

572341.4EC

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

We ROSS GEORGE HAMILTON METCALFE Solicitor and GEORGE MELTON CLENDON Office Manager both of Auckland (the executors in the ~~XXXXX~~ Estate of JAMES DUNNING Deceased) JOHN WALTER MURRAY of Dunedin School Chaplain DONALD JAMES DUNNING of Whangarei Civil Engineer PHYLLIS MAY KIRTON of Dargaville Married Woman and MARION TAYLOR of Waiuku Married Woman

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at **Auckland** on the 19 day of 19 under No. **87483** are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE

DEPOSITED PLAN NO. 87483

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Part Lot 1	Those areas shown marked B,C,D,E & F on Plan	Lot 2	
Right of Way	Part Lot 2	That area shown marked J on Plan	Lot 1	
Party Wall	Part Lot 2	That boundary shown marked K on Plan	Lot 1	
Right of Way and Easement of Encroachment	Part Lot 2	That area shown marked L on Plan	Lot 1	

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers: The easement of encroachment empowers the proprietor of the dominant tenement with the right to have the building erected on the dominant tenement encroach upon the servient tenement within the area shown marked "L" on Deposited Plan 87483
2. Terms, conditions, covenants, or restrictions in respect of any of the above easements.
 - (a) The right of Way shown marked "J" and the Right of Way and Easement of Encroachment shown marked "L" shall terminate upon the death of MILLAR DARROCH DUNNING of England retired and that part of the building referred to in the Right of Way and Easement of Encroachment marked "L" shall be removed on or before the first day of June 1980, (time being the essence) or within three calendar months of the registered proprietor for the time being of Lot 1 on Deposited Plan 87483 being notified in writing of the death of the said MILLAR DARROCH DUNNING, (time being the essence) whichever is the earlier, and the cost of such removal shall be borne by the owner of the said Lot 1 on Deposited Plan 87483 and therefore the Right of Way and Easement of Encroachment marked "L" shall terminate.
 - (b) The party wall shown marked "K" shall terminate upon the building at present situated on Lot 1 Deposited Plan 87483 being demolished or altered or substantially redeveloped, BUT WITHOUT PREJUDICE to the rights of either party against the other in respect of any antecedent breach on the part of such other party of any of his obligations hereunder and until such party wall Easement is terminated as aforesaid each party shall bear equally the costs of repairing, maintaining and renovating the said party wall unless the want of repair or renovation has been caused by the act or omission on the part of one party only in which case that party shall bear all such costs.
 - (c) And except as aforesaid the said Party Wall shall run with the lands referred to in the schedule hereto and the rights and obligations hereby created shall be binding on the parties hereto and their respective executors or administrators and all persons and bodies corporate claiming under them.

DATED this 19th day of December 1978

SIGNED by the above-named
ROSS GEORGE HAMILTON METCALFE
in the presence of:

[Signature]
Solicitor Auckland

SIGNED by the above-named
DONALD JAMES DUNNING
in the presence of:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]

~~2. Terms, conditions, covenants, or restrictions in respect of any of the above easements.~~

SIGNED by the above-named
PHYLLIS MAY KIRTON
in the presence of:

} *Ph Kirtton*

M. J. A.
SIGNED by the above-named
MARION TAYLOR
in the presence of:

} *M. Taylor*

SIGNED by the above-named
GEORGE MELTON CLENDON
in the presence of:

} *G. M. Clendon*

Solicitor Auckland.
SIGNED by the above-named
JOHN WALTER MURRAY
in the presence of:

} *J. W. Murray*

J. W. Murray
Law Clerk to
R. G. W. Inglefield
Solicitor
Auckland

Dated this _____ day of _____ 19____

Signed by the above-named

in the presence of

Witness

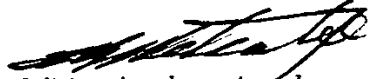
Occupation

Address

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Correct for the purposes of the
Land Transfer Act



Solicitor for the registered proprietor



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DIST. LAND REGISTRY
AUCKLAND NO. 1

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