

WESTERN



AUSTRALIA

REGISTER NUMBER

2/DP416036DUPLICATE
EDITION**N/A**

DATE DUPLICATE ISSUED

N/A

VOLUME

4004

FOLIO

267

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 2 ON DEPOSITED PLAN 416036

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

CITY OF BAYSWATER OF PO BOX 467 MORLEY WA 6943

(AF 0743480) REGISTERED 21/5/2021

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. THE RIGHT TO MINES OF COAL OR OTHER MINERALS BEING EXCLUDED FROM PORTION OF THE SAID LAND
2. *H783550 LEASE TO LUCENT TECHNOLOGIES AUSTRALIA PTY LTD OF LEVEL4, 6-10 TALAVERA ROAD, NORTH RYDE, NSW EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 20/6/2001.
- *I261894 TRANSFER OF LEASE H783550, LESSEE NOW LINDAY PTY LTD OF 68 - 72 WATERLOO ROAD, NORTH RYDE, NEW SOUTH WALES REGISTERED 11/10/2002.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP416036
PREVIOUS TITLE: 1753-716
PROPERTY STREET ADDRESS: 60 EMBLETON AV, EMBLETON.
LOCAL GOVERNMENT AUTHORITY: CITY OF BAYSWATER

WESTERN



AUSTRALIA

REGISTER NUMBER

3/DP416036DUPLICATE
EDITION**N/A**

DATE DUPLICATE ISSUED

N/A

VOLUME

4004

FOLIO

268

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 3 ON DEPOSITED PLAN 416036

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

WESTERN AUSTRALIAN PLANNING COMMISSION OF 140 WILLIAM STREET PERTH WA 6000
(AF 0743480) REGISTERED 21/5/2021

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. THE RIGHT TO MINES OF COAL OR OTHER MINERALS BEING EXCLUDED FROM PORTION OF THE SAID LAND

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP416036
PREVIOUS TITLE:	1753-716
PROPERTY STREET ADDRESS:	19 WOTTON ST, EMBLETON.
LOCAL GOVERNMENT AUTHORITY:	CITY OF BAYSWATER
RESPONSIBLE AGENCY:	WESTERN AUSTRALIAN PLANNING COMMISSION

WESTERN



AUSTRALIA

REGISTER NUMBER

105/D76438DUPLICATE
EDITION**N/A**

DATE DUPLICATE ISSUED

N/A

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
1862FOLIO
928

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 105 ON DIAGRAM 76438

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

COMMISSIONER OF MAIN ROADS OF WATERLOO CRESCENT, EAST PERTH

(A E244161) REGISTERED 28/11/1989

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. G554171 EASEMENT BURDEN SEE SKETCH ON VOL 1862 FOL 928. REGISTERED 12/8/1997.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	1862-928 (105/D76438)
PREVIOUS TITLE:	46-166A
PROPERTY STREET ADDRESS:	NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY:	CITY OF BAYSWATER
RESPONSIBLE AGENCY:	MAIN ROADS WESTERN AUSTRALIA

ORIGINAL—NOT TO BE REMOVED FROM OFFICE OF

100/92

Application E244161
Volume 46 Folio 166A

WESTERN



AUSTRALIA

VOL. 1862
FOL. 928

CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

Dated 28th November, 1989

REGISTRAR OF TITLES



ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Swan Location Q1 and being Lot 105 on Diagram 76438, delineated on the map in the Third Schedule hereto.

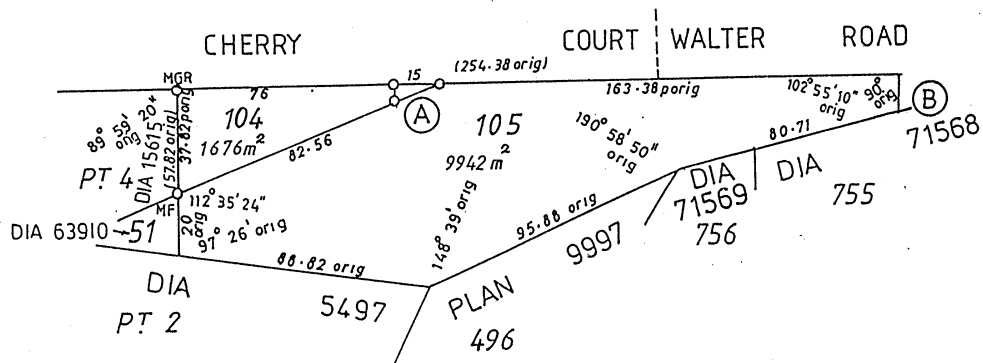
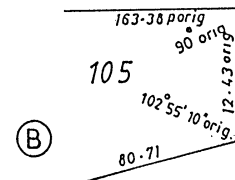
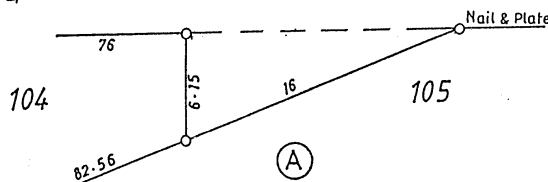
FIRST SCHEDULE (continued overleaf)

Commissioner of Main Roads of Waterloo Crescent, East Perth.

SECOND SCHEDULE (continued overleaf)

NIL

THIRD SCHEDULE

SCALE 1:2000
K

ENLARGEMENTS NOT TO SCALE

NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

E67590/3/89-20M-L/4664

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Superseded - Copy for Sketch Only

VOL. 1862
FOL. 928
Page 1 (of 2 pages)

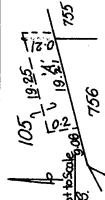


NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS

REGISTERED PROPRIETOR

OFFICE	DATE	TIME	REMARKS	NUMBER	NATURE

SECOND SCHEDULE (continued)

NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS

INSTRUMENT		PARTICULARS	REGISTERED	TIME	SEAL	CERT. OFFICER	CANCELLATION	NUMBER	REGISTERED OR LODGED	SEAL	CERT. OFFICER
NATURE	NUMBER										
Transfer	G554171	 <p>The right to use portion of the within land marked 'A' on the map in the margin for the purpose of exercising certain rights of support as set out in the said Transfer is granted to the proprietor or proprietors for the time being of Lot 756 on Diagram 71569.</p>	12.8.97	9.14							

CERTIFICATE OF TITLE VOL1862 FOL928

INSTRUCTIONS

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

G 554171 E

12 Aug, 1997 09:14:14 Perth



REG. \$ 90.00

LODGED BY

ANDREW LYNN
SOLICITOR

ADDRESS

SUITE 8, 53 RUSSELL STREET
MORLEY WA 6062

PHONE No.

9375 3411

FAX No.

9275 1311

REFERENCE No.

Tollens Setts
7 Collier Road
Morley
275-2444

ISSUING BOX No.

381

PREPARED BY

ANDREW LYNN
SOLICITOR

ADDRESS

'AS ABOVE'

PHONE No.

FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN
LODGING PARTY

C/T Produced ③
1862/928
17.7.97 DUP. C/T PRODUCED
TO CROWN LAW
BOX 59

TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1. DEED OF GRANT OF EASEMENT

Received Items /

2. Nos.

3. Nos.

4. Nos.

5. Nos.

6. Nos.

Receiving
Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT
1893 as amended on the day and time shown above and particulars
entered in the Register.

EXAMINED

JP

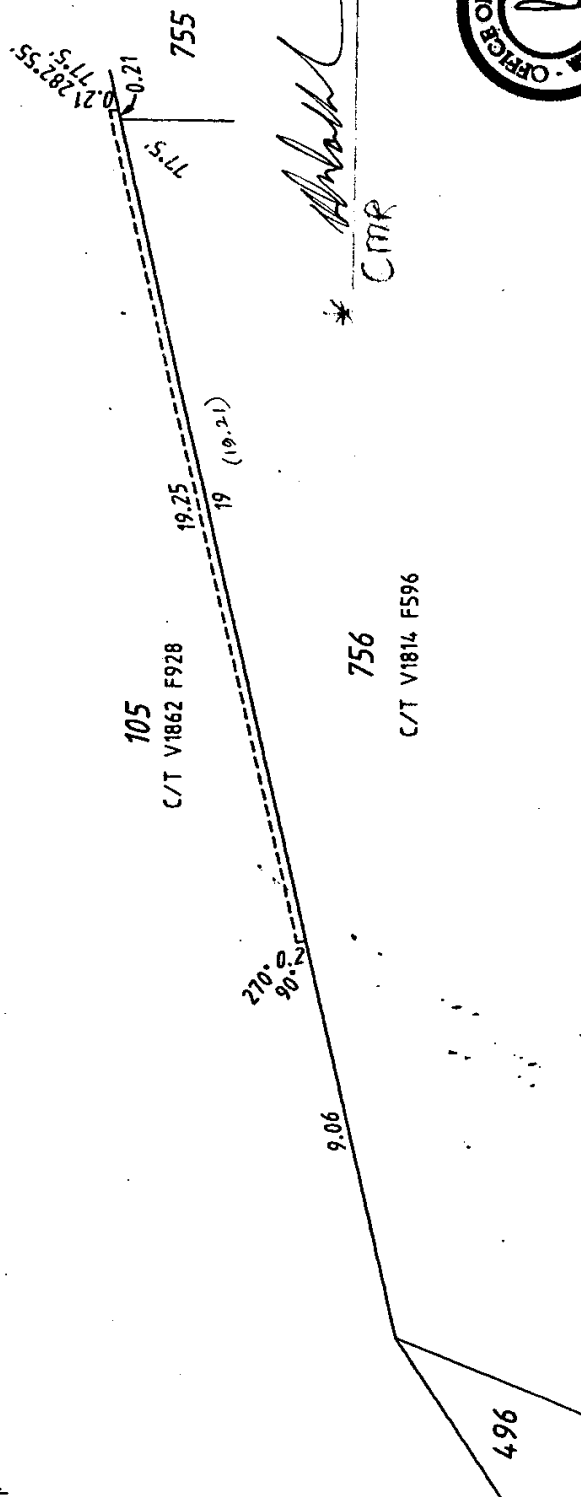


EASEMENT OVER LOT 105
OF SWAN LOCATION Q1
ON DIAGRAM 76438

SCALE 1:150

Alma Peretz

Alfeneia for ND Pereira
POA# G318299



JOB NO. 2988/88

CROSSLAND & HARDY PTY LTD
CONSULTING LICENSED SURVEYORS
TEL 272 2214 FAX 370 3547

SIGNED by the said
ELIZABETH PEREIRA
in the presence of :

)
)
)

Pereira

WITNESS:

Signature :

Silvia Bright
Maria

Full name :

Silvia Maria Bright

Address :

Unit 12, 9 Cleveland Rd
Como

Occupation :

Settlement Clerk

SIGNED by the said
NOEL DOMNIC PEREIRA
in the presence of :

)
)
)

Maria
for N.D. Pereira
POA G 318 299

WITNESS:

Signature :

Silvia Bright

Full name :

Silvia Maria Bright

Address :

Unit 12, 9 Cleveland Rd
Como

Occupation :

Settlement Clerk

IN WITNESS WHEREOF this Deed has been executed the 11 day of July, 1997.

THE COMMON SEAL of the
COMMISSIONER OF MAIN ROADS
WAS HEREUNTO AFFIXED BY



in the presence of :



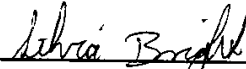
NOEL JOSEPH PEREIRA
COMMISSIONER OF MAIN ROADS
WESTERN AUSTRALIA

SIGNED by the said
NOEL JOSEPH PEREIRA
in the presence of :



WITNESS:

Signature :



Full name :

Silvia Maria Bright

Address :

Unit 12, 9 Clydesdale Rd

Como

Occupation :

Settlement Clerk

- 3.2 The easement granted by this deed shall commence at the date of its execution by the Grantor, and shall expire on the date of demolition of the Building.

4. GRANTOR'S COVENANTS

The Grantor **HEREBY COVENANTS** with the Grantee so as to bind the Servient Tenement:-

- 4.1 That the Grantor shall not to excavate under or beside or undermine the Wall, provided that nothing herein contained shall be construed to prevent the Grantor from making excavation of the Servient Tenement so long as sufficient artificial means of support to the Building is provided while the excavations are open.
- 4.2 That the Grantor shall not cut, demolish, remove, alter, deface or in any way damage or destroy any portion of the Wall erected on the Servient Tenement.

5. GRANTEE'S COVENANTS

The Grantee **HEREBY COVENANTS** with the Grantor:-

- 5.1 To exercise the easement hereby granted in such manner as to cause as little inconvenience as is practicable to the Servient Tenement.
- 5.2 Forthwith to remedy and make good any damage to the Servient Tenement which may result from the exercise of this easement by the Grantee.
- 5.3 If requested so to do by the Grantor the Grantee shall at their own cost and expense cause a survey of the affected land and the amalgamation of the affected land with the Dominant Tenement (acceptable to the Registrar of Titles) to be made whereby the boundaries and area thereof shall be accurately determined and computed respectively and the boundaries and area as shown in that survey shall be binding on the parties to this Deed.
- 5.4 Upon completion of the said survey of the affected land and the acceptance by the Inspector of Plans of a diagram or plan of survey and the approval by the Western Australian Planning Commission to the subdivision and amalgamation in accordance with Clause 5.3 the Grantor and the Grantee shall execute a valid and registerable transfer of the affected land for no monetary consideration in favour of the Grantee and a surrender of this easement and the Grantee shall execute an application for a new Certificate of Title for amalgamation of the affected land with the Dominant Tenement such transfer, surrender of easement and application to be prepared by the Solicitor for the Grantor at the cost of the Grantee who shall cause such documents to be registered at the Office of Titles Perth. The Grantee shall be responsible for all registration fees and for all costs associated with any other document necessary to effect the said transfer and amalgamation (including any discharge of mortgage and replacement mortgage).
- 5.5 The Grantee agree to pay all costs associated with the preparation stamping and registration of this easement.

BLANK INSTRUMENT FORM

Deed of Grant of Easement

(Note 1)

BETWEEN :

1. PARTIES

- 1.1 COMMISSIONER OF MAIN ROADS of Waterloo Crescent, East Perth in the State of Western Australia ("the Grantor" which expression where the context so admits or requires shall extend to and include the legal assigns and transferees of the Grantor).
- 1.2 NOEL JOSEPH PEREIRA, ELIZABETH PEREIRA and NOEL DOMNIC PEREIRA all of 38 Bruce Street, Nedlands in the said State ("the Grantee" which expression where the context so admits or requires shall extend to and include the successors in title and assigns of the Grantee).

2. RECITALS

- 2.1 The Grantor is the registered proprietor of an estate in fee simple in all that piece of land being Lot 105 the subject of Diagram 76438 and being the whole of the land comprised in Certificate of Title volume 1862 Folio 928 ("the Servient Tenement").
- 2.2 The Grantee is registered as the proprietor of an estate in fee simple in all that piece of land being Lot 756 the subject of Diagram 71569 and being the whole of the land comprised in Certificate of Title volume 1814 Folio 596 ("the Dominant Tenement").
- 2.3 The Grantee has erected upon the Dominant Tenement a building ("the Building") intended to be used as a residence. A portion of the Building ("the Wall") necessary for the support of the Building on the Dominant Tenement encroaches on the Servient Tenement and therefore forms part of the Servient Tenement.
- 2.4 The Grantor has agreed to grant to the Grantee an easement of support for the purpose of allowing the portion of the Wall erected on the Servient Tenement to remain so erected so as to provide support for the Building erected on the Dominant Tenement.

3. GRANT

NOW BY THIS DEED:-

In consideration of the payment of the sum of FIVE HUNDRED DOLLARS (\$500.00) by the Grantee to the Grantor:

- 3.1 The Grantor **HEREBY GRANTS** to the Grantee the right to use the Wall erected on that portion of the Servient Tenement, as delineated on the plan annexed hereto ("the affected land"), for the purpose of supporting the Building erected on the Dominant Tenement.

WESTERN



AUSTRALIA

REGISTER NUMBER

496/P9997DUPLICATE
EDITION**N/A**

DATE DUPLICATE ISSUED

N/AVOLUME
1331FOLIO
802

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 496 ON PLAN 9997

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

WATER CORPORATION OF 629 NEWCASTLE STREET, LEEDERVILLE

(A G163535) REGISTERED 30/4/1996

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. SAVE AND EXCEPT THE RIGHTS TO MINES OF COAL OR OTHER MINERALS
2. G256574 EASEMENT BURDEN SEE SKETCH ON VOL 1331 FOL 802. REGISTERED 14/8/1996.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	1331-802 (496/P9997)
PREVIOUS TITLE:	1331-420
PROPERTY STREET ADDRESS:	NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY:	CITY OF BAYSWATER
RESPONSIBLE AGENCY:	WATER CORPORATION



ORIGINAL - NOT TO BE REMOVED FROM OFFICE OF

CT 1331 0802 F



Application A557134

Volume 1331 Folio 420

WESTERN



AUSTRALIA

1331 802

CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

DATED 17th August, 1972

M Edwards

REGISTRAR OF TITLES



ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Swan Location Q1 and being Lot 496 on Plan 9997, delineated and coloured green on the map in the Third Schedule hereto, save and except the right to mines of coal or other minerals.

FIRST SCHEDULE (continued overleaf)

~~Shire of Bayswater of Slade Street, Bayswater~~

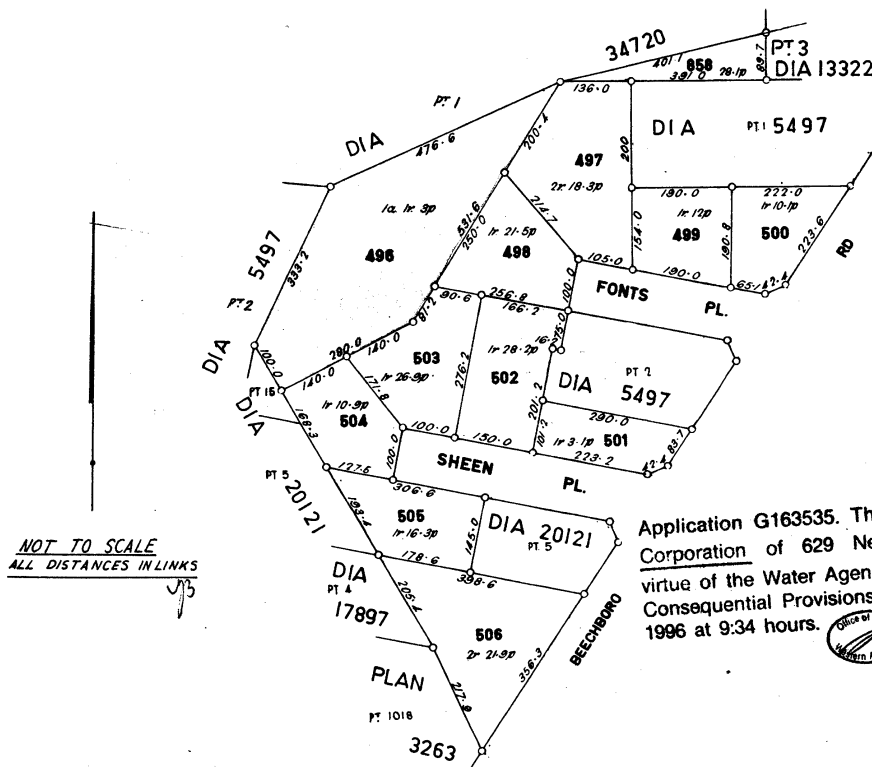
SECOND SCHEDULE (continued overleaf)

NIL

M Edwards

REGISTRAR OF TITLES

THIRD SCHEDULE



Application G163535. The registered proprietor is Water Corporation of 629 Newcastle Street, Leederville. By virtue of the Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995. Registered 30th April 1996 at 9:34 hours.




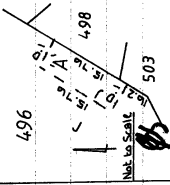

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

90971/8/71-30M-O/SOL

Superseded - Copy for Sketch Only

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

FIRST SCHEDULE (continued)							NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.		
REGISTERED PROPRIETOR		INSTRUMENT		REGISTERED	TIME	SEAL	INITIALS		
NATURE	NUMBER								
Transfer	0429307	27.9.82	3.01						
Metropolitan Water Authority of 629 Newcastle Street, Leederville.									

SECOND SCHEDULE (continued)											
NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.											
INSTRUMENT		PARTICULARS	REGISTERED	TIME	SEAL	INITIALS	CANCELLATION	NUMBER	REGISTERED OR LODGED	SEAL	INITIALS
NATURE	NUMBER										
Transfer	G256574	 <p>The right to enter upon the within land for the purpose of exercising certain rights of support over the portion of the within land marked 'A' on the map in the margin as set out in the said Transfer is granted to the proprietor or proprietors for the time being of Lot 498 on Plan 9997.</p>	14.8.96	14.45		R					

INSTRUCTIONS

1. This form may be used only when a "Box Type" Form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet, Form B1, should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult person. The address and occupation of the witness must be stated.

A28877

OFFICE USE ONLY

G 256574 E

14 Aug, 1996 14:45 Perth



REG. \$ 60.00
PROD. \$ 30.00
FEES \$ 90.00

LODGED BY

Water Corporation
Freehill Hollingdale & Page
PO Box 100

ADDRESS

GPO Box 11942 Leederville
PERTH WA 6001

PHONE No.

(09) 278 7777 420 2209

FAX No.

(09) 278 7878 420 3012

REFERENCE No.

NT 114591 A28877

ISSUING BOX No. 446 114

PREPARED BY

Freehill Hollingdale & Page
Barristers & Solicitors
9th Floor Australia Place
15 William Street
Perth WA 6000

ADDRESS

PHONE No.

(09) 278 7777

FAX No.

(09) 278 7878

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO
OTHER THAN LODGING PARTY.

DUP. G/F PRODUCED 1331-804 to
ISSUE TO DWYER DORACK
LTO Box 67 ① 2

TITLES, LEASES, DECLARATIONS ETC. LODGED
HEREWITH

1. DUP	Received Items
2. TRIP JR	
3. 133-802	No.s 3
4. _____	
5. _____	
6. _____	Receiving Clerk TS

ENDORISING INSTRUCTION

NE38

LT14

EXAMINED

/

Registered pursuant to the provisions of the TRANSFER OF
LAND ACT 1893 as amended on the day and time shown above
and particulars entered in the Register Book.

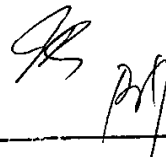
INITIALS OF
SIGNING OFFICER

/

REGISTRAR OF TITLES

FHPPERC3/96146000.5 - 25 May 1996 (14:16)

NT 172



**RIGHT-OF-SUPPORT EASEMENT OVER
LOT 496 OF SWAN LOCATION Q1
"EMBLETON"**

EXECUTED by the parties as a deed.

THE COMMON SEAL of the WATER CORPORATION was affixed hereto in the presence of:

Marius
CHAIRMAN
[Signature]
MANAGING DIRECTOR



THE COMMON SEAL of MITCHAM PTY LTD was affixed to this document in the presence of:

[Signature]
Director
ANTONIO SETTIMO CECCONI
Name (please print)



[Signature]
Secretary/Director
LUCIANA CECCONI
Name (please print)

4.2 Notices

Any notice or other communication including, but not limited to, any request, demand, consent or approval, to or by a party to this deed:

(a) must be in writing addressed as shown below:

(1) if to Water Corporation

Address: 629 Newcastle Street
LEEDERVILLE WA 6007

(2) if to Grantee:

Address: 9 Fonts Place
EMBLETON WA 6062

or to any other address specified by any party to the sender by written notice;

(b) must be signed by an authorised officer of the sender or its solicitors;

(c) is deemed to be given by the sender and received by the addressee:

(1) if given by delivery in person, when delivered to the addressee;

(2) if sent by security post and if posted from an address within Australia to an address within Australia, on the third Business Day from and including the date of posting;

(3) if sent by facsimile transmission, on production of a transmission report by the facsimile machine by which the facsimile message was transmitted which indicates that the facsimile message was transmitted in its entirety to the facsimile number of the recipient;

but if the delivery, receipt or transmission is, or is deemed to be by paragraph (2) or (3), on a day which is not a Business Day or is after 4.00 pm (addressee's time) it is deemed to be given on the next succeeding Business Day;

(d) can be relied upon by the addressee, and the addressee is not liable to any other person for any consequence of that reliance, if the addressee reasonably believes it to be genuine, correct and authorised by the sender.

4.3 Variation

Any variation of any term of this deed must be in writing and signed by the parties.

4.4 Further assurances

Each party must do all things and execute all further documents necessary to give full effect to this deed.

- (c) words importing a gender include every gender;
- (d) an expression importing a natural person includes a company, partnership, joint venture, association, corporation or other body corporate and any governmental agency;
- (e) references to parts, clauses, parties, and annexures are references to parts and clauses of, and parties, and annexures to this deed;
- (f) a covenant or agreement by more than one person binds, and is enforceable against, those persons jointly and each of them severally;
- (g) a reference to any statute includes any statute which may vary, consolidate or replace that statute and includes all regulations, proclamations, ordinances and by-laws issued under that statute.

2 Grant of Easement

The Grantor grants the following rights to the Grantee:

- (a) to construct and retain on the Easement Land wall footings and foundations to a depth not less than 2 metres from the surface of the Easement Land to the approval of the Grantor as a foundation for the west wall of the Building; and
- (b) to use scaffolding, equipment and materials for all usual building purposes and from time to time to enter upon the Servient Land upon giving 48 hours' written notice (or without such notice in the event of emergency) to repair and maintain the wall footings and foundations.

3 Grantee's Covenants

3.1 Consideration

In consideration of the grant of easement, the Grantee will pay to the Grantor on execution of this deed the sum of \$500.00.

3.2 Grantee to minimise damage and inconvenience

The Grantee shall take all steps to minimise damage done to the Servient Land in the exercise of the rights given by this grant and on completion of the works described in clause 2 shall fill in the excavations and remove all scaffolding, equipment and materials from the Servient Land and shall restore the surface of the Servient Land to its original condition to the reasonable satisfaction of the Grantor.

4 General

4.1 Governing law

This deed is governed by the laws of the State of Western Australia and the parties submit to the jurisdiction of that State.

THIS DEED is made on the 6th day of August 1996 between the following parties: WESTERN AUSTRALIA STAMP DUTY 06/AUG/96 24908703 SD \$*****5.00

WATER CORPORATION a statutory body corporate established under the Water Corporation Act 1995 of 629 Newcastle Street, Leederville, Western Australia ("Grantor"); and

MITCHAM PTY LTD ACN 009 017 047 formerly of Bourne Griffiths, Level 3, 1 Havelock Street, West Perth, Western Australia but now of Level 4, St Georges Court, 16 St Georges Terrace, Perth, Western Australia ("Grantee").

RECITALS

- A. The Grantor is the registered proprietor of the Servient Land.
- B. The Grantee is the registered proprietor of the Dominant Land.
- C. The Grantee has erected the Building on the Dominant Land.
- D. The Building encroaches onto the Easement Land.
- E. The Grantor has agreed to grant an easement of support to the Grantee on the terms set out in this deed.

1 Definitions and Interpretation

1.1 Definitions

In this deed, unless the contrary intention appears, the following words and expressions have the following meanings:

"Building" means the building known as 1 and 2, 9 Fonts Place, Embleton, Western Australia.

"Business Day" means a day on which trading banks are open for general banking business in Perth, not being a Saturday, Sunday or public holiday in Perth.

"Dominant Land" means Lot 498 on Plan 9997 being the whole of the land comprised in Certificate of Title Volume 1331 Folio 804.

"Easement Land" means that portion of the Servient Land which is shown hatched on the Plan.

"Plan" means the plan attached to this deed marked "A".

"Servient Land" means Lot 496 on Plan 9997 being the whole of the land comprised in Certificate of Title Volume 1331 Folio 802.

"this deed" means this deed as from time to time as it may be varied, amended, supplemented, replaced or assigned as permitted by this deed and includes every deed varying this deed.

1.2 Interpretation

In this deed, unless the contrary intention appears:

- (a) headings, underlining and numbering do not affect the interpretation or construction of this deed;
- (b) words importing the singular include the plural and vice versa;

FORM B2

Form Approval No: A4298

WESTERN AUSTRALIA

TRANSFER OF LAND ACT 1893 AS AMENDED.

BLANK INSTRUMENT FORM

Deed of Easement

(Note 1)

File Copy Do not Destroy

Stopped Document Disposal Instructions

Fees to be Refunded \$

Form 10 no.

Date

To

Parties

Document numbers

Computer records adjusted
WDR/MTF/DPA/BKC

Doc's to be rejected

Docs to be withdrawn

Doc's for Registration

Authorised by

Examiner's notes

File Copy Do Not Destroy

Stopped Case **256574** 268156

Original Cs/T:

1331/802

1331/804

Notice Sent: 22/08/96

Action

Examination Instructions

Allocate New C/T

Complete Nom. Index

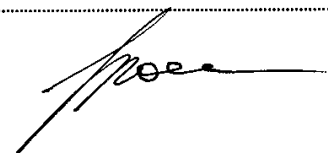
Pass to

Other

Exam Group 4

Examiner: **G.Crothers**

Supervisor Steve Crowe 1 21/08/96





Requisition Notice

Section 192 of the Transfer of Land Act

Document Nos: G256574

Your Ref: MITCHAM PTY LTD

Date: 22/08/96

Lodging Party
WATER CORPORATION

Other Parties Contacted
FREEHILL HOLLINGDALE & PAGE

First and Final

REGISTRATION OF THE ABOVE DOCUMENTS CANNOT BE EFFECTED UNTIL ALL REQUISITIONS LISTED BELOW ARE COMPLIED WITH AND FEE PAYABLE IS RECEIVED.
A TIME LIMIT OF 14 DAYS APPLIES FROM THE DATE STATED ABOVE.

- Unless these items are satisfied, the documents will be rejected and one half the registration fee forfeited
- Documents may be withdrawn from registration for which a fee will be retained. The balance of the fees will be refunded.
- Requisitions must be attended to by personal attendance to the Stopped Documents Section, Midland Square or by correspondence.
- Correspondence by representatives of parties to documents **must** state the capacity in which they act and confirm that they are duly authorised to do so. Amendment by letter is at the discretion of the Registrar of Titles.

Requisitions

Doc.No

Req. Fee

- The dominant owner is required to apply for a new Certificate of Title to have the easement incorporated in the land description.
- Easement cannot be lodged in Triplicate.

Requisition Sub Total \$	nil
Additional Fee \$	nil
TOTAL FEE Payable \$	<u>nil</u>

G H Sach
Registrar of Titles

Land Titles Division

All Enquiries to the STOPPED DOCUMENTS Section, Midland Square, Midland

Telephone (09) 273 7337 Fax (09) 273 7658, Postal Address: P O Box 2222, Midland, Western Australia 6056: DX88
Cheques or money orders to be made payable to the Registrar of Titles.