

SCHEDULE D – DEED OF COVENANT FORM

Deed of Covenant

[Purchaser's name]

**Poulson Villas Residents' Association
Incorporated**

This Deed is dated the

day of

2023

PARTIES

[Purchaser's name]

(Purchaser)

Poulson Villas Residents' Association Incorporated

(Association)

BACKGROUND

- A. The Purchaser is to become the registered proprietor of the property at Townhouse [] 69 Poulson Street, 43-45 Dickens Street and 9 Grove Road, Christchurch contained in Records of Title CB1D/1178, CB30B/741, CB254/106 and CB820/4 (**Property**).
- B. The Property has a Covenant registered against its title in favour of the Association, which provides:
- i. A requirement that each registered proprietor covenants to become and remain a member and perform the obligations of a member as set out in the constitution of the Association for as long as the registered proprietor owns the property.
 - ii. Each member shall, prior to settling of the sale of a Property at 69 Poulson Street, 43-45 Dickens Street and 9 Grove Road, Christchurch procure the purchaser to enter into, execute and deliver to the Association a Deed of Covenant in favour of the Association. This Deed of Covenant will be prepared by the solicitors for the Association and the selling member shall pay the reasonable legal fees and disbursements of the Association's solicitors.
 - iii. A member shall be deemed to have resigned from the Association if that member is no longer a registered owner of property at 69 Poulson Street, 43-45 Dickens Street and 9 Grove Road, Christchurch provided that such resignation shall not relieve a person of any obligation or liability arising before that person ceased to be a member.
 - iv. Each purchaser shall immediately upon becoming a registered proprietor of property at 69 Poulson Street, 43-45 Dickens Street and 9 Grove Road, Christchurch (and thereafter if any details change) provide the Association with the details necessary for maintenance of the register of members and shall upon entry of the details into the register, become a member.
- C. The Purchaser has agreed to execute this Deed to ensure compliance with the Encumbrance.

INTERPRETATION

5 Definitions

5.1 *Definitions* - In this document unless the context otherwise requires:

"Bylaws" means bylaws made by the Association from time to time under rule 4.7 of the Constitution;

"Constitution" means the rules and constitution of the Association from time to time and any amendments, regulations or bylaws.

DEED

6 Covenants

6.1 The Purchaser:

- 6.1.1 agrees to become, and remain, a member of the Association while the Purchaser is the registered proprietor of the Property;
- 6.1.2 acknowledges that the Purchaser has searched the Incorporated Societies Register maintained by the New Zealand Companies Office and has read the Constitution and Bylaws and agrees to be bound by, and to comply with the Constitution and Bylaws; and
- 6.1.3 acknowledges that the Purchaser has searched Land Information New Zealand and read the Covenant instrument and agrees to be bound by and comply with the Covenant.

6.2 Without limiting the generality of the foregoing, the Purchaser shall upon selling the Property procure the subsequent purchaser, as a precondition of sale, to enter into a similar deed of covenant with the Association as set out herein and in accordance with the Constitution.

7 Counterparts

7.1 This Deed may be executed and exchanged in any number of counterparts (including copies, facsimile copies and scanned email copies) each of which is to be deemed an original, but all of which together are to constitute a binding and enforceable Deed between the parties.

SIGNATURES

Signed by _____)
 [*Purchaser's name*])
 in the presence of: _____)

Witness signature

Witness name

Witness occupation

Witness town of residence

Signed on behalf of)
Poulson Villas Residents')
Association Incorporated) _____
in the presence of:) [Authorised Signatory]
of the Association Committee

Witness signature

Witness name

Witness occupation

Witness town of residence

SCHEDULE – INFORMATION FOR REGISTER OF MEMBERS

Poulson Villas Residents' Association Incorporated

1. Member's Details

Name:

Address:

Occupation:

Home ph:

Work ph:

Email:

Date of membership:

Party authorised to exercise member's vote:

Mortgage:

Contact Person:

Telephone/Fax No's:

2. Emergency Contact of Member:

Name:

Address:

Occupation:

Home ph:

Work ph:

Email:

3. Occupier's Details (if any):

Name:

Address:

Occupation:

Email: