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15-K-64 82307

(Approved by the District Land Registrar, Auckland, No. 3280)

[New Zealand

# A32040 TE Memorandum of Transfer By way of Drainage Easement

**Whereas** VISTA HEIGHTS (TITIRANGI) LIMITED ✓ duly incorporated company having its registered office at Auckland (hereinafter with its successors and assigns referred to as and included in the term "the Grantor") 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 those pieces of land situate in the Land Registration District of Auckland containing being those parts of Lots 5 and 6 and 28 on a plan lodged for deposit in the Land Registry Office at Auckland as No. 53405 as are shown coloured blue on the diagrams attached hereto being part of Allotment 29 of the Parish of Waikomiti and being part of the land comprised and described in Certificate of Title Volume 1865 Folio 67 (North Auckland Registry) SUBJECT as to said parts of Lots 5 and 6 to Building Line Restriction contained in K95221 and SUBJECT ALSO as to said parts of Lots 5, 6 and 28 to Memorandum of Mortgage No. 555839 in favour of The National Bank of New Zealand Limited

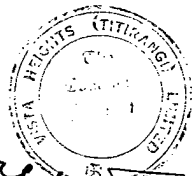
AND WHEREAS the Grantor has agreed to transfer and grant unto the Body Corporate called **THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF WAITEMATA** (hereinafter with its successors and assigns referred to as and included in the term "the Corporation") the easements and other rights hereinafter set out NOW THIS MEMORANDUM OF TRANSFER WITNESSETH that IN PURSUANCE of the said Agreement and IN CONSIDERATION of the premises the Grantor DOTH HEREBY TRANSFER AND GRANT unto the Corporation as an easement in gross full and free right liberty and license for all time hereafter to carry convey lead drain and discharge water whether rain tempest spring soakage or seepage water in any quantities on to through or over the said land AND to collect and concentrate at such place or places on any of the roads shown on the said plan as the Corporation shall think fit all water which shall fall upon or otherwise make its way on to or be directed or diverted on to the said roads or any of them and to carry convey lead drain discharge or allow to escape in any quantities the said water from such roads or any of them on to the said land or any part or parts thereof AND for any of the purposes aforesaid and from time to time to construct dig lay extend maintain alter repair renew and cleanse open drains pipes or conduits through over along or under the said land or any part or parts thereof AND ALSO full power and authority for the Corporation its surveyors engineers workmen contractors agents and servants with or without horses carts motor or other vehicles

and machinery plant and equipment from time to time and at all times to enter and remain for any of the purposes aforesaid, upon the said land or any part or parts thereof as shall be necessary for such purposes and generally to do and perform such acts and things in or upon the said land as may be necessary or proper for or in relation to any of the purposes aforesaid PROVIDED HOWEVER that all works authorised to be carried out hereunder shall be carried out as expeditiously as possible and with as little disturbance as possible to the surface of the said land. AND PROVIDED FURTHER that the Corporation shall not be responsible for any damage caused by the exercise by it of the rights hereinbefore conferred on it or by the deposit of silt or debris on the said land or any part or parts thereof AND IT IS HEREBY DECLARED AND AGREED that nothing herein contained or implied shall compel or be deemed to compel the Corporation to carry lead convey conduct drain or discharge water through open drains pipes or conduits on the said land or any part or parts thereof AND THAT the Corporation may discontinue such drainage and recommence such drainage at will AND THAT nothing herein contained or implied shall abrogate limit restrict or abridge or be deemed to abrogate limit restrict or abridge any of the rights powers and remedies vested in the Corporation at common law or by statute AND the Grantor DOTH HEREBY COVENANT with the Corporation that it will not at any time hereafter do or permit the doing of any act which will in any way whatsoever interfere with the enjoyment by the Corporation of the rights and privileges vested in or conferred on it by virtue of these presents

In Witness Whereof these presents have been executed the 2nd day of September One thousand nine hundred and sixty-four ✓

THE COMMON SEAL of VISTA HEIGHTS (TITIRANGI) LIMITED  
was hereunto affixed in the presence of:-

✓  
*James*  
SECRETARY



THE NATIONAL BANK OF NEW ZEALAND LIMITED the Mortgagee named and described in Memorandum of Mortgage No. 555839 DOTH HEREBY CONSENT to the foregoing Memorandum of Transfer by Way of Drainage Easement.

DATED this 2nd day of September 1964. ✓

SIGNED by THE NATIONAL BANK OF NEW ZEALAND LIMITED by its Attorney  
**WILLIAM TREVOR BIGGAR**  
in the presence of:-

THE NATIONAL BANK OF NEW ZEALAND LIMITED  
BY ITS ATTORNEY

*W. J. Biggar* ✓

*James*  
Bank Officer  
Wellington

I, **WILLIAM TREVOR BIGGAR** of the City of Wellington in the Provincial District of Wellington in New Zealand Inspector of The National Bank of New Zealand Limited do solemnly and sincerely declare:—

1. THAT I am the Attorney of The National Bank of New Zealand Limited under a certain Deed Poll or Power of Attorney bearing date the 15th day of November 1945 under the Common Seal of the said Bank (which Power of Attorney is deposited in the Deeds Register Office at Wellington as No. 4612 and a copy of which is deposited in the Land Registry Offices at:—

Auckland	as No.	10299	Invercargill	as No.	2094
Blenheim	" "	667	Napier	" "	3080
Christchurch	" "	8087	Nelson	" "	965
Dunedin	" "	5080	New Plymouth	" "	2092
Gisborne	" "	1896	Wellington	" "	8861
Hokitika	" "	325			

and in the Wardens Court at Waihi as No. 18006  
and in the Wardens Court at Te Aroha " " 4901)

AND under a certain Deed of Delegation bearing date the 4th day of January 1961 under the hand of the General Manager in New Zealand of the said Bank (a copy of which Deed of Delegation is deposited in the Land Registry Offices at:—

Auckland	as No.	14456	Invercargill	as No.	173749
Blenheim	" "	34167	Napier	" "	160643
Christchurch	" "	542371	Nelson	" "	76823
Dunedin	" "	228917	New Plymouth	" "	113699
Gisborne	" "	66724	Wellington	" "	483543
Hokitika	" "	25938			

and in the Wardens Court at Waihi as No. 24736  
and in the Wardens Court at Te Aroha " " 5893)

2. THAT I have executed the annexed *consent by Banks to memo of Transfer by way of drainage re memo. of mortgage No. 555839 Auckland Registry* as the Attorney of the said Bank under the powers conferred on me by the said Power of Attorney and Deed of Delegation.
3. THAT I have not at the time of making this declaration received any notice of the revocation of the said Power of Attorney or Deed of Delegation whether by winding up of the Bank or otherwise.
4. THAT I am an Inspector of the said Bank and as such am a person for the time being entitled to exercise all or any of the powers conferred by the said Deed of Delegation.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at Wellington by the said

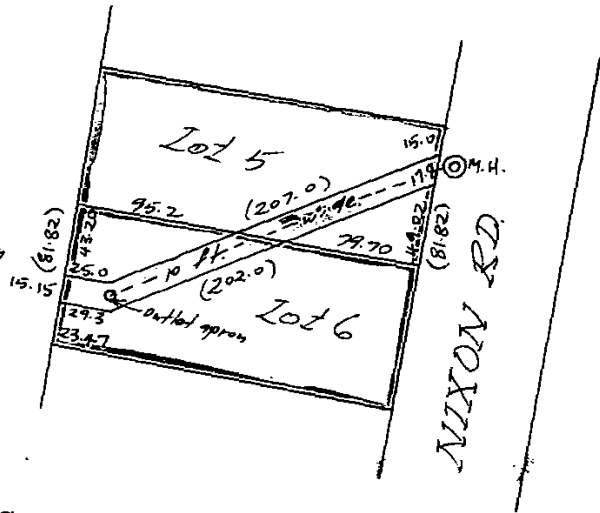
**WILLIAM TREVOR BIGGAR** this

2nd day of *September* 19 *64*  
before me:—

*W. J. Biggar*  
A Justice of the Peace for New Zealand.

A32040 TE

Note: c/c of easement is on  
c/c of 18" diam.  
Stormwater pipe.



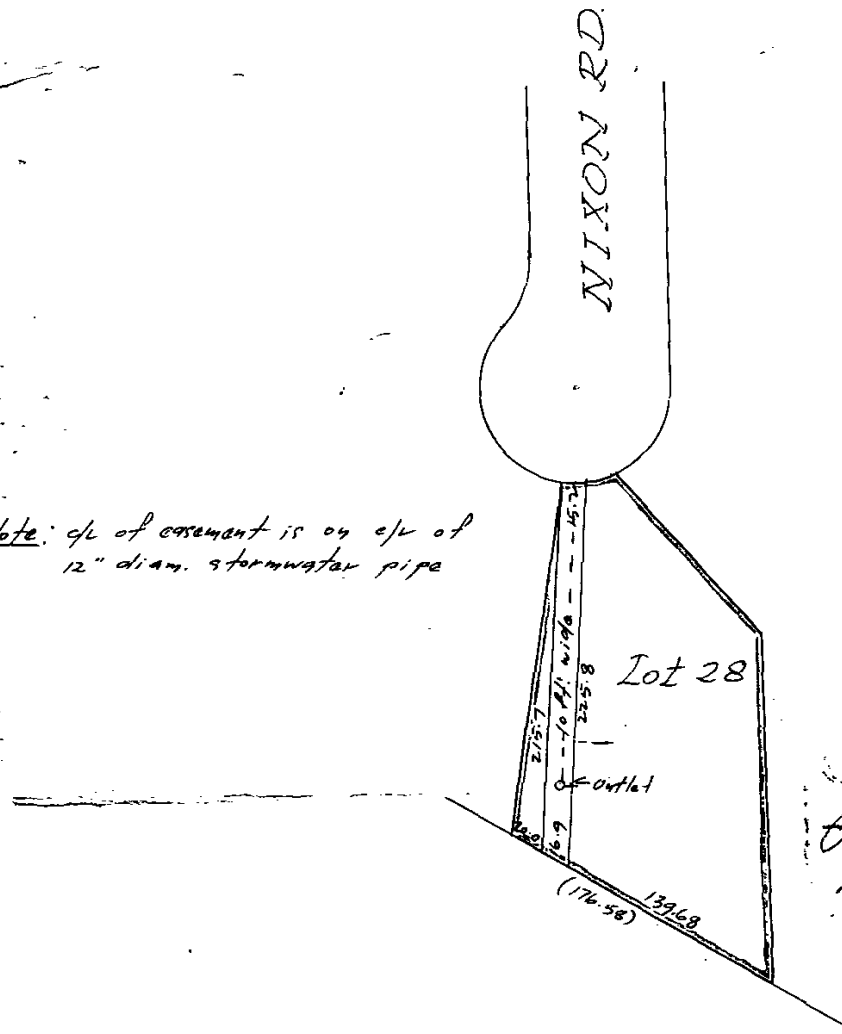
*[Handwritten signature]*

22/9/64

Plan showing stormwater drainage easement over  
Lots 5 & 6, L.T. 53405, being Pt. Allot. 29, Parish  
of Waikomiti.

Scale: One chain to an inch.

Note: cp of easement is on ep of  
12" diam. stormwater pipe



Project  
for Draughtsmen,  
5-110164

Diagram showing stormwater drainage easement  
over Lot 28, I.T. 53405, being Pt. Allot. 29, Parish of  
Waikomiti.

Scale: one claim to an inch.

No. A 32040

308

Correct for the purposes of the Land Transfer Act.

### Transfer By way of Drainage

Easement over Pts Lots 5, 6 and  
28 pt Allot 29 Parish of Waikomiti

*J. Anne Henry*

Solicitor for the Transferee

VISTA HEIGHTS (TITIRANGI) LIMITED Transferor.

THE WAITEMATA COUNTY COUNCIL—Transferee.

Particulars entered in the Register-Book, Vol.

folio 1865/67

this 15th day of September 1964

at 2.21 o'clock

*W. Phillips*

Assistant Land Registrar  
of the District of Auckland



(5)



<b>LAND &amp; DEEDS</b> EARL, GIBBS, MASSEY, PALMER & HAMER Solicitors AUCKLAND, N.Z. Date: 15 SEP 1964 Time: 2.21 Fee: £ 2 : 2 : - Abstract No.	<b>LAND &amp; DEEDS</b> Solicitors AUCKLAND, N.Z. Date: 15 SEP 1964 Time: 2.21 Fee: £ 1 : 12 : - Abstract No. 25185
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