

# Memorandum of Transfer.

479142 TE  
01/11/84

AGREEMENT, TRANSFER, ASSIGNMENT, MORTGAGE  
 Stamped with duty of  
 11/- 22/4/48  
 on / / /  
 Commissioner of Stamp Duties  
 AUCKLAND

WHERAS CHARLES JOHN MacCULLOCH of Epsom Co. is .....

being regist...

subject, however, to such encumbrances, liens, and interests as are notified by memoranda underwritten or endorsed hereon, in those pieces of land containing together EIGHT ACRES ONE ROOD FOUR PERCHES more or less being Lots 4 6 7 8 15 23 24 and 26 on a Plan deposited in the Land Registry Office at Auckland as Number 37552 and being part of Allotment 17 Parish of Waikomiti and being part of the land comprised in CERTIFICATE OF TITLE VOLUME 904 FOLIO 212 (Auckland Registry) Subject however to certain rights as to the piping of water created in and by Deed No. 206851 (R178/402) in favour of The Mayor Councillors and Citizens of the City of Auckland AND WHEREAS the said CHARLES JOHN MacCULLOCH (hereinafter called "the transferor") requested THE BODY CORPORATE KNOWN AS THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF WAITEMATA (hereinafter called "the transferee") to approve of the scheme

of subdivision shown on the said plan which the transferee agreed to do upon the transferor giving the easement hereinafter set forth. N O W THIS INSTRUMENT WITNESSETH that in pursuance of the said agreement and IN CONSIDERATION of the premises the transferor DOTH HEREBY TRANSFER AND GRANT unto the transferee its successors and assigns as an easement in gross full right liberty and license at all times hereafter :

(a) TO collect and concentrate at such place or places on any of the roads shown in the said plan as the transferee shall think fit all water whether from rain tempest spring seepage or soakage which shall fall upon or otherwise make its way to or upon any of the said roads and to drain discharge or allow to escape in any quantities the said water from any of such roads on to any part or parts of the lands hereinbefore described and without being responsible for any damage caused thereby or by the deposit of silt or debris brought on to the said lands or any part or parts thereof

(b) FROM time to time and at any time to enter upon the said lands or any part or parts thereof and thereon to dig lay construct repair maintain and inspect such drains and sewers as may be necessary or desirable for the better disposing of water which under the provisions hereof the transferee has the right to drain discharge or allow to escape from any of the said roads on to the said lands as aforesaid and to use the said drains or sewers for the purpose and as may be necessary or desirable in order to obtain the benefit of the grant hereby made PROVIDED HOWEVER that in digging laying or constructing any such drain or sewer the transferee shall be bound to cause.

to the lands upon which the same is to be dug laid or constructed as little ..  
damage as reasonably practicable due regard being had to recognised ..  
engineering principles of drainage and to the necessity for causing a ..  
minimum of damage and inconvenience to the general body of owners or ..  
occupiers of lands which may be affected by the construction of any such ..  
drain or sewer

AND THE TRANSFEROR DOETH HEREBY for himself and his executors administrators ..  
and assigns and the registered proprietor or proprietors for the time being ..  
of the said land COVENANT with the transferee its successors and assigns. ..  
that the transferor his executors administrators and assigns or such ..  
registered proprietor or proprietors as aforesaid will not at any time ..  
hereafter do or commit any act which will in any way interfere with the ..  
enjoyment by the transferee of the rights and liabilities hereby vested in. ..  
it by virtue of the provisions hereof AND IT IS HEREBY DECLARED that the ..  
rights and immunities from liability which the transferee may now or ..  
hereafter possess by virtue of any statute or at common-law shall not be ..  
prejudiced by the foregoing grant And no liability shall be created or ..  
deemed to be created upon the transferee in respect of the flow of water ..  
or solids from the point or points at which the same may enter upon or be ..  
deposited upon the said land

IN WITNESS WHEREOF this instrument has been executed this 28<sup>th</sup> ..  
day of August One thousand nine hundred and fifty

*CM* SIGNED by the said CHARLES JOHN MACCULLOCH) *Chas John MacCulloch*  
as transferor in the presence of : )  
*W. Massey,*  
*Solicitor,*  
*Auckland*

479142

Correct for the purposes of the Land Transfer Act

**TRANSFER** drainage easement  
over Lots on D.P.  
37552

*Ch. Cultray*

Solicitor for Purchaser

CHARLES JOHN MacCULLOCH Vendor.

THE WAITEMATA COUNTY Purchaser.

*Transfers 516995 surrendering the drainage rights  
over lot 7 plan 39918, the Chairman, Councillors  
and Inhabitants of the Borough of Waitemata  
to John Arthur Stains and his assigns.  
Produced 12/11/1950 at 10:46 o'clock.*

Particulars entered in the Register Book,  
16/268-269

90th day of  
at 10:46 o'clock.

*W. J. Wapew*

Assistant Land Registrar

of the District of Auckland.



17899  
130 1306 02



RUSSELL, McVEAGH & CO.,

Solicitors,

AUCKLAND.

