

(C)

(New Zealand)

## MEMORANDUM OF TRANSFER

BY WAY OF EASEMENT

IN GROSS

WHEREAS WALTER GODFREY BOWEN of Waikanae, Company Director and MAVIS EDNA BOWEN his wife, ERROL ALEXANDER MACDONALD of Levin, Solicitor, and DOUGLAS ERNEST LITTLE of Levin, Chartered Accountant (hereinafter together with their successors and assigns called "the grantor") are ~~being~~ registered as proprietor

of an estate in fee simple described in the Schedule of land hereto

subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten

or endorsed hereon, in all ~~these pieces of land situate in the~~ Blocks VI and X

of the Kaitawa Survey District

containing FIRSTLY

4.7703 hectares

be the same a little more or less being Lot 1 Deposited Plan 24105 Lot 33 and part Lots 24 and 27 Deposited Plan 20768 and being all the land in Certificate of Title Volume D2 Folio 1038 (Wellington Registry) SUBJECT TO: 1) Drainage rights in Transfer 341398 2) Fencing Covenant in Transfer 491205 3) Mortgage 380561.1

AND SECONDLY containing 1 rood 8 perches more or less being Lot 26 Deposited Plan 20768 and being all the land in Certificate of Title Volume 945 Folio 38 (Wellington Registry) (hereinafter together referred to as "the said lands")

AND WHEREAS the HOROWHENUA COUNTY COUNCIL (hereinafter called "the grantee") being the local authority within the jurisdiction of which the said lands lie has imposed as a condition of its consent under Section 279 of the Local Government Act 1974 to the subdivision of the said lands that the grantor grant to the grantee the right to lay and maintain sewerage pipes across through or under those portions

of the said lands more particularly shown and marked with the letters "B" "C" "D" "E" "F" "G" "H" and "J" <sup>Lots 8, 3, 4, 5, 7, 7, 8 and 8</sup> respectively on Deposited Plan 64335 for the purpose

of conveying sewage to Kotare Street in the Horowhenua County (such portions of the said lands being hereinafter called "the drainage easement"). NOW THEREFORE

THESE PRESENTS WITNESSETH that in consideration of the premises and in fulfilment of the grantees conditions of consent aforesaid to the subdivision effected by

the said Deposited Plan No. 64335 the grantor DOETH HEREBY GRANT TRANSFER AND CONFIRM unto the grantee the full free right liberty and licence power and authority from time to time and at all times hereafter to make construct and lay down and forever to maintain a line of sewage pipes of such size or sizes as the grantee may from time to time reasonably require in and under the drainage easement

TOGETHER WITH full right power and authority from time to time to convey sewage through the said pipes the said sewage pipes to be laid at a depth to be prescribed

*g.c.p.*

*22V*

by the County Engineer of the Horowhenua County Council and for that purpose and for all other purposes of these presents the grantor DOTH HEREBY TRANSFER ① AND GRANT to the grantee full and free right liberty and licence for the grantee its surveyors workmen agents employees servants and licencees to do perform and execute all the following acts matters and things THAT IS TO SAY:-

1. EITHER with or without implements tools machinery materials and other things and either on foot or with vehicles of any description laden or unladen at all times to enter upon the drainage easement to erect machinery and other erections thereon for the purpose of distributing and laying sewage pipes as aforesaid or doing performing or executing any other act matter or thing as may lawfully be done performed or executed by virtue of these presents.

2. FOR any other purposes mentioned in these presents to break up and to sink make execute and construct and refill any trenches and shafts on the drainage easement and to remove and carry away any surplus earth clay gravel stones and other spoil which shall be taken out of the drainage easement and shall be surplus to the grantee's requirements in its exercise of any of the rights and powers hereby conferred.

3. TO open up remove or replace the sewage pipes as often as occasion shall require for the purpose of inspecting cleansing amending renewing or repairing the said pipes and/or maintaining the same in good and satisfactory repair and condition and for any of the purposes herein mentioned install cleaning boxes and cleaning eyes along the respective lines of pipe at such intervals as the grantee may require.

4. GENERALLY upon the drainage easement to do perform and execute any other act matter or thing necessary or expedient for any of the purposes aforesaid.

AND THE GRANTEE hereby covenants with the grantor that in laying the said pipes and in opening up the soil and inspecting repairing and cleaning and renewing the said sewage pipes the grantee will cause as little damage as possible to the surface of the drainage easement and will restore the surface as nearly as possible to its former condition or state and as the case may be will replace the turf thereon AND THE GRANTOR doth hereby covenant with the grantee that they will not at any time hereafter do any act matter or thing whereby the free and uninterrupted flow of sewage may be in any way interrupted or restricted and shall not erect any building or buildings or lay down any concrete yard or any other kind of structure on or under the surface of the drainage easement which shall in any way obstruct or prevent the grantee at any time from completely uncovering the respective lines of pipe for the purpose of cleaning repairing or renewing the same and/or maintaining the same in good and satisfactory repair order and condition AND the grantor doth hereby further covenant with the grantee

AGU.  
J.C.P.

SCHEDULE OF LAND HEREINBEFORE REFERRED TO

1. ALL THAT parcel of land containing 1612m<sup>2</sup> more or less being Lot 3 Deposited Plan 64335 and being all the land in Certificate of Title Volume 34B Folio 419 (Wellington Registry) SUBJECT TO: (1) Fencing Covenant in Transfer 491205 (2) Section 309(1)(c) of the Local Government Act 1974 (3) Mortgage No. 380561.1 TOGETHER WITH <sup>AND SUBJECT TO</sup> Right of Way, Stormwater and Drainage rights created by Easement Certificate No. 999231.6 SUBJECT TO: Section 309(1)(a) Local Government Act 1974
2. ALL THAT parcel of land containing 1269m<sup>2</sup> more or less being Lot 4 Deposited Plan 64335 and being all the land in Certificate of Title Volume 34B Folio 420 (Wellington Registry) SUBJECT TO: (1) Fencing Covenant in Transfer 491205 (2) Section 309(1)(c) of the Local Government Act 1974 (3) Mortgage No. 380561.1 TOGETHER WITH <sup>AND SUBJECT TO</sup> Right of Way, Stormwater and Drainage rights created by Easement Certificate No. 999231.6 SUBJECT TO: Section 309(1)(a) Local Government Act 1974
3. ALL THAT parcel of land containing 2276m<sup>2</sup> more or less being Lot 5 Deposited Plan 64335 and being all the land in Certificate of Title Volume 34B Folio 421 (Wellington Registry) SUBJECT TO: (1) Fencing Covenant in Transfer 491205 (2) Section 309(1)(c) of the Local Government Act 1974 (3) Mortgage No. 380561.1 TOGETHER WITH <sup>AND SUBJECT TO</sup> Right of Way, Stormwater and Drainage rights created by Easement Certificate No. 999231.6 SUBJECT TO: Section 309(1)(a) Local Government Act 1974
4. ALL THAT parcel of land containing 1.0445 hectares more or less being Lot 7 Deposited Plan 64335 and being all the land in Certificate of Title Volume 34B Folio 423 (Wellington Registry) SUBJECT TO: (1) Fencing Covenant in Transfer 491205 (2) Section 309(1)(c) of the Local Government Act 1974 (3) Mortgage No. 380561.1 TOGETHER WITH <sup>AND SUBJECT TO</sup> Right of Way, Stormwater and Drainage rights created by Easement Certificate No. 999231.6 SUBJECT TO: (a) Section 309(1)(a) Local Government Act 1974 (b) No. 999231.7 Fencing Covenant with Horowhenua County Council
5. ALL THAT parcel of land containing 2.2145 hectares more or less being Lot 8 Deposited Plan 64335 and being all the land in Certificate of Title Volume 34B Folio 424 (Wellington Registry) SUBJECT TO: (1) Section 309(1)(c) of the Local Government Act 1974 (2) Stormwater Drainage rights created by Transfer 431398 (3) Fencing Covenant in Transfer 491205 (4) Mortgage No. 380561.1 TOGETHER WITH <sup>AND SUBJECT TO</sup> Right of Way, Stormwater and Drainage rights created by Easement Certificate No. 999231.6 SUBJECT TO: (a) Section 309(1)(a) Local Government Act 1974 (b) No. 999231.7 Fencing Covenant with Horowhenua County Council

that they will not plant any trees or hedges directly over any of the said lines of pipes or so close thereto that the roots of such trees or hedges shall be likely to damage or disturb in any way either of the respective lines of pipes. And it is hereby declared that the rights hereby granted are in the nature of an easement in gross.

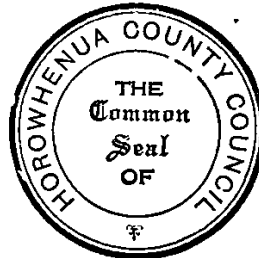
IN WITNESS WHEREOF the parties have hereunto subscribed their names this 15<sup>th</sup> day of November One thousand nine hundred and eighty-eight (1988)

SIGNED on the day abovenamed by the said )  
WALTER GODFREY BOWEN and MAVIS EDNA )  
BOWEN, ERROL ALEXANDER MACDONALD )  
and DOUGLAS ERNEST LITTLE as )  
grantor in the presence of: )

*Mr*  
Legal Executive to  
Cullinane, Steele &  
Partners,  
Solicitors, Levin.

*Walter Godfrey Bowen*  
*M. E. Bowen*

THE COMMON SEAL of the HOROWHENUA )  
COUNTY COUNCIL was hereunto affixed )  
pursuant to a resolution of the )  
Council dated the 10<sup>th</sup> day of )  
*May* 1988 in the presence of: )



*J. C. Pedley*.....Councillor

*R. G. [unclear]*.....Councillor

*[Signature]*.....County Clerk

Correct for the purposes of the Land Transfer Act.

**TRANSFER OF** BY WAY OF EASEMENT

situated in the Land Registration District  
of Wellington

WALTER GODFREY BOWEN, MAVIS EDNA Grantor  
BOWEN, ERROL ALEXANDER MACDONALD ~~Vendor~~xx  
and DOUGLAS ERNEST LITTLE  
Grantee  
HOROWHENUA COUNTY COUNCIL ~~Purchaser~~

*[Signature]*  
Solicitor for the Transferee.

I hereby certify that Part IIA of the Land  
Settlement, Promotion and Land Acquisition  
Act 1952 does not apply to the transaction  
evidenced by this instrument.

*[Signature]*  
Solicitor for the Transferee

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

The Easements created herein are subject to  
Section 309(1)(a) Local Government Act 1974.

*[Signature]*  
A.L.R.

① TE x1

RSP

CT'S 348/417, 418, 419, 420, 421  
348/422, 423, 424, 425  
COPY PLANS

ATTN: J BROADBIDGE

CULLINANE, STEELE & PARTNERS  
Solicitors.  
Levin EAM

PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY, WELLINGTON  
ASST. LAND REGISTRAR

2.13 07.SEP89 B 0269522

348/419, 420,  
421, 423  
424  
473/45