

**Easement variation instrument to vary easement, *profit à prendre*, or land covenant**  
Sections 90C and 90F, Land Transfer Act 1952

Land registration district

WELLINGTON

**VE 5760069.3 Variation (**

Cpy - 01/01, Pgs - 006, 09/10/03, 17:57



DocID: 410835910

Grantor

Surname(s) must be

PETER JOHN HAWKER

(Continued on Annexure Schedule page 3)

Grantee

Surname(s) must be underlined.

PETER JOHN HAWKER

**Variation\* of easement, *profit à prendre*, or covenant**

The terms, covenants, or conditions contained in the easement(s), *profit(s) à prendre*, or covenant(s) set out in Schedule A are **varied, negated, or added to** as set out in Annexure Schedule 1.

Dated this

28<sup>th</sup>

day of

September

2003

Attestation (Continued on Annexure Schedule Page 3)

	Signed in my presence by the Grantor PETER JOHN HAWKER
	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed)
Signature [common seal] of Grantor	Witness name A. S. FAIRBAIRN
	Solicitor
	Occupation Paraparaumu
	Address

	Signed in my presence by the Grantee PETER JOHN HAWKER
	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed)
Signature [common seal] of Grantee	Witness name A. S. FAIRBAIRN
	Solicitor
	Occupation Paraparaumu
	Address

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantor

\*If the consent of any person is required for the variation, the specified consent form must be used.

**Annexure Schedule 1**Easement variation  
instrument

Dated

23 September 2002

Page 2 of 4 pages

**Schedule A**

(Continue in additional Annexure Schedule if required)

Nature of easement, profit, or covenant	Unique identifier (Document number)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenants	Easement Instrument E5466989.8	Certificate of Title 41139 <del>DP 310492</del> 41136 41137 41138 41140 41141	Certificates of Title 41136 41137 41138 41140 41141 and 41139 <del>DP 310492</del>

**Variation of terms, covenants or conditions**

(Continue in additional Annexure Schedule if required.)

1. The Grantor amends the Land Covenants created by Easement Instrument E5466989.8 in Clause 2 of Schedule A therein as follows:

No dwelling may be erected on any Lot other than one dwelling house constructed of new high quality materials and to cost not less than two and a half (2.5) times the purchase price cost of the Lot PROVIDED THAT any dwelling on Lots 3 and 4 shall cost not less than two (2) times the purchase price of the Lot.

2. In all other respects the Covenants granted by Easement Instrument E5466989.8 shall remain in full force and effect.

All signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement Variation

Dated 28 September 2003

Page 3 of 4 pages

(Continue in additional Annexure Schedule, if required.)

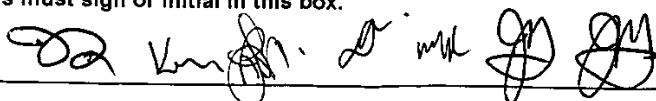
Grantor (Continued)

MICHAEL DOUGLAS NUTTING and DENISE CAROLE NUTTING (as to Certificate of Title 41136)

KEVIN JAMES PIERRE METGE and ROBYN JOY METGE (as to Certificate of Title 41140)

CRAIG ALEXANDER MITCHELL and ANNA VICTORIA MITCHELL (as to Certificate of Title 41138)

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



**Annexure Schedule**

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement Variation

Dated

28 September 2003

Page

4 of 4 pages

(Continue in additional Annexure Schedule, if required.)

Attestation continued



Signed in my presence by the Grantor  
MICHAEL DOUGLAS NUTTING and DENISE CAROLE  
NUTTING



Signature of Witness

Witness to complete in BLOCK letters

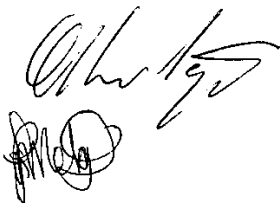
Witness name

Occupation

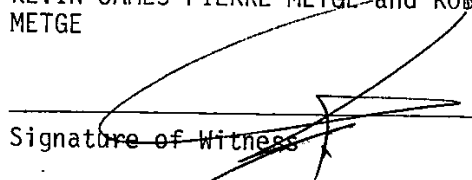
SUSAN MARGARET MILLS  
SOLICITOR

Address

WAIKANAЕ, N.Z.



Signed in my presence by the Grantor  
KEVIN JAMES PIERRE METGE and ROBYN JOY  
METGE

  
Signature of Witness

Witness to complete in BLOCK letters

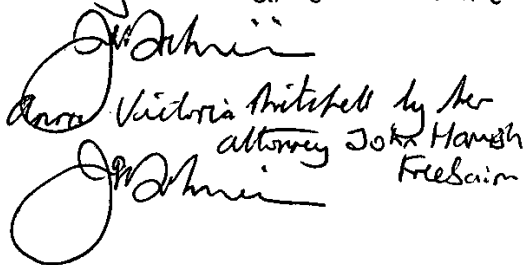
Witness name

Occupation

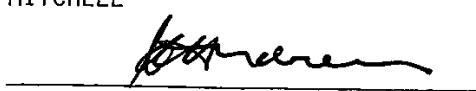
STEVEN LEE  
Barrister & Solicitor  
Paraparaumu

Address

Craig Alexander Mitchell by his  
attorney John Hamish Freebairn

  
Anna Victoria Mitchell by her  
attorney John Hamish  
Freebairn

Signed in my presence by the Grantor  
CRAIG ALEXANDER MITCHELL and ANNA VICTORIA  
MITCHELL

  
Signature of Witness

Witness to complete in BLOCK letters

Witness name CHARLES JOHN ANDREWS

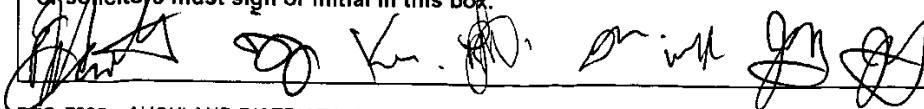
Occupation

SOLICITOR

Address

PALMERSTON NORTH

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses  
or solicitors must sign or initial in this box.



## Declaration Of Non-Revocation Of Enduring Power Of Attorney

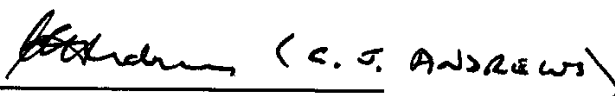
I, JOHN HAMISH FREEBAIRN of Palmerston North, Solicitor solemnly and sincerely declare that:

1. By Enduring Power of Attorney dated 25 February 2003 CRAIG ALEXANDER MITCHELL of Dubai, United Arab Emirates, Pilot, appointed me attorney on the terms and subject to the conditions, if any, set out in that Enduring Power of Attorney.
2. At the date of this declaration I have not received any notice or information of the revocation of that appointment by the death of CRAIG ALEXANDER MITCHELL or otherwise.
3. The Enduring Power of Attorney is in all respects in force at the date of this declaration by virtue of its terms and the provisions of Part IX of the Protection of Personal and Property Rights Act 1988.
4. I am authorised by the Enduring Power of Attorney to execute the annexed instrument.
5. The annexed instrument complies with all conditions and restrictions set out in the Enduring Power of Attorney, if any.

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

  
\_\_\_\_\_  
JOHN HAMISH FREEBAIRN

Declared at Palmerston North on the 28<sup>th</sup> day of September 2003 before me:

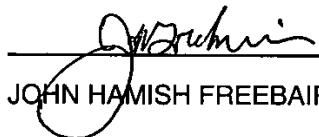
  
\_\_\_\_\_  
A Solicitor of the High Court of New Zealand

## Declaration Of Non-Revocation Of Enduring Power Of Attorney

I, JOHN HAMISH FREEBAIRN of Palmerston North, Solicitor solemnly and sincerely declare that:

1. By Enduring Power of Attorney dated 26 February 2003 ANNA VICTORIA MITCHELL of Dubai, United Arab Emirates, Teacher, appointed me attorney on the terms and subject to the conditions, if any, set out in that Enduring Power of Attorney.
2. At the date of this declaration I have not received any notice or information of the revocation of that appointment by the death of ANNA VICTORIA MITCHELL or otherwise.
3. The Enduring Power of Attorney is in all respects in force at the date of this declaration by virtue of its terms and the provisions of Part IX of the Protection of Personal and Property Rights Act 1988.
4. I am authorised by the Enduring Power of Attorney to execute the annexed instrument.
5. The annexed instrument complies with all conditions and restrictions set out in the Enduring Power of Attorney, if any.

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

  
\_\_\_\_\_  
JOHN HAMISH FREEBAIRN

Declared at Palmerston North on the 28<sup>th</sup> day of September 2003 before me:

 (C. J. ANDREWS)  
\_\_\_\_\_  
A Solicitor of the High Court of New Zealand