No. A949704

DEED OF EASEMENT

FEES (office use)	$	¢
	12	—

Parties DONALD CHAMBERS
and THE SHIRE OF
MUNDARING

Lodged by Stone James & Co.
Address Law Chambers,
Cathedral Square, Perth
Phone No. 25 0431
PW

2 DUP C/T PRODUCED

Use this space for instructions if any documents are to issue to other than lodging party.

CT V 1208 F832 to COMMERCIAL BANK
CT V 616 F 188 to DARBYSHIRE GILLETT HUELIN

Titles, Crown Leases, Declarations, etc., lodged with this document. (To be filled in by person lodging.)

1. D.L.
2.
3.
4.
5.
6.

Received items
No's 1
Rec. Clerk.

BELOW THIS LINE FOR OFFICE USE ONLY

Encumbrances not notified on face.

New Titles to issue or Endorsing instruction.

EXAMINED.

Registered 18th April 1975
at 9.09 o'clock and
particulars entered in the Register Book.

Initials of Signing Officer.

REGISTRAR OF TITLES.

SANDS & McDOUGALL STOCK FORM 324N

195 RV:2

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(Section 119) Stamp Act 1921 WESTERN AUSTRALIAN STAMP DUTIES

Russel Lloyd
COMMISSIONER OF STATE TAXATION

11-APR-75 909313 $ * * D NOPLST $***0.00

A949704

DEED OF EASEMENT

THIS DEED is made the 9th day of April One thousand nine hundred and seventy five

BETWEEN : DONALD CHAMBERS formerly of 26 Central Avenue Maylands Western Australia Business Proprietor and now of Dalry Road Darlington Western Australia Investor (hereinafter called "the grantor" which expression shall mean and include the grantor his successors and transferees of the one part and

THE SHIRE OF MUNDARING having its office at Great Eastern Highway Mundaring in the said State (hereinafter called "the grantee") of the other part

WHEREAS :

(a) The grantor is registered as the proprietor of an estate in fee simple in the land described in the schedule hereto (hereinafter called "the said land")

(b) The grantor has agreed to grant to the grantee in gross certain easements and other rights over the said land

NOW THIS DEED WITNESSETH as follows :

1. In pursuance of the said agreement and IN CONSIDERATION of the nominal sum of ONE DOLLAR ($1.00) paid by the grantee to the grantor (receipt of which is hereby acknowledged) the grantor DOES HEREBY TRANSFER AND GRANT unto the grantee in gross under and by virtue of Section 33A of the Public Works Act 1902 as amended full and free right and liberty at all times hereafter :

(a) To use the said land as an open drain and for the purpose of installing a pipe drain and to pass water and soil through under and along the same and from time to time to construct pipe drains thereon (which drain or drains together with all pipes fixtures fittings and appliances connected therewith are hereinafter referred to as "the said drain")

(b) To use the said land for the purposes of draining the lands and roadways adjoining the said land and the waters draining thereto

(c) To inspect take up scour cleanse repair maintain remove and replace the said drain or part thereof as where and when necessary and with full and free right and liberty for the grantee and its contractors workmen officers and servants and others acting under the authority of the grantee at all times hereafter to enter and remain upon the said land with or without machinery and plant for all or any

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of the purposes aforesaid and to carry out all necessary works

(d) To make surveys and take levels

(e) To dig or break the soil of the said land and to trench the said land

(f) To clear any trees or shrubs or undergrowth on the said land or to remove any obstructions which may be necessary in the course of carrying out any of the works enumerated above

(g) To enter upon and to use so much of the land of the grantor adjoining the said land as is reasonably necessary for effecting any of its purposes aforesaid

2. The grantor HEREBY COVENANTS with the grantee that :

(a) Notwithstanding anything by the grantor made done or executed or omitted or knowingly suffered the grantor has full power to make the grant hereby made

(b) The grant shall remain to and be quietly held and enjoyed and taken by the grantee and every person deriving title under it and the benefit thereof shall be received and taken accordingly without any lawful interruption or disturbance by the grantor or any person rightfully claiming under by through or in trust for it

(c) Freed and discharged from or otherwise by the grantor sufficiently indemnified against all such estates encumbrances claims and demands as either before or after the date hereof have been or shall be made occasioned or suffered by the grantor and every person having or rightfully claiming any estate or interest in the said land the grantor will from time to time and at all times hereafter at the request and expense of the grantee and of any person deriving title under it execute and do all such lawful assurances and things for further or more perfectly assuring the said grant and the rights thereby given to the grantee and to those deriving title under it as shall be reasonably required by it or them

(d) They will not construct any building or structure on the said land without the written consent of the grantee

3. The grantee shall at all times maintain the said drain in good and safe working order and condition and shall ensure that the said drain shall be used and maintained so as to cause as little inconvenience as possible to the grantor and to do as little damage as practicable to the said land and to the land of the grantor adjoining the said land and to any erections or improvements thereon and the grantee shall make good to the reasonable satisfaction of the grantor any damage caused by it to the said land, the land of the grantor adjoining the said land or any erections or improvements thereon in consequence or resulting from its exercise of any of the rights and liberties hereby granted

4. The costs of instructions for and the preparation

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execution stamping and registration of this Deed and all necessary counterparts shall be paid by the grantor

IN WITNESS whereof the parties hereto have executed this Deed the day and year first hereinbefore written

The Schedule

Those portions of portion of Greenmount Suburban Lot 54 and being Lot 32 on Plan 3361 and being the whole of the land comprised in Certificate of Title Volume 616 Folio 188 and

Portion of each of Greenmount Suburban Lots 54 and 55 and being Lot 5 on Diagram 22184 and being the whole of the land comprised in Certificate of Title Volume 1248 Folio 832 which are delineated and coloured blue on the sketch attached hereto

Signed by the said DONALD CHAMBERS in the presence of :

A Commissioner for Declarations

The Common Seal of SHIRE OF MUNDARING was hereunto affixed by authority of a resolution of the Council in the presence of :

President :

Shire Clerk :

THE COMMERCIAL BANK OF AUSTRALIA LIMITED the registered proprietor of Mortgage A21179 over the land comprised in Certificate of Title Volume 616 Folio 188 and the registered proprietor of Mortgage A702033 over the land comprised in Certificate of Title Volume 1248 Folio 832

Sealed with the seal of

JOHN MOORE

.....

the attorney for The Commercial Bank of Australia Limited and signed by him on behalf of the said bank in the presence of

The Commercial Bank of Australia Limited by its attorney

A Commissioner for Declarations

THE W.A. SCHOOL FOR DEAF CHILDREN (INCORPORATED) the registered proprietor of Mortgage 53566/65 over the land comprised in Certificate of Title Volume 616 Folio 188 HEREBY CONSENTS to the within Deed of Easement but such consent shall be without prejudice to the rights powers and remedies of the Mortgagee under the said Mortgage

DATED the day of 1975

THE W.A. SCHOOL FOR DEAF CHILDREN (Incorporated) Common Seal

(President)

Member of Committee

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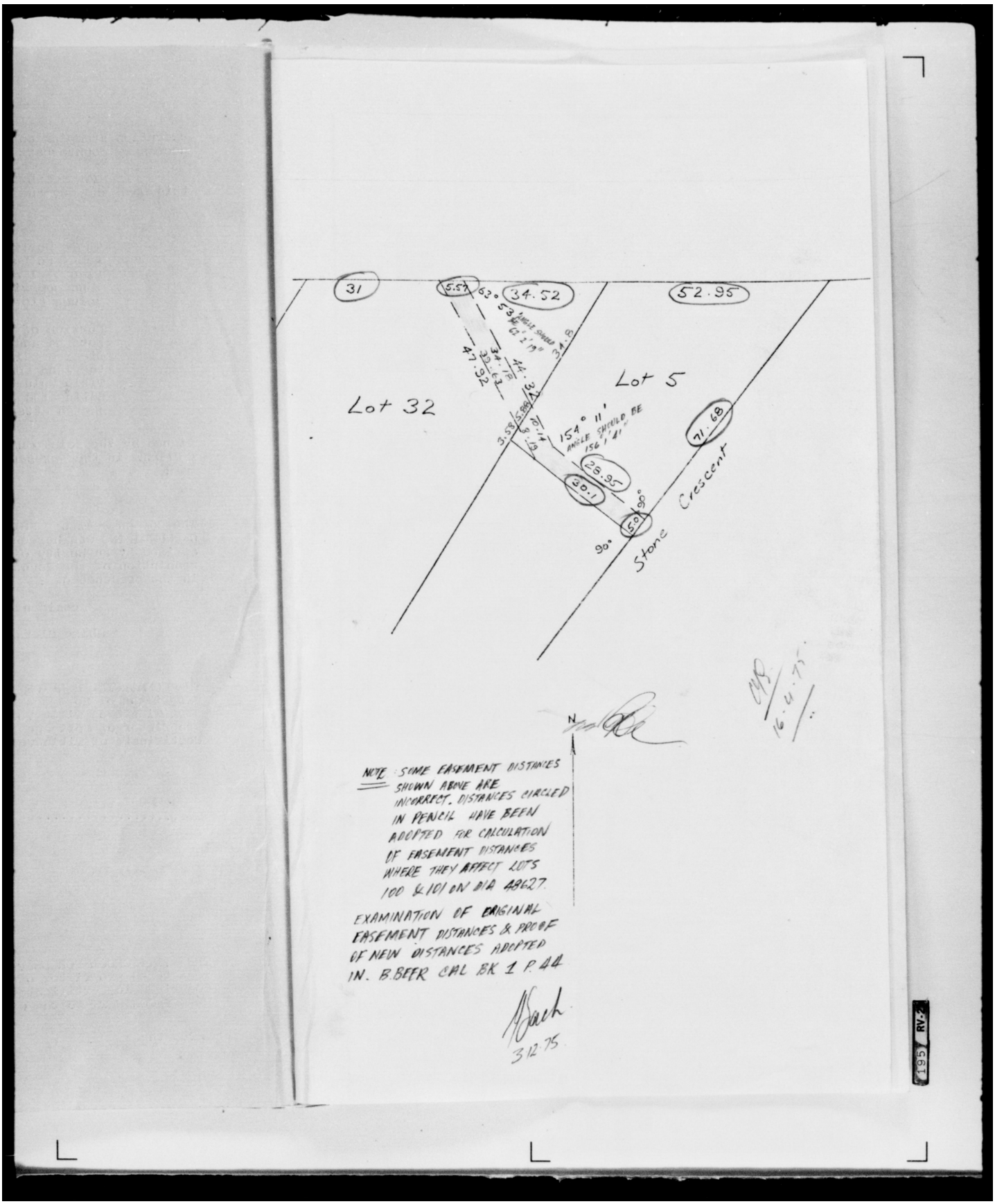

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