

B582219.7 EC



EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/We **BARKER MOKETENUI LIMITED**

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at **SOUTH AUCKLAND** on the day of **1999** under No. **S.85997** are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO. **S.85997**

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way, Right to Transmit Electricity and Telecommunications, Right to Convey Water	Lot 4	A, A1 and A2	Lots 1, 2 and 3	68A/880 68A/881
"	Lot 4	B, B1 and B2	Lots 2 and 3	68A/882
"	Lot 3	C, C1, C2 and C4	Lot 2	68A/883
"	Lot 8	D, D1 AND D2	Lot 7	68A/884
"	Lot 5	F, F1, F2 and F3	Lot 6	68A/885 68A/886 68A/887 68A/888
Right of Way	Lot 11	E, E1 and E2	Lot 10	68A/889
"	Lot 13	M and M1	Part Lot 3 DPS.2742	68A/890 68A/891 68A/892
Right to Convey Water	Lot 4	A, A1, A2, A5, A6, A7, B, B3, B4, B6 and H	Lots 1-3 and Lot 5-11 incl, Lot 13 and part Lot 3 DPS.2742	
"	Lot 3	C7	Lots 1, 2 and Lots 4-11 incl and Lot 13 and part Lot 3 DPS.2742	
"	Lot 5	F, F4, F5, F6, I and I1	Lots 1-4, 6-11 and Lot 13 and part Lot 3 DPS.2742	
"	Lot 2	G	Lots 1, 3-11 incl and Lot 13 and part Lot 3 DPS.2742	
"	Lot 5	F8	Lot 6	
"	Lot 8	D6 and D7	Lot 7	
"	Lot 9	K1, K2, K4, K5 and K6	Lots 7 and 8	
"	Lot 10	L1	Lots 7, 8 and 9	
"	Lot 11	E1, E3 and E4	Lots 7, 8,9 and 10	
"	Lot 13	M, M1, M2 and M3	Part Lot 3 DPS.2742	
Right to convey electricity	Lot 5	F6, F7 F8, F9, F10, F11 and I1	Lots 1-4, 6-11 incl and Lot 13 and part Lot 3 DPS. 2742 2742	



State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

Right of Way

The rights and powers implied in rights of way by the Seventh Schedule to the Land Transfer Act 1952 and the Ninth Schedule to the Property Law Act 1952 shall apply.

Right to Convey Water

WDM
i/s
The grantees (both jointly and severally) acknowledge that the right to convey water granted pursuant to this easement shall not take effect unless and until the ^{Awanuihangī} ~~Pikowai~~ Road Residents Association Incorporated ('the Residents Association') ceases to operate a water supply scheme ('the Scheme') for the benefit of the grantees.

Right to Transmit Electricity and Telecommunications Services

The following rights and powers shall apply to each electricity and telecommunications services easement:

- (a) The grantee shall have the right to free and uninterrupted passage and running of electricity and telecommunications services to and from the grantee's property through, over and along all conducting media which are now or are to be laid in, over or under the servient land for the use and enjoyment of the dominant land.
- (b) The right for the grantee and persons authorised by the grantee to enter on the servient land with or without workers, materials and specialist services for the purposes of repairing, maintaining, renewing and the relaying or removing of any such conducting media; the persons exercising such right causing as little damage and inconvenience as reasonably practical in so doing and making good immediately any damage caused to the servient land.
- (c) The cost of such repairs to the electricity and telecommunications services as are necessary to keep the same in good order, repair and condition and to prevent the same becoming a danger or a nuisance shall be borne equally by the registered proprietors for the time being of the dominant tenement and the servient tenement except where such repair is due to any act or default of any one of the registered proprietors or those for whom such registered proprietor is responsible in which case such cost shall be borne by that registered proprietor.



2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Right to Convey Water

1. Each grantee shall:-

- (a) Fit and maintain in a servicable state a standard in-line flow meter at the entry point of the Scheme to that grantees Lot and shall make the meter accessable and able to be read for the purposes of administering the Scheme.
- (b) Take all reasonable steps necessary to ensure continuity of the flow of water from the Scheme and not act in any way detrimental to the continuing effective supply of water from the Scheme to the grantees generally.
- (c) Contribute to a common fund under the control of and administered by the Resident's Association for the management and maintenance of the Scheme. The contribution of each grantee shall be such sum as is levied by the Resident's Association and in default of any levy being made shall be assessed six monthly on the basis of the metered flow of water to each dominant tenemen and charged at a rate equivalent to the rate then being charged by the Whakatane District Council (or its successor or other authorised local authority) for the supply of water in the District in which the Land is situated.
- (d) In the event of a shortage of water from the source of supply to the Scheme each grantee shall be entitled to a supply based on the proportion which that grantee's usage represents of the total usage of grantees based on past availability of supply from the Scheme.

Dated this 11th day of November 1999

Signed by the above-named

Barker Moketenui Limited
by its directors William
Francis Irwin Hunt and
Rosemary Studholme Hunt
in the presence of

W.F.I. Hunt
R. Studholme

Witness

Occupation

Address

Correct for the purposes of the Land Transfer Act 1952

[Signature]
(Solicitor for) the registered proprietor:



EASEMENT CERTIFICATE

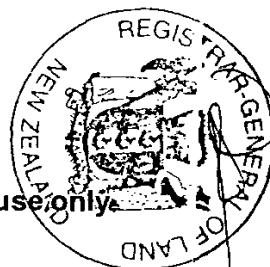
Land Transfer Act 1952

SUBJECT TO SECTION 243(a)
RESOURCE MANAGEMENT ACT 1991

[Signature]
for RGL

Law Firm Acting
Tompkins Wake Solicitors HAMILTON

Auckland District Law Society
REF: 495C /4



11.25 07.DEC99 B 582219.7
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY SOUTH AUCKLAND
FOR REGISTRAR - GENERAL OF LAND

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(except for "Law Firm Acting")

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