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Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

0 398179.3 EC

EASEMENT CERTIFICATE

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

I/W/c Gordon Bartlett Ferriman of Mount Maunganui, retired and William John Ferriman of
Tauranga, builder as tenants in common in equal shares

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 Hamilton
on the 19 day of September under No. S.76097
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. S76097

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 to drain sewage	Lot 1 on Deposited Plan S.76097	A	Lot 2 on Deposited Plan S.76097	60C/36
Right of Way (pedestrian access only)	Lot 2 on Deposited Plan S.76097	B	Lot 1 on Deposited Plan S.76097	60C/35
Right to convey water and gas, right to transmit electricity and telecommunications	Lot 2 on Deposited Plan S.76097	C	Lot 1 on Deposited Plan S.76097	60C/35

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:

Refer attached

2. TERMS, CONDITIONS, COVENANTS, OR RESTRICTIONS IN RESPECT OF ANY OF THE ABOVE EASEMENTS

A. The cost of installation and all repairs, renewals, and maintenance incurred in connection with all easements created by this certificate shall be borne by the registered proprietors for the time being in the following proportions:

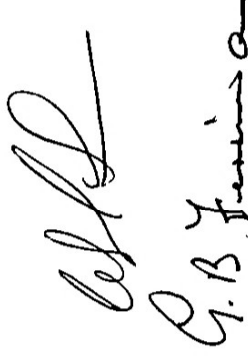
- (i) The registered proprietors of each Lot shall pay an equal share of all costs associated with the right to convey water, electricity, natural gas and telecommunications.
- (ii) The registered proprietors of Lot 2 on Deposited Plan S.76097 shall pay all costs associated with the right to drain sewage.
- (iii) The registered proprietors of Lot 1 on Deposited Plan S.76097 shall pay all costs associated with the right of way.

UNLESS the costs incurred were directly attributable to the actions or default of the registered proprietors (or their tenants, servants, agents, invitees or licensees) of the said land then all associated costs shall in each case be borne wholly by such proprietor at fault.

OR the unequal use of the easement make the equal division of such costs inequitable in which case the cost shall be borne in proportion to each proprietors use of the right of way.

B. If any dispute arises between the proprietors with regard to the easements herein the proprietors shall, firstly, attempt to resolve the dispute themselves, secondly, refer the matter to the Disputes Tribunal if the amount is below \$5,000.00 and thirdly, refer the dispute to the arbitration of a single arbitrator on the following terms:

- (i) Arbitrator to be agreed upon;
- (ii) Failing agreement within seven (7) days as nominated by the President Hamilton District Law Society;
- (iii) The reference shall be a reference to arbitration under the Arbitration Act 1908;
- (iv) The arbitrator's decision shall be final and binding and may include:
 - 1. Order for costs including solicitor/client costs;
 - 2. Order for enforcement;
 - 3. Interest on monies payable;
 - 4. Any other order the arbitrator deems just.



G.B. Fanning

1. RIGHTS AND POWERS

A. Right of Way

The provisions of Clause 1 of the Seventh Schedule to the Land Transfer Act 1952 and all of the Ninth Schedule to the Property Law Act 1952 shall apply to the right of way easement provided that the registered owners of the dominant tenement from time to time shall not be entitled to pass over or along the land over which the right of way is granted with carriages, vehicles, motorcycles, motor vehicles, machinery or implements of any kind.

B. Right to Drain Sewage

The provisions of clauses 4 and 5 of the Seventh Schedule to the Land Transfer Act 1952 shall apply to each sewage easement.

C. Right to Convey Electricity, Telecommunications and Natural Gas

Those rights and powers shall be those as set out in Clause 2 and 5 of the Seventh Schedule of the Land Transfer Act 1952 as if the words "telecommunications, electric power and natural gas" were inserted in place of the word "water" where ever the same appears in the said Clause 2 and as if the words "wire, cable and conduits" were inserted in place of the words "line of pipe", "pipe or pipes" and "pipe lines" whenever the same appear in the said Clause 5, provided that all such wire, cables and conduits shall be laid under (and not across or above) the ground.

D. Right to Convey Water

The provisions of clause 2 and 5 of the Seventh Schedule to the Land Transfer Act 1952 shall apply to each easement relating to the conveyance of water.


G. B. Ferriani

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

Refer attached

Dated this 17th day of February 1947
Signed by the above-named
Gordon Bartlett Ferriman
William John Ferriman
in the presence of
Witness
Occupation
Address

W. J. Ferriman
G. B. Ferriman
W. J. Ferriman
W. J. Ferriman
W. J. Ferriman
W. J. Ferriman
W. J. Ferriman

EASEMENT CERTIFICATE

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

*Correct for the purposes of the
Land Transfer Act*

The within easement when created
will be subject to Section 243(a)
Resource Management Act 1991

[Signature]
ALR

[Signature]
Solicitor for the registered proprietor

600/35
36



EDMONDS JUDD
SOLICITORS
TAURANGA

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