

Memorandum of Transfer By Way of Drainage Easement.



e/g. 401/251 and 1090/73



Whereas ALBERT ARTHUR McQUOID of Auckland Farmer

(hereinafter called "the transferor ")

is registered as proprietor of an estate in fee simple

S. d. 11/-

reg 14/-

A. A. McQuoid

per C. C.

subject, however, to such encumbrances, liens, and interests as are notified by memoranda underwritten or endorsed hereon, in those pieces of land containing respectively the areas more or less and being the lots on Deposited Plan No. 41276 specified in the. Schedule hereto being parts of the subdivision of Allotment 4 and others of.. the Parish of Karangahape and part of the land comprised in CERTIFICATES OF.. TITLE VOLUME 401 FOLIO 251 and VOLUME 1090 FOLIO 73 (Auckland Registry)

SUBJECT to the building line restrictions in K 36311 and.. K. 42450.....
And to the reservation imposed by Section 8 of the Coal Mines Act 1950

And whereas 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 hereafter set forth NOW THIS INSTRUMENT WITNESSETH that in pursuance of the said agreement and IN CONSIDERATION of the premises the transferor DO TH 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 on 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 onto 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 onto 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 onto 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

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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 is 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 do th for himself 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

day of

February One thousand nine hundred and fifty four

Signed by the said ALBERT ARTHUR
McQUOID

as transferor in the presence of

W. J. D. [Signature]
Robert [Signature]
W. C. [Signature]

SCHEDULE

Lot 2 area 2 acres 5.7 perches ✓

Lot 23 area 1 rood 32.6 perches

Lot 9 area 1 rood 0.4 perches ✓

Lot 31 area 2 roods 4 perches ✓

Lot 15 area 2 roods 15 perches ✓

Lot 32 area 1 acre 1 rood 27 perches

Book 65 p. 10 Lot 23 area 2 roods 1.8 perches ✓

✓

All shown on Plan 41276

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No. 536801

Correct for the purposes of the Land Transfer Act.

Ch. Bellray

Transfer By Way of Drainage
Easement over Lots 2, 9, 15, 23, 28, 31 and 32
D.P. 41276

Solicitor for Transferee.

A.A. McQUOID Transferor.

THE BODY CORPORATE
KNOWN AS THE CHAIRMAN COUNCILLORS AND
INHABITANTS OF THE COUNTY OF WAITEMATA
Transferee.

Particulars entered in the Register Book, 401/251

+ 1090/73

22nd day of February, 19 54

at 10.29 o'clock.

W. W. W. W.

Assistant Land Registrar

of the District of Auckland.



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73. 2. 54.
10. 29.
14/-

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33035
130 B16 5

✓

RUSSELL, McVEAGH & CO.,
Solicitors,
AUCKLAND.

