

View Instrument Details



Instrument No 12029791.4
Status Registered
Date & Time Lodged 03 March 2021 09:09
Lodged By Ewart, John Zohrab
Instrument Type Easement Instrument



Affected Records of Title	Land District
925439	South Auckland
925440	South Auckland
925461	South Auckland
925462	South Auckland
925463	South Auckland
925467	South Auckland
925469	South Auckland
925470	South Auckland
925471	South Auckland
925472	South Auckland
925483	South Auckland
925484	South Auckland
925485	South Auckland
925486	South Auckland

Annexure Schedule Contains 3 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒
- I certify that the Mortgagee under Mortgage 10836724.2 has consented to this transaction and I hold that consent ☒

Signature

Signed by John Zohrab Ewart as Grantor Representative on 02/03/2021 03:39 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by John Zohrab Ewart as Grantee Representative on 02/03/2021 03:39 PM

Form 22**Easement instrument to grant easement or *profit à prendre***

(Section 109 Land Transfer Act 2017)

Grantor

Hornsby Earthmovers Limited

Grantee

Hornsby Earthmovers Limited

Grant of Easement or *Profit à prendre*

The Grantor being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A*Continued in additional Schedule A on next page*

Purpose of Easement, or <i>profit</i>	Shown on DP 545208	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of way, right to drain water, right to drain sewage, right to convey water, right to convey electricity and right to convey telecommunications	A, X & Y	Lot 71 DP 545208 – 925483, 925484, 925485 & 925486	Lot 59 DP 545208 – 925483 Lot 60 DP 545208 - 925484 Lot 61 DP 545208 - 925485 Lot 62 DP 545208 – 925486
	B	Lot 72 DP 545208 – 925461, 925462 & 925463	Lot 9 DP 545208 – 925461 Lot 10 DP 545208 - 925462 Lot 11 DP 545208 – 925463
	C	Lot 73 DP 545208 – 925439 & 925440	Lot 16 DP 545208 – 925439 Lot 18 DP 545208 – 925440
	D	Lot 74 DP 545208 – 925467 & 925469	Lot 20 DP 545208 - 925467 Lot 22 DP 545208 – 925469
	E	Lot 75 DP 545208 – 925470 & 925471	Lot 24 DP 545208 - 925470 Lot 26 DP 545208 – 925471

Schedule A – Continued

Purpose of Easement, or <i>profit</i>	Shown on DP 545208	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Overland Flow Path	L	Lot 62 DP 545208 – 925486	Lot 59 DP 545208 – 925483 Lot 60 DP 545208 - 925484 Lot 61 DP 545208 - 925485 Lot 71 DP 545208 – 925483, 925484, 925485 & 925486
	M	Lot 28 DP 545208 – 975472	Lot 59 DP 545208 – 925483 Lot 60 DP 545208 - 925484 Lot 61 DP 545208 – 925485 Lot 62 DP 545208 – 925486 Lot 71 DP 545208 – 925483, 925484, 925485 & 925486

Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby **[varied]** ~~**[negatived]**~~ **[added to]** or ~~**[substituted]**~~ by:

~~[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017]~~

[the provisions set out in Annexure Schedule which includes rights and powers for the Overland Flow Path easement]

Annexure Schedule

Easement instrument

Page 3 of 3 pages

Continue in additional Annexure Schedule, if required.

Continuation of Easements or profits à prendre rights and powers (including terms, covenants and conditions)

RIGHT TO CONVEY WATER

The same rights and powers as set out in clause 3 of the Fifth Schedule to the Land Transfer Regulations 2018

RIGHT TO DRAIN WATER

The same rights and powers as set out in clause 4 of the Fifth Schedule to the Land Transfer Regulations 2018

RIGHT TO DRAIN SEWAGE

The same rights and powers as set out in clause 5 of the Fifth Schedule to the Land Transfer Regulations 2018

RIGHT OF WAY

The same rights and powers as set out in clause 6 of the Fifth Schedule to the Land Transfer Regulations 2018

RIGHT TO CONVEY ELECTRICITY

The same rights and powers as set out in clause 7 of the Fifth Schedule to the Land Transfer Regulations 2018

RIGHT TO CONVEY TELECOMMUNICATIONS

The same rights and powers as set out in clause 8 of the Fifth Schedule to the Land Transfer Regulations 2018

OVERLAND FLOW PATH

The same rights and powers as set out in clause 4 of the Fifth Schedule to the Land Transfer Regulations 2018

TOGETHER WITH, IN RESPECT OF ALL OF THE SAID EASEMENTS, the rights and powers as set out in clauses 10, 11, 12, 13 and 14 of the Fifth Schedule to the Land Transfer Regulations 2018 SAVE THAT in respect of easements of right of way where there is a conflict between the provisions of the Fifth Schedule to the Land Transfer Regulations 2018 and the Fifth Schedule to the Property Law Act 2007, the provisions of the Fifth Schedule to the Property Law Act 2007 must prevail.