

Memorandum of Transfer ENCUMBRANCEWHEREAS

I. COLIN PATRICK DANBY of Auckland, Carpenter and IAN MARIE DANBY his wife  
being registered as proprietors of an estate in fee simple

NEW ZEALAND STAMP DUTY AKS

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 Auckland more particularly described in the Schedule hereto

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
989m <sup>2</sup>	Lot 59, Deposited Plan 28967	Portion of Allotment 244, Parish of Waikomiti, (Town of New Lynn Extension No. 130)	820/14

## MEMORANDUM OF ENCUMBRANCES

SUBJECT TO the provisions of Sections 16 and 17 of the Land Act 1924  
AND TO Agreement as to Fencing contained in Transfer No. 376662  
*Mortgages B.103717.3 and B.103717.4*

II THE WAITEMATA CITY COUNCIL (hereinafter called "the City") is by virtue of the Local Government Act 1974 registered as proprietor of the dedicated road known as Paturua Road, against which road the land described in the Schedule hereto has road frontage.

## Statement of Passing over Information:

This information has been supplied by a third party. Accordingly, the Vendor and Austar Realty Limited are merely passing over this information as supplied to us by others. While we have passed on this information supplied by a third party, we have not checked, audited or reviewed the records or documents and therefore to the maximum extent permitted by law neither the Vendor nor Austar Realty Limited or any of its' salespersons or employees accept any responsibility for the accuracy of the materials. Intending purchasers are advised to conduct their own investigation.

III The Encumbrancers wish to erect and maintain on that part of the said dedicated road outlined in red on the plan attached hereto a garage (hereinafter referred to as "the structure") as is shown on the Plan attached hereto in accordance with plans and specifications approved by the City and pursuant to a permit granted by it.

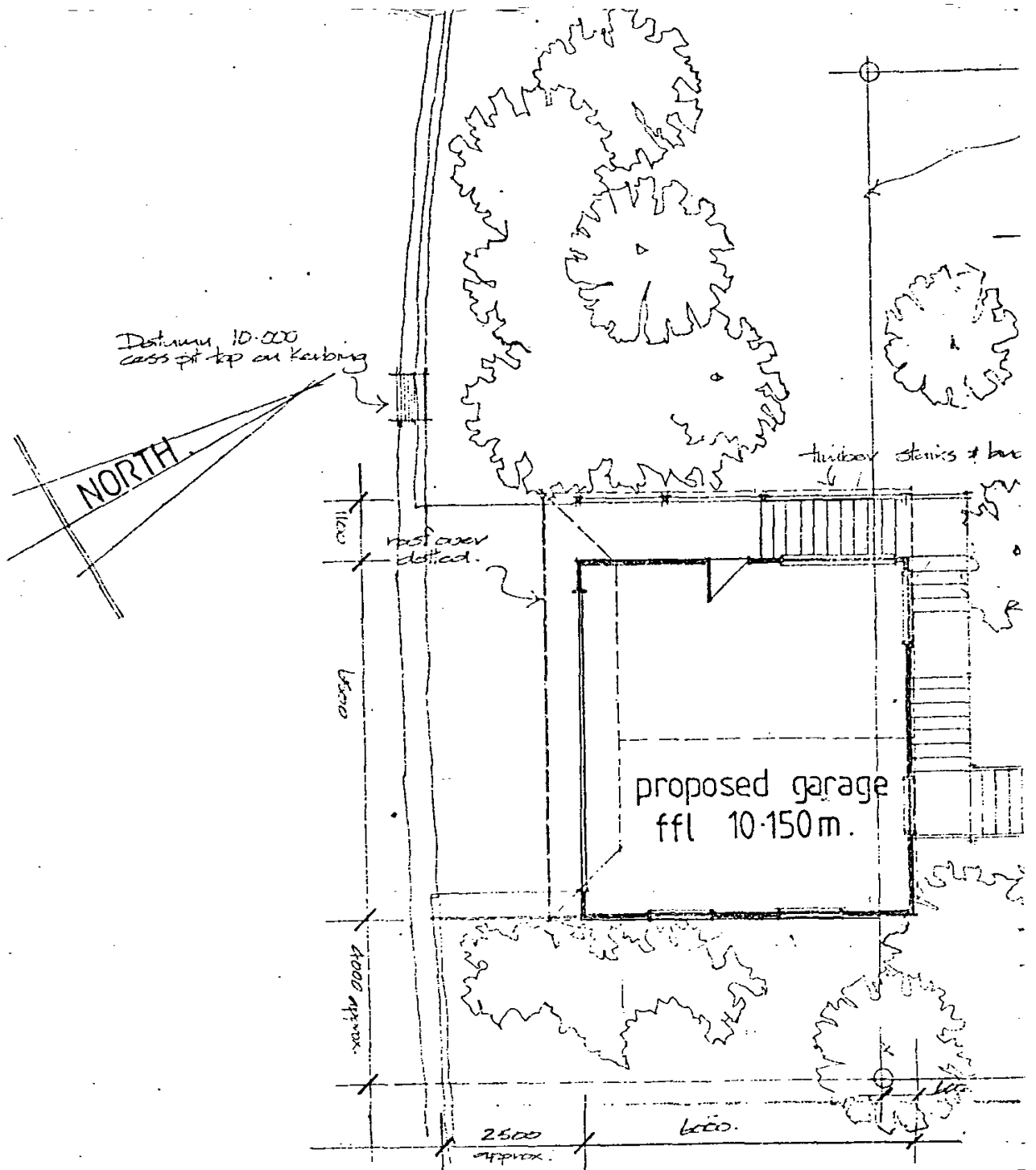
IV The City granted a permit for the erection and shall permit the maintenance of the said structure in pursuance of the power of waiver contained in the City's by-laws and upon certain conditions one of which is that the Encumbrancers grant and make with the City the rent charge and covenant set forth in this Memorandum.

NOW THIS MEMORANDUM WITNESSETH that the Encumbrancers DOTH HEREBY ENCUMBER the land described in the Schedule hereto for the benefit of the WAITEMATA CITY COUNCIL for a term of 999 years determinable however under Clause 3 of this Memorandum with an annual rent charge of TEN DOLLARS (\$10.00) to be paid by the first day of October in each year if demanded by that date, the first payment if so demanded being due by the 1st day of October 1982.

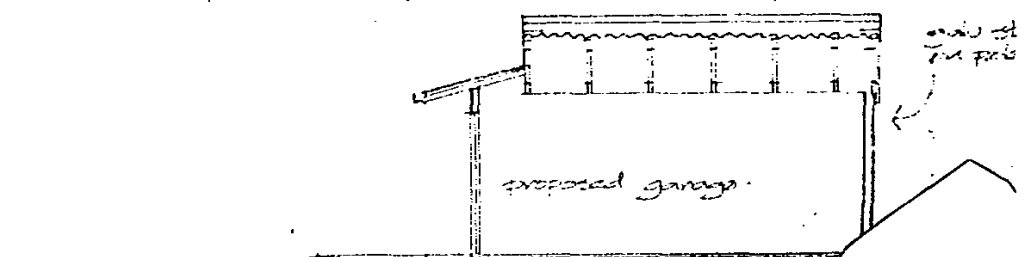
THE ENCUMBRANCERS for themselves and their successors in title covenant with the City:-

1. (a) To comply with all relevant building by-laws to the approval of the City Inspector in respect of the structure hereinbefore referred to and to keep the same painted and maintained to a standard acceptable to the Council.
- (b) Upon receiving notice in writing from the City the Encumbrancers shall within the period of one (1) calendar month from the date of receipt of such notice vacate the dedicated road upon under or over which the said structure is situated and shall at its own expense demolish and/or remove or cause to be demolished and/or removed the structure and shall leave the said dedicated road in such a state as it may be developed as a public work by the City.

PROVIDED THAT the covenants in Subclause (a) and (b) of this clause shall be enforceable only against the owners and occupiers for the time being of the land and not otherwise against the Encumbrancers and their successors in title.



FLOOR & S  
LOT 59 DP



2. IT IS DECLARED that Section 104 of the Property Law Act 1952 applies to this Memorandum of Encumbrance but that otherwise (and without prejudice to the City's rights of action at common law or at equity as a rent charge):-

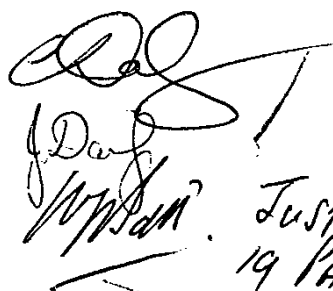
- (a) The City shall be entitled to none of the powers and remedies given to Encumbrancers by the Land Transfer Act 1952 and the Property Law Act 1952 and
- (b) No covenants on the part of the Encumbrancers and their successors in title are implied in this Memorandum other than the covenants for further assurance implied by Section 154 of the Land Transfer Act 1952.

3. THIS rent charge shall immediately determine and the Encumbrancers shall be entitled to a discharge of this Memorandum of Encumbrance:-

- (a) If the structure is destroyed or pulled down or removed from the road or
- (b) If the covenants expressed in this Memorandum otherwise become obsolete or no longer enforceable.

4. IN the event of the Encumbrancers not complying with the provisions of Clause 1(b) hereof by failing to demolish and/or remove the structure from the said road within the period of one (1) calendar month from the date of receipt of the written notice as aforesaid the City shall have the right to enter on to the said road to carry out such demolition and/or removal at the expense of the Encumbrancers and without compensation being payable to the Encumbrancers by the City whatsoever.

SIGNED by the said  
COLIN PATRICK DANBY  
and JAN MARIE DANBY  
in the presence of:

  
(Danby)  
Witness

Justices of the Peace  
19 PATERSON ROAD  
TIRIRANGI

5TH Nov. 1982

**TRANSFER of**

Correct for the purposes of the Land Transfer Act

C.P. & J.M. DANBY

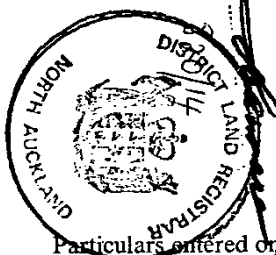
*Transferee*

WAITEMATA CITY COUNCIL

*Transferor*

*Solicitor for the Transferee*

2.26 10.MAR83 B 156247.1  
PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY AUCKLAND  
ASSI. LAND REGISTRAR



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*

26814/4  
EARL KENT MASSEY PALMER & HAMER  
Solicitors  
Auckland

B156247.1