# View Instrument Details

| | |
|---|---|
| **Instrument No** | 8320697.1 |
| **Status** | Registered |
| **Date & Time Lodged** | 21 October 2009 15:23 |
| **Lodged By** | Phillips, David |
| **Instrument Type** | Variation of Easement |

| Affected Computer Registers | Land District |
|---|---|
| 407233 | Nelson |
| 407234 | Nelson |
| 407235 | Nelson |
| 407236 | Nelson |
| 407237 | Nelson |
| 407238 | Nelson |
| 407239 | Nelson |
| 407240 | Nelson |
| 407241 | Nelson |
| 407242 | Nelson |
| 407243 | Nelson |
| 407244 | Nelson |
| 407245 | Nelson |

**Annexure Schedule:** Contains 2 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 territorial authority has consented to this transaction and I hold that consent, or the affected easement is not the subject of a condition imposed by the territorial authority | ☑ |

**Signature**

Signed by David Phillips as Grantor Representative on 21/10/2009 03:21 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 David Phillips as Grantee Representative on 21/10/2009 03:22 PM

***** End of Report *****

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Approved by Registrar-General of Land under No. 2002/6057

**Easement variation instrument to vary ~~easement, *profit à prendre,* or~~ land covenant**

*Sections 90C and 90F, Land Transfer Act 1952*

**Land registration district**

NELSON

Registrar-General of Land Approval 02/6057EF A.D.L.S.

**BARCODE**

**Grantor** *Surname(s) must be underlined or in CAPITALS.*

CDL LAND NEW ZEALAND LIMITED

**Grantee** *Surname(s) must be underlined or in CAPITALS.*

CDL LAND NEW ZEALAND LIMITED

**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, negatived,** or **added to** as set out in Annexure Schedule 1.

**Dated** this day of **2009**

**Attestation**

| | |
|---|---|
| | **Signed in my presence by the Grantor**<br>*Signature of witness*<br>*Witness to complete in BLOCK letters (unless legibly printed)*<br>**Witness name**<br>**Occupation**<br>**Address** |
| **Signature [common seal] of Grantor** | |

| | |
|---|---|
| | **Signed in my presence by the Grantee**<br>*Signature of witness*<br>*Witness to complete in BLOCK letters (unless legibly printed)*<br>**Witness name**<br>**Occupation**<br>**Address** |
| **Signature [common seal] of Grantee** | |

**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.

Approved by Registrar-General of Land under No. 2002/6057

## Annexure Schedule 1

Registrar-General of Land Approval 02/6057EF A.D.L.S.

Easement variation instrument | Dated | Page ☐ of ☐ 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) |
|---|---|---|---|
| Variation of Land Covenants created by EI8255182.6 | Land Covenants by EI8255182.6 | <u>For height restriction (refer clause 1 below)</u>: | |
| | | 407233, Lot 26 | Lots 27-37, and Lots 1-3 |
| | | 407234, Lot 27 | Lots 26 and 28-37, and Lots 1-3 |
| | | 407235, Lot 28 | Lots 26 and 27, and 29-37, and Lots 1-3 |
| | | 407239, Lot 32 | Lots 26-31, 33-37, and 1-3 |
| | | 407240, Lot 33 | Lots 26-32, 34-37 and 1-3 |
| | | <u>For reduction of minimum floor area on Lot 34 (refer clause 2 below)</u>: | |
| | | 407241, Lot 34 | Lots 26-33, 35-37 and 1-3 |
| | | ("the Servient Lots") | ("the Dominant Lots") |

**Variation of terms, covenants or conditions** *(Continue in additional Annexure Schedule if required.)*

1. **Height Restrictions on Lots 26, 27, 28 , 32 and 33**
   The registered proprietor of any Servient Lot [being Lots 26, 27, 28, 32 and 33] will not at any time hereafter erect or permit to be erected any dwelling, building, mast, aerial or other structure of any nature whatsoever on the Servient Lot to a height exceeding 5 metres above ground level. For the purposes of this clause the height shall be measured between the highest point of the dwelling, building, mast, aerial or structure and the ground level immediately below that point and the ground level for the purposes of measuring this height shall be the level prior to any excavation of the building platform or any filling of land other than that taken at the time of the subdivision to prepare the allotments shown on DP 420302.

2. **Variation of Covenant Regarding Lot 34**
   The minimum floor area for Lot 34 is reduced from 140m$^2$ to 125m$^2$ for a single storey dwelling. Clause 2.1.1 is varied to provide as follows regarding Lot 34:
   "*2.1.1 Not erect a dwelling on Lot 34 with a floor area (excluding garage, carports and decking) of less than 125m$^2$ (taken over all the framing plate not over the foundation) and it shall be constructed to a shape other than a simple rectangle containing at least one roof break or fall valley in the roof.*

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