share and STEPHEN GRANT CHALMERS and ELIZABETH CHALMERS Manufacturers (jointly) and LARRY NORMAN GRIFFIN and SARAH FOWLER Restaurateurs (jointly) all of Auckland jointly as to an undivided one half share (hereinafter referred to as "the Grantor")

being 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 situated in the Land District of North Auckland ~~containing~~ more particularly described in the Schedule hereto (hereinafter called "the said land")

~~XXXXXXXXXXXXXXXXXXXX~~

SCHEDULE

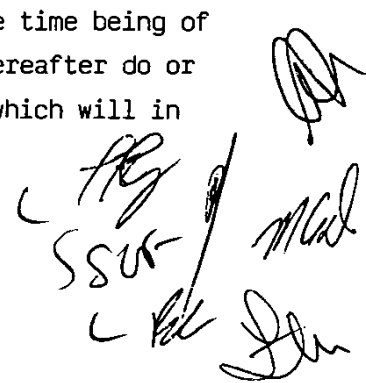
452m² more or less being Lot 5 Deposited Plan 111883 and being part Allotment 39 Parish of Waikomiti and being comprised and described in Certificates of Title 63A/131 and 63A/128

AND WHEREAS as a condition of its approval of Deposited Plan 140017 the WAITAKERE CITY COUNCIL (hereinafter with its successors and assigns called "the Grantee") pursuant to its powers in that regard required the creation of a certain easement over that part of the said land marked "C" on Deposited Plan 140017 (such part of the said land hereinafter referred to as "the easement land")

STATEMENT OF PASSING OVER INFORMATION:

This information has been supplied to us 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.

NOW THEREFORE IN CONSIDERATION of the premises AND IN FULFILMENT of the requirement of the Grantee as to the creation of a Water Supply Easement the Grantor DOETH HEREBY TRANSFER AND GRANT unto the Grantee as an easement in gross the full and free right liberty and licence from time to time and at all times hereafter to take convey and lead water in free and unimpeded flow (except when the flow is halted for any period necessary for repair or for any other reason) and in any quantity through or under the easement land and for that purpose to lay pipes or to make use of the pipes now laid beneath the surface of the easement land with full power from time to time and at all times for the Grantee its surveyors engineers workmen contractors agents and servants with any tools implements machinery vehicles or equipment of whatsoever nature necessary for the purpose to enter upon the said land and to remain there for any reasonable time for the purpose of laying inspecting cleansing repairing maintaining and replacing any pipe or pipes and to open up the soil of the easement land to such extent as may be necessary and reasonable in that regard on condition that as little disturbance as is practicable shall be caused to the surface of the easement land and that such surface shall be restored as nearly as practicable to its condition immediately before the commencement of such works and upon the further condition that any damage done in exercising the aforesaid powers is repaired at the expense of the Grantee AND IT IS HEREBY DECLARED that nothing herein contained or implied shall abrogate limit restrict or abridge any of the rights powers and remedies vested in the Grantee at law or by statute and that the Grantee is under no complusion to exercise the easement hereby created and that the Grantee may at will discontinue from time to time the use of some or all of the said water pipes and at will again recommence the use of the same AND THE GRANTOR DOETH HEREBY COVENANT WITH THE GRANTEE so as to bind himself his successors in title or other the owners or occupiers for the time being of the said land it and they will not at any time hereafter do or permit to be done any act or allow any omission which will in

Handwritten signatures and initials in the bottom right corner of the document. There are several distinct marks, including what appears to be a large signature, and several sets of initials or smaller signatures.

any way whatsoever interfere with the enjoyment of the Grantee of the rights and privileges vested in or conferred on the Grantee by these presents.

IN WITNESS WHEREOF these presents have been executed

the 17th day of July 1991

SIGNED by the said
STEPHEN GRANT CHALMERS
in the presence of:-

Keith Langton
Solicitor
Auckland

)
)
) 

SIGNED by the said
ELIZABETH CHALMERS
in the presence of:-

Keith Langton
Solicitor
Auckland

)
) Elizabeth Chalmers

SIGNED by the said
LARRY NORMAN GRIFFIN
in the presence of:-

Keith Langton
Solicitor
Auckland

)
) Larry Griffin

SIGNED by the said
SARAH FOWLER
in the presence of:-

Keith Langton
Solicitor
Auckland

)
) S.G. Fowler

SIGNED by the said
RALPH KERR MAXWELL
in the presence of:-

Janet Bliss J.P.
11A Oates Rd
Alan Edens
Councillor/Director

SIGNED by the said
FRANCES MARY MAXWELL
in the presence of:-

Janet Bliss J.P.
11A Oates Rd
Alan Edens
Councillor/Director

)
) *R.K. Maxwell*
)
)

)
) *Maxwell*
)
)

~~In Consideration of~~

~~(the receipt of which sum is hereby acknowledged)~~

~~Do hereby Transfer to the said~~

~~all~~

~~estate and interest in the~~

~~said land above described~~

~~In witness whereof these presents have been executed this~~

~~day~~

~~of~~

~~19~~

~~Signed by the above named~~

~~in the presence of:~~

Handwritten signatures:
AG
OR
MC
SUF
Jm

No.

"**DUPLICATE**"

TRANSFER OF

R.K. & F.M. Maxwell, Grantor
S.G. & E. Chalmers, Transferor
L.N. Griffin & S. Fowler

Waitakere City Council Grantee
Transferor

Particulars entered in the Register as shown herein on the date and at the time endorsed below.

Assistant / District Land Registrar

of the District of

SR
KL
KL
SR

KEITH LANGTON
BARRISTER & SOLICITOR
P.O. BOX 47114
PONSONBY

Solicitors for the Transferee

Correct for the purposes of the Land Transfer Act

Keith Langton
SOLICITOR FOR THE TRANSFEE

I hereby certify that this transaction does not contravene the provisions of Part 11A of the Land Settlement Promotion and Land Acquisition Act 1982.

Keith Langton
SOLICITOR FOR THE TRANSFEE

I hereby certify for the purposes of the Stamp and Cheque Duties Act 1971 that no conveyance duty is payable on this instrument by reason of the application of Section 24(1) of the Act and that the provisions of subsection (2) of that section do not apply.

Keith Langton
SOLICITOR FOR THE TRANSFEE



PARTICULARS ENTERED IN REGISTER
LAND REGISTRY AUCKLAND
ASST. LAND REGISTRAR

2.46 04 JUN 92 C 382054 4

634/128
131