

Memorandum of Transfer
BY WAY OF DRAINAGE EASEMENT

WHEREAS IAN BRUCE O'BRIEN of Auckland Worker (hereinafter called "the Grantor") is

~~being~~ registered as proprietor of an estate in fee simple

Subject however to such encumbrances liens and interests as are notified by memorandum underwritten or endorsed hereon in All the land situate in the Land Registration District of North Auckland more particularly described in the Schedule hereto (hereinafter called "the said land")

~~IN CONSIDERATION of the sum of~~

~~paid to~~

~~by~~

~~(hereinafter referred to as "the Transferee") (the receipt whereof is hereby acknowledged) DO~~ **HEREBY TRANSFER**
~~unto the Transferee all~~ **estate and interest in the land described in the Schedule hereto**

~~IN WITNESS WHEREOF these presents have been executed the~~

~~day of~~

~~19~~

SCHEDULE

AREA	LOT AND DEPOSITED PLAN	OTHER DESCRIPTION	TITLE REFERENCE
3.3991 ha	Lot 1 D.P. 83291	Being part Allotment 39 / Parish of Waikomiti	All C.T. / 39D/26
4.7032 ha	Lot 2 D.P. 83291	Being part Allotment 39 Parish of Waikomiti	All C.T. / 39D/27

MEMORANDUM OF ENCUMBRANCES

Fencing covenants in Transfers 599975 & 718313

AND WHEREAS the Grantor has agreed to transfer and grant unto the Body Corporate called THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY 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 DOETH 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 or any of the road 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 DOETH HEREBY COVENANT with the Corporation that he 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 5th

DUNCAN, FLOWER & CO.

BARRISTERS & SOLICITORS

12TH FLOOR
THE NATIONAL INSURANCE BLDG.
27-28 VICTORIA ST. WEST
AUCKLAND.

P.O. BOX 2740

TELEPHONES 32-557, 32-462, 32-552

THOMAS H. FLOWER, LL.B.

WHEN REPLYING PLEASE REFER TO

Mr. Flower

SH

DELIVERED

21st November 1978

District Land Registrar,
Land Transfer Office,
AUCKLAND.

Dear Sir,

RE: TRANSFER I.B. O'BRIEN TO J.L. & J.B. LUGERT LOT 1 DP 83291
CT 39D/26

We have previously attempted to register this Transfer and associated documents but the dealing has been rejected on the basis that the Land Settlement Promotion and Land Acquisition Act 1952 has not been complied with. The land comprises 3.3991 hectares, is situated in the City of Waitemata and is zoned residential. We enclose a copy of the relevant Rate demand and should be pleased if you would allow registration; on the basis that the land is not farm land in terms of the act.

Yours faithfully
DUNCAN, FLOWER & CO

PER: 

Bob.

Accept?

sub.

day of September 1977.

SIGNED by the said IAN BRUCE O'BRIEN
in the presence of:-

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

} *I. B. O'Brien*

TRANSFER of

Correct for the purposes of the Land Transfer Act

R. C. Keam

Solicitor for the Transferee

THE CITY OF WAITEMATA Transferee

IAN BRUCE O'BRIEN Transferor

JAV
(B) (C) (E) (H)

Particulars entered on the Certificates of Title set out in the description of land on the first page herein on the date and at the time stamped below.

District Land Registrar
Assistant
of the District of

EARL KENT MASSEY PALMER & HAMER
Solicitors
Auckland



NOV 21 2 45 PM '78

DISTRICT LAND REGISTRY
AUCKLAND NO. 1

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