

014426.2T

40 DEN

(Approved by the District Registrar, Auckland, No. 3360)

(New Zealand)

(C)

Under the Land Transfer Act, 1952

Memorandum of Transfer

WHEREAS JAMES DOUGLAS COLQUHOUN of Papakura, retired farmer (hereinafter called "the transferor")

of an estate in fee simple

being registered as proprietor

TRANSFER, MORTGAGE, LEASE,
ASSIGNMENT and AGREEMENT
stamped with duty of

\$48.00 on 17/8/71
\$ on / /

Dist. Commissioner of Stamp Duty
OTAHUHU

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten

or endorsed hereon in that piece of land situated in the Land District of Auckland

containing TWENTY NINE DECIMAL NINE PERCHES (29.9p)

more or less being Lot 9 on Deposited Plan No. 66128 and being all the land in Deposited Plan 65355 being

AND WHEREAS The transferor when registered proprietor of all the land in Deposited Plan 65355 being part of ~~the~~ the land comprised in Certificate of Title Volume ¹⁰⁵² ~~259~~ Folio ¹⁶⁴ ~~164~~ Auckland Registry subdivided that land into residential lots in the manner shown and defined on Deposited Plan 66128 for the purposes of the sale of the said land in residential lots as a building estate.

AND WHEREAS it is the Transferor's intention that all residential lots contained in the said plan 66128 shall be subject to a general scheme applicable to and for the benefit of all the said residential lots and that the owner or occupier for the time being of each of the said residential lots should be bound by the stipulations and restrictions set out hereunder and that the respective owners and occupiers for the time being of any of the said residential lots may be able to enforce the observance of such stipulations and restrictions by the owners and occupiers for the time being of any of the other said residential lots in equity or otherwise howsoever.

AND WHEREAS by Agreement in writing dated the 3rd day of July 1971 the Transferor agreed to sell the above described land to DAVID JOHN SYME of Papakura Carpenter (hereinafter called The transferee) for the sum of FOUR THOUSAND EIGHT HUNDRED DOLLARS (\$4800.00) and the Transferee agreed to **
The Transferee (the receipt whereof is hereby acknowledged) the Transferor BOTH HEREBY TRANSFER to the Transferee all his estate and interest in the said piece of land above described

AND in pursuance of the premises and for the consideration aforesaid THE TRANSFEE so as to bind the said land above described and for the benefit of the remaining residential lots on the said plan being Lots 3 - 5 + 8

** purchase the said land and to enter into the covenants on the part of the Transferee hereinafter contained. NOW THEREFORE in pursuance of the premises and in consideration of FOUR THOUSAND EIGHT HUNDRED DOLLARS paid to the transferor by the

Dist. Commissioner of Stamp Duty
OTAHUHU

on Deposited Plan 66428 (hereinafter called "the remaining land") DOTH HEREBY COVENANT AND AGREE with the Transferor for the benefit of the remaining land not heretofore transferred by the Transferor and also separately with each and every the registered proprietors of and for the benefit of the remaining land heretofore transferred to such proprietors by the Transferor that the Transferee will henceforth well and faithfully observe perform fulfill and keep all and singular the stipulations and restrictions hereinafter set forth that is to say:

1. THAT he will not use the land hereby sold or permit the same to be used for any trading or commercial purpose including commercial poultry farming.

2. THAT he will not erect or permit to be erected or place or permit to be placed on the said land any dwellinghouse (excluding from calculation thereof the value of any outbuildings and paths) to the value at the time of erection of less than the sum of ^{TWEEVE} NINETEEN THOUSAND DOLLARS (\$2000.00) or any glasshouse exceeding two hundred square feet in area.

3. THAT he will not erect or place or permit to be erected or placed upon the said land any caravan hut or shed to be used as a dwelling or temporary dwelling on the said land.

4. THAT he will not erect or permit to be erected upon the said land any flat or flats nor convert or permit to be converted into a flat or flats any dwelling at any time erected on the said land to the intent that the said land shall not at any time be used other than as a site for a single residential unit.

TO THE END AND INTENT that each of the said stipulations and restrictions shall enure for the benefit of all the remaining land and every part thereof PROVIDED ALWAYS that the Transferor shall not be liable for any breach of the aforesaid covenants in respect of any part of the remaining land in respect of which the Transferor shall have executed a transfer in favour of any purchaser thereof ~~whether or not such transfer shall have been registered~~ AND PROVIDED FURTHER that the Transferor shall not be liable or called upon to contribute towards the cost of the erection or maintenance of any boundary or dividing fence between the land hereby transferred and any adjoining land its property but this proviso shall not enure to the benefit of any purchaser of such adjoining land.

IN WITNESS WHEREOF we have hereunto subscribed *how* name this *31st* day of *July* One thousand nine hundred and seventy-two.

SIGNED by the abovenamed

JAMES DOUGLAS COLQUHOUN as

Transferors in the presence Of :

} *J.D. Colquhoun*

EXECUTED by the said DAVID JOHN SYME

as Transferee in the presence of :

} *David John Syme*
Donnicor
Papahura

In Consideration of

(the receipt of which sum is hereby acknowledged)

Do hereby Transfer to the said

all

estate and interest in the

said piece of land above described

In witness whereof these presents have been executed this

day of

19

Signed by the above named

in the presence of

No.

TRANSFER OF ^{lot 9.}
D.P. 66128

Correct for the purposes of the Land Transfer Act.

Wynne Fisher

Solicitor for the Transferee.

I HEREBY CERTIFY THAT THIS TRANSACTION
DOES NOT CONTRAVENE THE PROVISIONS OF
PART IIA OF THE LAND SETTLEMENT PRO-
MOTION AND LAND ACQUISITION ACT 1952.

Wynne Fisher

SOLICITOR FOR THE TRANSFEE
~~(OR LESSEE)~~

J. D. COLEMAN

Transferor

D. J. SYME

Transferee

Particulars entered in the Register-Book Vol.

Folio

the day of 19
at o'clock

Assistant Land Registrar
of the District of

Planning consent
Restrictive covenant

2

Solicitors for the Transferee

THE LAW SOCIETY OF THE DISTRICT OF AUCKLAND
Penrose Print—15823(S)



Wynne Fisher

AUG 16 12 01 PM '77
22A/78

DISTRICT LAND REGISTRY
AUCKLAND NO. 3

0144262

