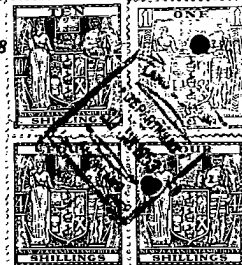


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-01011870

Approved by the District Land Registrar, Auckland, No. 2688

Memorandum of Transfer.



WHEREAS JOHN REES GEORGE (Three-fourths share) and FREDERICK ALBERT AUDLEY (One-fourth share) both of Devonport Chemists (hereinafter called "the Owners") are being-registered as proprietors of an estate in fee simple as tenants in common in the shares set out

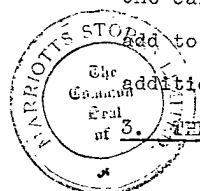
subject, however, to such encumbrances, liens, and interests as are notified by memoranda underwritten or endorsed hereon, in that piece of land described in the First ... Schedule hereto AND WHEREAS MARRIOTT'S STORES LIMITED a company duly incorporated under "The Companies Act, 1933" and having its registered office at Auckland (hereinafter called "the Company") is registered as proprietor of an estate in fee simple subject however to such encumbrances liens and interests as are notified by memoranda underwritten or endorsed hereon in that piece of land described in the Second Schedule hereto AND WHEREAS the South-western boundary of the land described in the said First Schedule is the North-eastern boundary of the land described in the said Second Schedule AND WHEREAS the parties hereto have agreed that the present wall erected on such boundary as more particularly shown on the plan hereto annexed shall be deemed to be a party wall

N O W THIS TRANSFER WITNESSETH that IN PURSUANCE of such agreement and IN CONSIDERATION of the premises the Owners DO HEREBY TRANSFER AND GRANT to the Company and the Company DO TH HEREBY TRANSFER AND GRANT to the Owners the respective rights and easements hereinafter appearing to the ... intent that the same shall be forever appurtenant to and used and enjoyed together with and shall run with the said respective lands described in the First and Second Schedules hereto but subject to the respective liabilities hereinafter appearing and each of them the Owners of the first part and the Company of the second part and so as to bind themselves and their respective executors administrators successors and assigns and all persons claiming title under them respectively DO AND DO TH HEREBY COVENANT AND AGREE with the party or parties of the other part and their or its respective executors administrators successors and assigns that they or it will duly and punctually observe perform and carry out the agreements and liabilities herein contained or ... implied that is to say :

1. THAT the said existing wall on part of the boundary line between the said respective lands and shown on the plan annexed hereto shall be and be deemed to be a party wall

2. EITHER the Owners or the Company shall be entitled on giving to the other One calendar months notice in writing of their or its intention so to do to add to the height of the said wall along all or any part of its length such additions to be in conformity with the existing wall

3. THE cost of any such additions (including strengthening rendered necessary



by such additions) shall in the first instance be paid by the party erecting. the same and the other party shall before making use thereof or of any part thereof in connection with any building or premises pay to the party erecting such additions a sum of money equal to one half of the cost of erection including foundations (if any) of so much of such additions as are about to.. be used by such other party

4. THE maintenance and repair of any such party wall whether present or ... additional or substituted shall if rendered necessary by the act or default of one party be borne solely by that party but otherwise shall be borne by the parties in proportion to the respective use made by them of the portion of the wall benefitting by such maintenance or repair

IN WITNESS WHEREOF this Transfer has been executed this 23rd day of December One thousand nine hundred and fifty- two

THE FIRST SCHEDULE

ALL THAT piece of land containing SIX PERCHES more or less being part of Lot. 5.9956 20 Section 3 of the subdivision of Allotments 22 and 22A Section 2 of the Parish of Takapuna and being the whole residue of the land comprised and described in CERTIFICATE OF TITLE VOLUME 76 FOLIO 27 (Auckland Registry) ... 1063 210 Together with the Right of Way created by Transfer No.17877 and subject to the Right of Way created by Transfer No.17878

THE SECOND SCHEDULE

ALL THAT piece of land containing SIX PERCHES more or less being parts of .. 605 Lots 20 and 21 of Section 3 of the subdivision of Lots 22 and 22A of Section 2 of the Parish of Takapuna and being formerly part of the land comprised and described in the said CERTIFICATE OF TITLE VOLUME 76 FOLIO 27 and all the land comprised and described in CERTIFICATE OF TITLE VOLUME 76 FOLIO 10 now all the land comprised and described in CERTIFICATE OF TITLE VOLUME 1063 FOLIO 209 (Auckland Registry) Together with the Right of Way created by Transfer No.17878

SIGNED by the said JOHN REES GEORGE in the presence of : John Rees George

SIGNED by the said FREDERICK ALBERT AUDLEY in the presence of : F.A. Audley

THE COMMON SEAL of HARRIOTT'S STORES LIMITED was hereto affixed by ... order of the Directors in the presence of : Governing Director Secretary



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N. 01011870

INL 16617

CLARENCE ST.

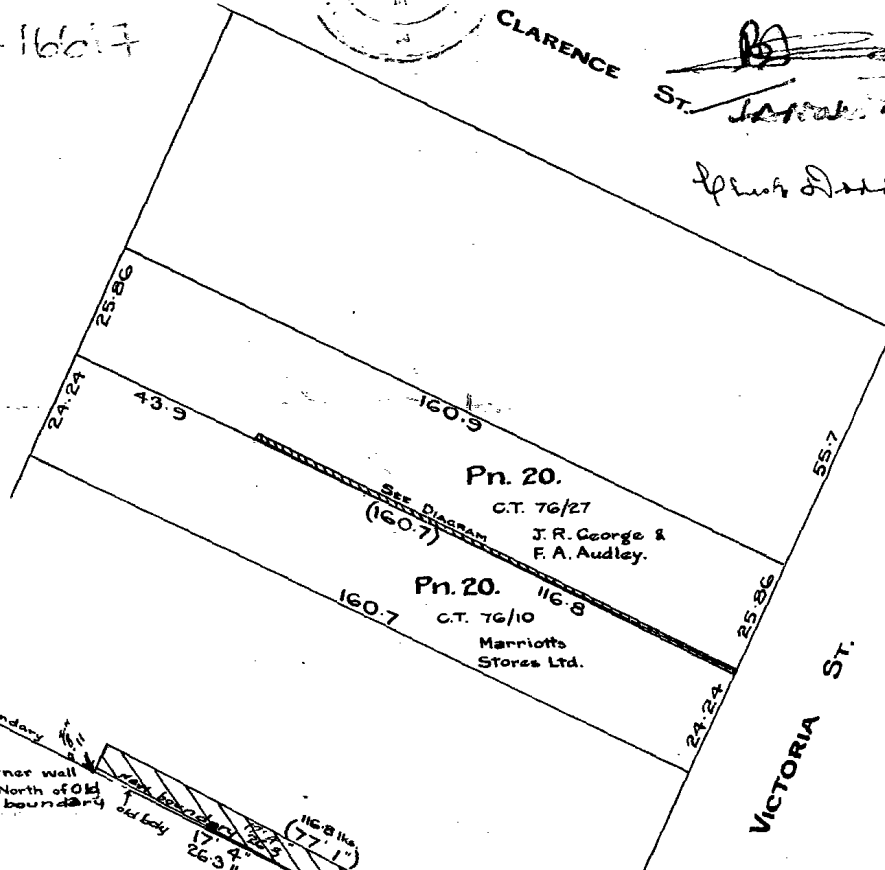
ST.

GOVERNING DIRECTOR

GOVERNING DIRECTOR

SECRETARY

John D. ...



S.E. corner wall
0' 0 1/2" North of Old
0-11 lks boundary

5th Face of wall
coincident with Bdy.

DIAGRAM

NOT TO SCALE.

Correct
R. S. ...
LT. Draughtsman
(51) 4-103

5th Face of wall
0' 3" South of Bdy.
0.38 lks

72 Aug 1903

PLAN SHOWING BRICK WALL
IN COMMON USE BY OWNERS OF LAND COMPRISED IN C.T. 76/27 & 76/10.

Scale: 30 links to an inch.

Harrison & Grierson, Regd. Surveyors.

519743

No.

GRANT OF PARTY WALL RIGHTS

68

Correct for the purposes of the Land Transfer Act

TRANSFER

of Pt. Lot 20 Sec. 3
Subdvn. Al-lots. 22 & 22A
Parish of Takapuna

J.R. GEORGE & ANOR

Vendor.

Chadwick
Solicitor for Purchaser.

MARRIOTT'S STORES LIMITED

Purchaser.

Particulars entered in the Register Book,

1063/209, 210.

30 day of January, 1953

at o'clock.



Chadwick
Assistant Land Registrar

of the District of Auckland.

Affects GT 76/27,
76/10 & 1063/209

180
15/4/53

17995
130 807 02

RUSSELL, McVEAGH & CO.,

Solicitors,

AUCKLAND.

