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Approved by the District Land Registrar, Nelson, No. 179441.1.

NEW ZEALAND

MEMORANDUM OF TRANSFER

EVELYN MARY SYMONS of Wakefield Married Woman and

CHARLES JOHN HARLEY of Nelson, Solicitor

(hereinafter called the Transferor) being registered as proprietor

of an estate in fee simple

subject however to such encumbrances liens and interests as are notified by memoranda under-

written or endorsed hereon in those pieces of land situated in the Land District of

Nelson

containing FIRST 3.3829 hectares

more or less being part Section VII District of Waimea South comprised in Certificate of Title No. 9A/22

SECONDLY 8894 square metres being Lot 1 Deposited Plan 13937 comprised in Certificate of Title No. 9A/21 SUBJECT TO easement in 289950.8

NEW ZEALAND STAMP DUTY CH2
27/07/9000063001 DUTY *1100.00

In consideration of the sum of \$ 90,000.00 (NINETY THOUSAND DOLLARS)

paid to the Transferor by EDWIN NEWTON LAMMAS of Nelson, Real Estate Agent and CECILY RAYMER LAMMAS his wife

(hereinafter called the Transferee) the receipt of which sum is hereby acknowledged the Transferor **HEREBY TRANSFERS** to the Transferee all the estate and interest of the Transferor in the ^{first}land/above described. to be held by the Transferee as tenants in common in equal shares TOGETHER WITH a right to drain stormwater as defined by the Seventh Schedule to the Land Transfer Act 1952 over that part of the land secondly described along the line marked A-B on Deposited Plan 14703 TO THE INTENT that the easement hereby created shall be forever hereafter appurtenant to the land first abovedescribed PROVIDED:

- (a) That the cost of maintaining and keeping the stormwater drain in good order and condition shall be borne by the registered proprietor or proprietors of the said land first described or other the owners or occupiers of all premises which shall be connected therewith and using the same in fair and just proportions PROVIDED HOWEVER that no owner or occupier of such premises shall be liable to contribute to such cost unless that part of the said stormwater drain in respect of which such cost shall have been incurred shall be used for draining stormwater from his her or their premises PROVIDED FURTHER that if the said stormwater drain shall at any time become blocked or suffer disrepair through the default or negligence of any one of the parties for the time being entitled to use and using the same or any of his her or their tenants servants workmen visitors infants or licensees then and in any such case the party or parties by whose default or negligence or by the default or negligence of whose tenants servants workmen visitors infants or licensees such blockage or state of disrepair was occasioned shall be solely liable to clear and repair the same.
- (b) That the Transferee shall be bound by a fencing covenant as defined in Section 2 of the Fencing Act 1979 in favour of the Transferor.

RECEIVED for deposit in the

Land Registry Office, Nelson this
17th day of May 1990
17 MAY 1990

(Form No. 1)

STATUTORY DECLARATION TO BE MADE WHERE PURCHASER IS AN INDIVIDUAL

IN THE MATTER of the Land Settlement Promotion and Land Acquisition Act 1952 (hereinafter referred to as "the Act"), and

IN THE MATTER

of (a) an Agreement for Sale and Purchase

dated the 30th day of April 1990

from (b) EVELYN MARY SYMONS and CHARLES JOHN HARLEY as Vendor

(or lessor) to (c) EDWIN NEWTON LAMMAS and CECILY RAYMER LAMMAS

as Purchaser (or lessee) affecting all that parcel of land (d)

containing 3.3829 hectares more or less situated in Block XVI

Wai-iti Survey District being Part Section VII District of Waimea

South and

being all/part of the land comprised and described in certificate of title, Volume 9A

folio 22 (Nelson Land Registry).

(e) Full name,
address, and
occupation.

1. (c) EDWIN NEWTON LAMMAS of Richmond, Real Estate Agent

solemnly and
sincerely declare:

1. That I am the purchaser (or lessee) above-named of the land above described.

2. I have entered into the transaction solely on my own behalf as the person beneficially entitled thereunder.

3. I do not own, lease, hold, or occupy in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Act, outside a city or borough or town district, and I have no estate or interest whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

(f) Delete clause
not applicable.

4. ~~(f) I am unmarried. (Or my wife (or husband) does not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, and she (or he) has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.)~~

5. No company of which I or my wife (or husband) is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

(g) Delete clause
not applicable.

6. ~~(g) I have attained the age of 17 years. (Or neither my father nor my mother owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.)~~

7. I have not since the passing of the Act (namely, the 16th day of October 1952) transferred, granted, leased, or otherwise disposed of any estate or interest in farm land, as so defined, to any person as a trustee for any person or created any trust in respect of any estate or interest in any such farm land.

8. The transaction is subject to Part II.A of the Act, and

~~(a) I am a British subject, but not a New Zealand citizen, (or, I am a British protected person within the meaning of the British Nationality and New Zealand Citizenship Act 1948); and~~

~~(b) I have resided in New Zealand for not less than 2 1/2 years during the period of 3 years immediately preceding the date of the transaction, and intend to continue to reside permanently in New Zealand.~~

Where the
declaration is
made pursuant
to section 35E
of the Act.

9. The transaction is not subject to Part IIA of the Act because—

The transaction does not relate to any land of any of the classes described in paragraph (f) of subsection (1) of section 35B of the said Act (as substituted by section 2 of the Land Settlement Promotion and Land Acquisition Amendment Act 1969 and amended by section 2 of the Land Settlement Promotion and Land Acquisition Amendment Act 1972).

Or, where the purchaser or lessee is not a trustee.

(h) Delete paragraphs not applicable.

(i) Full name, address, and occupation.

(ii) Specify.

(iii) Any other qualification.

I am a New Zealand citizen, and so declare because ^(h)

- (a) ~~Immediately before the date of commencement of the British Nationality and New Zealand Citizenship Act 1948 I was a British subject, and I was born within the territories comprised at the commencement of that Act in New Zealand and would have been a New Zealand citizen if section 6 of that Act had been in force at the time of my birth (or I was ordinarily resident in New Zealand at the commencement of that Act and had been so resident throughout the period of 12 months immediately preceding the commencement of that Act.)~~
- (b) I am a person naturalised in New Zealand.
- (c) I am registered as a New Zealand citizen.
- (d) I am a New Zealand citizen by birth.
- (e) I am a New Zealand citizen by descent.
- (f) I am the wife of ⁽ⁱ⁾

who is qualified as a New Zealand citizen

as set out in paragraph ⁽ⁱⁱ⁾ above.

(g) ⁽ⁱⁱⁱ⁾

Or, where the purchaser or lessee is a trustee.

(iv) Specify the trust.

~~I am the purchaser (lessee) as trustee under the following trust ^(iv) and every beneficiary under the trust is a New Zealand citizen (or every beneficiary under the trust who is an individual is a New Zealand citizen and no beneficiary under the trust that is a body corporate is an overseas corporation as defined in section 35A of the Act.)~~

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at

this 16th day of May 1990

before me—

Justice of the Peace
or Solicitor of the High Court.
(or other person authorised to take and receive Statutory Declarations.)

NOTE — 1. Where both Parts II and IIA of the Act apply to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 8 of this form.

2. Where only Part II of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 7 and paragraph 9 of this form.

3. Where only Part IIA of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 8 of this form.

4. Where the declaration is made for the purposes of section 35D of the Act, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 9 of this form.

5. Where Part II only or both Parts II and IIA of the Act apply to the transaction, and the purchaser or lessee is a trustee, then, under section 24 (1) (a) of the Act the consent of the Land Valuation Tribunal is required and this form is not applicable.

6. Section 2 (1) of the Act contains the following definitions:—

"Farm land" means land that, in the opinion of the Land Valuation Tribunal, is or should be used exclusively or principally for agricultural purposes:

Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Tribunal be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

"Agricultural purposes" has a meaning corresponding to the term "agriculture", which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

7. The classes of land described in paragraph (f) of section 35B (1) of the Act are as follows:

- (a) Any land of 4,000 square metres or over in area which under any operative regional planning scheme or proposed or operative district scheme under the Town and Country Planning Act 1977, is designated or zoned as a reserve, or as a public park, or for recreation purposes, or as private open space, or for preservation as a place of or containing an object of historical or scientific interest or natural beauty, or any proposed such purpose.
- (b) Any land of 2 hectares or over in area which under any such proposed or operative district scheme is zoned for rural purposes or is so zoned that farming of any kind is a predominant or conditional use in that zone.
- (c) Any land of 4,000 square metres or over in area which is not included in any proposed or operative district scheme provided and maintained by any Council or other local authority under that Act.
- (d) Any land being or forming part of any island (except the North Island and the South Island) which is less than 150 kilometres from the nearest part of the coast of the North Island or of the South Island.
- (e) Any land being or forming part of any island of the Chatham Islands.

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IN THE MATTER of the Land Settlement Promotion and Land Acquisition Act 1952 (hereinafter referred to as "the Act"), and

IN THE MATTER

of (a) an Agreement for Sale and Purchase

dated the 30th day of April 1990

from (b) EVELYN MARY SYMONS and CHARLES JOHN HARLEY as Vendor

(or Lessor) to (c) EDWIN NEWTON LAMMAS and CECILY RAYMER LAMMAS

as Purchaser (or Lessee) affecting all that parcel of land (d)

containing 3.3829 hectares more or less situated in Block XVI

Wai-iti Survey District being Part Section VII District of Waimea

South and

being all/part of the land comprised and described in certificate of title, Volume 9A

folio 22 (Nelson Land Registry).

(e) Full name,
address, and
occupation.

1. (c) CECILY RAYMER LAMMAS of Richmond, Married Woman

solemnly and

sincerely declare:

1. That I am the purchaser (or lessee) above-named of the land above described.

2. I have entered into the transaction solely on my own behalf as the person beneficially entitled thereunder.

3. I do not own, lease, hold, or occupy in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Act, outside a city or borough or town district, and I have no estate or interest whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

(f) Delete clause
not applicable.

4. ~~(f) I am unmarried. (Or my wife (or husband) does not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, and she (or he) has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.)~~

5. No company of which I or my wife (or husband) is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

(g) Delete clause
not applicable.

6. ~~(g) I have attained the age of 17 years. (Or neither my father nor my mother owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.)~~

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~~8. The transaction is subject to Part IIA of the Act, and~~

(a) I am a British subject, but not a New Zealand citizen, (or, I am a British protected person within the meaning of the British Nationality and New Zealand Citizenship Act 1948), and

(b) I have resided in New Zealand for not less than 2½ years during the period of 3 years immediately preceding the date of the transaction, and intend to continue to reside permanently in New Zealand.

Where the
declaration is
made pursuant
to section 35E
of the Act.

9A/22

9. The transaction is not subject to Part IIA of the Act because—

The transaction does not relate to any land of any of the classes described in paragraph (f) of subsection (1) of section 35B of the said Act (as substituted by section 2 of the Land Settlement Promotion and Land Acquisition Amendment Act 1969 and amended by section 2 of the Land Settlement Promotion and Land Acquisition Amendment Act 1972).

Or, where the purchaser or lessee is not a trustee.

(h) Delete paragraphs not applicable.

(i) Full name, address, and occupation.

(ii) Specify.

(iii) Any other qualification.

I am a New Zealand citizen, and so declare because ^(h)

- (a) ~~Immediately before the date of commencement of the British Nationality and New Zealand Citizenship Act 1948 I was a British subject, and I was born within the territories comprised at the commencement of that Act in New Zealand and would have been a New Zealand citizen if section 6 of that Act had been in force at the time of my birth (or I was ordinarily resident in New Zealand at the commencement of that Act and had been so resident throughout the period of 12 months immediately preceding the commencement of that Act.)~~
- (b) ~~I am a person naturalised in New Zealand.~~
- (c) ~~I am registered as a New Zealand citizen.~~
- (d) I am a New Zealand citizen by birth.
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- (f) ~~I am the wife of ⁽ⁱ⁾~~

who is qualified as a New Zealand citizen

as set out in paragraph ⁽ⁱⁱ⁾ above.

(iii) ~~(g)~~

Or, where the purchaser or lessee is a trustee.

(iv) Specify the trust.

I am the purchaser (lessee) as trustee under the following trust ^(iv) and every beneficiary under the trust is a New Zealand citizen (or every beneficiary under the trust who is an individual is a New Zealand citizen and no beneficiary under the trust that is a body corporate is an overseas corporation as defined in section 35A of the Act.)

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at

this 14 day of May 19 90

before me—

Justice of the Peace
or Solicitor of the High Court
(or other person authorised to take and receive Statutory Declarations.)

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Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Tribunal be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

"Agricultural purposes" has a meaning corresponding to the term "agriculture", which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

7. The classes of land described in paragraph (f) of section 35B (1) of the Act are as follows:

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- (b) Any land of 2 hectares or over in area which under any such proposed or operative district scheme is zoned for rural purposes or is so zoned that farming of any kind is a predominant or conditional use in that zone.
- (c) Any land of 4,000 square metres or over in area which is not included in any proposed or operative district scheme provided and maintained by any Council or other local authority under that Act.
- (d) Any land being or forming part of any island (except the North Island and the South Island) which is less than 150 kilometres from the nearest part of the coast of the North Island or of the South Island.
- (e) Any land being or forming part of any island of the Chatham Islands.

In witness whereof these presents have been executed this 4th day of June 1990

Signed by the above-named)

EVELYN MARY SYMONS and)

CHARLES JOHN HARLEY)

E Symons.
Harley

in the presence of)

Rayne

Charles Fells & Harley

Nelson

Correct for the Purposes of the Land Transfer Act 1952.

E.M. SYMONS &
C.J. HARLEY

Transferor

Solicitor for the Transferee.

I certify that Part IIA of the Land Settlement Promotion
and Land Acquisition Act 1952 does not apply to the
within transaction.

E.N. & C.R. LAMMAS

Transferee

Solicitor for the Transferee.

TRANSFER

Particulars entered in the Register as shown in
the Schedule of Land herein on the date and at
the time stamped below.

Assistant
District

Land Registrar
of the District of

FELL & HARLEY
SOLICITORS
NELSON



11.00 02.AUG.90 300318
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NELSON
ASST LAND REGISTRAR, Nelson

