OFFICE USE ONLY

F 400381 E
17 Dec, 1993 13:08 Perth

REG. $ 62.00

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 perosns signing this document and their witnesses.

NOTES

1. Insert document type.
2. A seperate 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.

TIME CLOCK

LODGED BY McLEOD & CO
Solicitors
ADDRESS 222 Stirling Highway
CLAREMONT WA 6010

PHONE No. 383 3133
FAX No. 385 2693

REFERENCE No. McL/D2 5395

ISSUING BOX No. 346

PREPARED BY McLEOD & CO
SOLICITORS
ADDRESS 222 STIRLING HIGHWAY
CLAREMONT WA 6010
PHONE No. 383 3133 FAX No. 385 2693

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTH
LODGING PARTY.

03

TITLES, LEASES, DECLARATIONS ETC. LODGED HERE

1. EASEMENT - Dup.
2.
3.
4.
5.
6.

Received Iter
Nos. 1

Receiving Clerk

ENDORSING INSTRUCTION (LT 14)
NE 38

EXAMINED

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

INITIALS OF SIGNING OFFICER

G Sach 2

REGISTRAR OF TITLE

05390/1/92–5M–OC/664

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Item 2: ENCUMBRANCES

Nil

Item 3: CONSIDERATION

One dollar ($1.00)

EXECUTED by the parties as a Deed.

THE COMMON SEAL of PILA PTY. LTD. (ACN 008 571 668) was hereunto affixed by authority of its directors in the presence of:

COMMON SEAL
PILA PTY LIMITED
A.C.N. 008 571 668

DIRECTOR

DIRECTOR/SECRETARY

THE COMMON SEAL of the CITY OF WANNEROO was hereunto affixed by authority of a resolution of the Council in the presence of:

MAYOR

TOWN CLERK

(5395Ease/MP/D)

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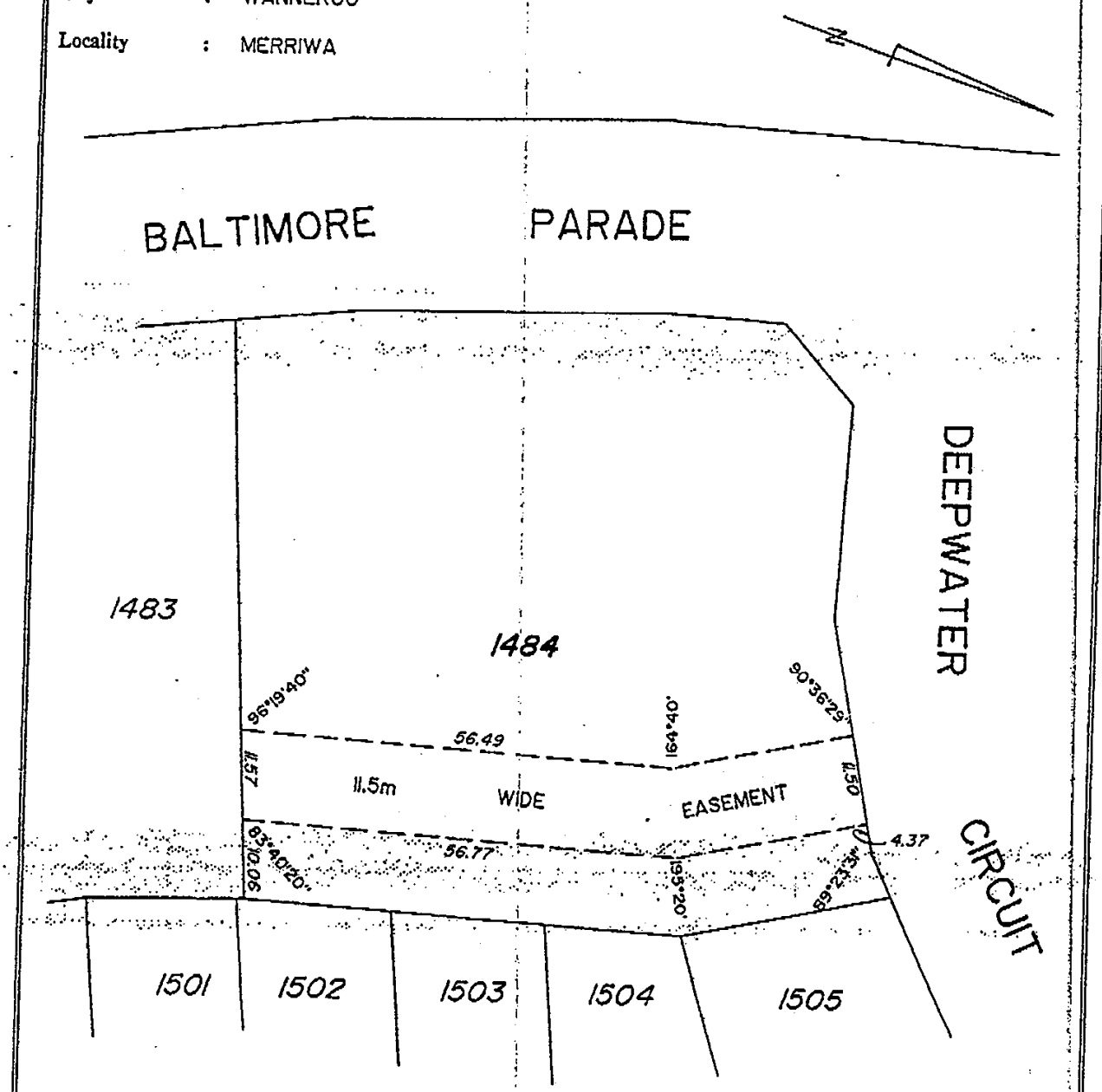
Land Description	Scale	Certificate in which Land is vested	Easement Area
LOT 1484 OF SWAN LOCATION 1370	1 : 750	Vol. ..... Fol.	

City : WANNEROO

Locality : MERRIWA



14612GF

LS/8255-19

Approved	on	Fugro Survey
Examined ..... Date	Plan 18876 Diagram ..... Index Plan BG35 (2) 04.16	18 Prowse Street West Perth WA 6005

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or planning consent, where the Easement has not already been paved. Further, the Grantor or its successors in title as may be appropriate shall bear the responsibility and cost for repair and maintenance of the Easement and the Grantor further assures the Grantee that the Grantee shall not be liable for any costs associated with such repair or maintenance. The Grantee may direct any person it authorizes to use the Easement to make a reasonable contribution towards the maintenance of the Easement, to the Grantor.

3. **GRANTEE'S COVENANTS AND ACKNOWLEDGMENTS**

The Grantee acknowledges that the rights created in the Easement herein are not granted exclusively and are granted by the Grantor in common with the corresponding rights of the Grantor and other persons lawfully entitled to exercise such rights and that where the consent of the Grantee is required pursuant to the terms of this grant, such consent shall not unreasonably be withheld.

4. **COSTS**

The Grantor shall pay the costs of and incidental to the preparation, execution and stamping of this Deed and all registration fees hereon.

5. **INTERPRETATION**

Reference to the parties includes their personal representatives, successors and lawful assigns.

Headings have been inserted for guidance only and shall be deemed not to form part of the context. The Schedule forms part of this Deed.

SCHEDULE

Item 1: THE SERVIENT TENEMENT

Lot 1484 on Plan 18876 being the Whole of the Land comprised in Certificate of Title Volume 1971 Folio 680.

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2. **GRANTOR'S COVENANTS**

The Grantor HEREBY COVENANTS AND AGREES with the Grantee that:

(a) Grantor's Power

Notwithstanding anything made, done, omitted or knowingly suffered, the Grantor has full power to make the grant set out herein and assures the Grantee such grant shall remain to and be quietly held and enjoyed by the Grantee and the benefit thereof shall be received and taken accordingly without interruption or disturbance by the Grantor or any person claiming by, through, under or in trust for or in any way against the Grantor.

(b) Indemnity to Other Interest Holders

In the event that the grant set out herein or the lawful use of the Easement impinges on the rights of the other interest holders in the Servient Tenement, the Grantor HEREBY INDEMNIFIES the Grantee against any claim that may arise out of such circumstances.

(c) Grantor to Perfect Grant Where Required

The Grantor and every other person having or rightfully claiming any estate or interest in the Servient Tenement will from time to time and at all times hereafter at the request of the Grantee do all such lawful assurances and things for more perfectly assuring the grant set out herein as the Grantee reasonably requires.

(d) No Obstruction of Easement

The Grantor will not construct erect or build or suffer to be constructed erected or built any building structure or obstructions whatsoever on the Servient Tenement or any part thereof or use or permit the Servient Tenement to be used in such a way as to obstruct or interfere with the use of the Easement without the consent in writing of the Grantee first being obtained.

(e) Construction and Maintenance of Easement

If requested by the Grantee, the Grantor shall construct and/or pave the right of way comprising the Easement to a standard stipulated in any development approval

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FORM B2

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED.

EXEMPT from W.A. Stamp Duty
for Commissioner of State Taxation

BLANK INSTRUMENT FORM

GRANT OF EASEMENT (Note 1)

WESTERN AUSTRALIA STAMP DUTY
17/12/93 14247606 NDP $*********0.00
EXEMPT (SECTION 119 OF THE STAMP ACT)

THIS DEED is made the STATE TAXATION 17TH 17 DEC 1993 DEPARTMENT W.A. A1 day of December 1993

BETWEEN:

PILA PTY. LTD. (ACN 008 571 668) of care of Phipson Nominees Pty. Ltd., 20th Floor, National Mutual Centre, Darwin Place, Canberra, Australian Capital Territory ("the Grantor" which expression shall include its personal representatives successors and permitted assigns) First Part

AND

CITY OF WANNEROO of Boas Avenue, Joondalup in the State of Western Australia ("the Grantee") Second Part

OPERATIVE PART:

1. **GRANT OF EASEMENT**

The Grantor, being registered as the proprietor of an estate in fee simple in the land described in Item 1 of the Schedule hereto ("the Servient Tenement") subject to the encumbrances notified hereunder in Item 2 of the Schedule IN CONSIDERATION of the sum set out in Item 3 of the Schedule (the receipt of which is hereby acknowledged by the Grantor) paid to the Grantor by the Grantee HEREBY TRANSFERS AND GRANTS to the Grantee and its authorized officers, employees, agents and other persons from time to time authorized by the Grantee under and by virtue of the provisions of section 33A of the Public Works Act 1902 full and free right, liberty, power and authority from time to time and at all times hereafter to go, pass and repass for all purposes and either with or without vehicles over and along that portion of the Servient Tenement as is delineated and coloured green on the sketch in the Annexure hereto ("the Easement").

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Active Settlements

Licensed Real Estate
Settlement Agents
Licensee: D. M. Henneberry

All Correspondence:
Ocean Reef Business Centre
Suite 3, 81 Marina Boulevard
Ocean Reef, W.A. 6027

A Subsidiary of
Henneberry and Associates Pty Ltd
A.C.N. 009 168 629

Phone: 307 1000
After Hours: 300 4433
Fax: 307 5599

21 January 1994

ATTENTION: JOE CAMANITTI

Stop Documents
Titles Office
Midland Square
MIDLAND W A 6056

Dear Sir

RE: F400376-377 & 400381
PILA PTY LTD TO LEITHHEAD

Further to your requisition dated 20 January 1994 we hereby authorise you to attend to the following:-

1. Document 376 - please date the encumbrance section 17 December 1993

2. Please time clock and register the documents in the following order:-

   Withdrawal of Caveat
   Easement
   Transfer

Please contact the writer if you require any further information regarding the above.

Yours faithfully

MAREE BAHN
ACTIVE SETTLEMENTS

SETTLEMENT AGENTS ASSOCIATION (INC.)

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Land Description	Scale	Certificate in which Land is vested	Easement Area
LOT 1484 OF SWAN LOCATION 1370	1 : 750	Vol. ..... Fol.	

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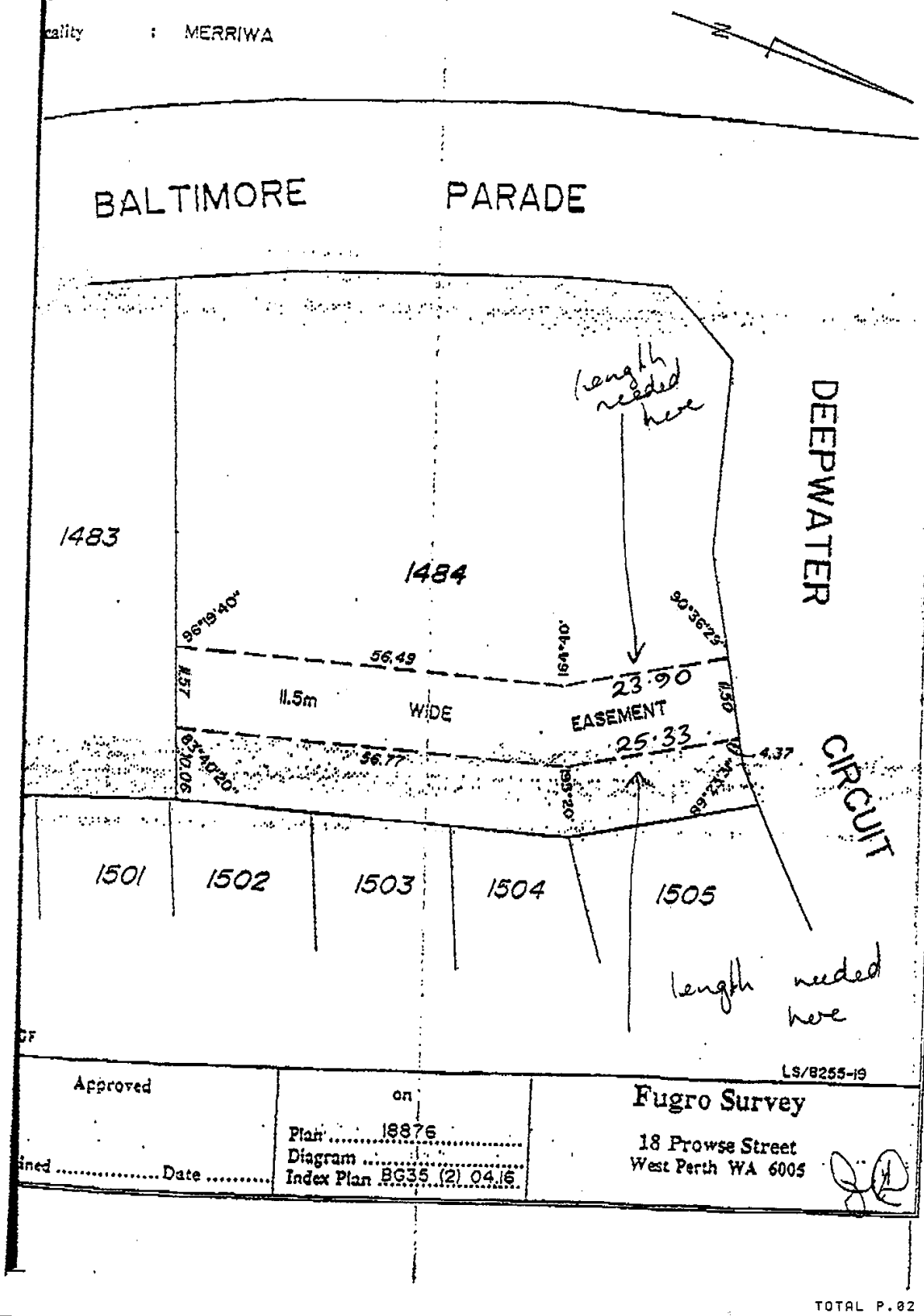
Locality : MERRIWA



LS/8255-19

Approved

on

Plan 18876

Diagram .....

Index Plan BG35 (2) 04.16

ined ..... Date .....

Fugro Survey

18 Prowse Street
West Perth WA 6005

TOTAL P.02

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McLEOD & CO.

BARRISTERS &
SOLICITORS
Environmental Planning Law
Local Government Law

222 Stirling Highway
Claremont 6010 WA
Tel (09) 383 3133
Fax (09) 385 2693

Denis McLeod
Michele Payne
Associates
SA (Kelly) Ralph
Maurice Spillane
Jennifer Engelhard
Geoffrey Owen

Our Ref McL/D2 5395

Your Ref

18 March, 1994

The Registrar of Titles
Land Titles Division
Department of Land Administration
PO Box 2222
MIDLAND WA 6056

Attention: Stopped Documents

Dear Sir,

RE: STOPPED DOCUMENT F400381

We refer to a recent discussion between a member of your stopped document staff and Michele Payne of this office and to the subsequent stopped document dated 10 March 1994 reminding us of the deficiencies of the sketch incorporated in the Easement granted over Lot 1484 in favour of the City of Wanneroo.

Fugro Survey has now provided us with the relevant dimension and a copy of the sketch with the additional dimensions is attached.

Trusting this is sufficient to satisfy your requirements.

Yours faithfully,

(5395ROT/MP/Cor)

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ENDORSER: On Second Schedule (cont.) of C/T 1971/680

TRANSFER F400381. A right of carriageway 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 City of Wanneroo.

Registered 17.12.93 at 13:08 hrs.

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