

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

EASEMENT CERTIFICATE

B408670.3
EL

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

I/We BRUCE HERBERT NEWMAN and JOAN SALLY NEWMAN both of Orewa, self employed

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 1991 under No. DPS76167 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. S76167

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		
sewer Sewage water stormwater electricity tele-communications right-of-way	Lot 1	A	Lots 2 & 4	60C/331 60C/332 60C/334
sewer Sewage water stormwater electricity tele-communications right-of-way	Lot 2	B	Lot 4	60C/334 60C/332
right to drain stormwater	Lot 1	C & F	Lots 2, 3 & 4	60C/331 60C/332 60C/333 60C/334
right-of-way	Lot 1	D	Lot 3	60C/331 60C/333
right-to-drain sewage	Lot 1	D, E & F	Lots 2 & 4	60C/331 60C/332 60C/334

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:

Attached

The following provisions and agreement shall apply to the easements specified herein:

A. The Right of Way

- (1) In addition to the rights and powers set forth in the Seventh Schedule to the Land Transfer Act 1952 the provisions of the Ninth Schedule to the Property Law Act 1952 shall apply as if the Right of Way were a vehicular right of way.
- (2) The rights and powers set forth in clause 1 of the Seventh Schedule to the Land Transfer Act 1952 are subject to the provisions of Clause D hereof.

B. ~~Right to Convey Electricity and Right to Convey Telecommunications~~

- (1) The easements shall confer the full free uninterrupted and unrestricted right liberty and privilege for the grantees and their tenants (in common with the grantors their tenants and any other person lawfully entitled so to do) from time to time and at all times to convey and lead electricity and telecommunications under and through area "A and B" on Deposited Plan S.76167 being part of the land over which the said easements are granted or created and in any event to the specification and otherwise as the local or national authorities having jurisdiction shall decide, together with the additional rights (mutandis) incidental thereto set out in clause 5(c) of the Seventh Schedule to the Land Transfer Act which shall be deemed to apply to the right to convey electricity and the right to convey telecommunications provided that the word "pipeline" which appears three times therein shall be deleted and the words "underground cables" shall be substituted therefore.
- (2) The costs of repairing, maintaining, and where necessary of replacing any of the pipes, wires, underground cables, or any other structures upon which any of the easements of rights to convey electricity and right to convey telecommunications are dependent shall be borne in a manner which recognises the relative usage of the said rights by the occupiers for the time being of the several lots on the said deposited plan and such costs shall in accordance therewith be shared between the registered proprietors for the time being of each lot (or any part of such lot if in the future the same is re-subdivided) on the said deposited plan whose owner/occupier is for the time being dependent upon the service and need of repairs, maintenance and/or replacement in such proportions as such registered proprietors shall agree; unless any such work is required because of damage done by either or any of the said registered proprietors or those for whom a registered proprietor is responsible in which case that registered proprietor or those registered proprietors shall meet the cost of performing that work provided always that if any registered proprietors are unable to agree on a method of sharing any such cost then the same shall be resolved in terms of clause D hereof.

C. ~~Right to Convey Water and Right to Drain~~ ^{Sewage and stormwater and Storm} Water and Right to Drain Sewage

- (1) The rights to take and convey water and the right to drain sewage are those which the registered proprietor of the servient tenement may lawfully transfer and grant.
- (2) For the purposes of conveying water to the dominant tenement and draining sewage

S.R.N.
J.S.W.



the registered proprietor of Lots 1 and 2 on Deposited Plan S.76167 shall cause to be installed an underground pipeline system leading from the water source at the north/eastern end of the easement and generally along the easement marked "A, B, C, D, E and F". Provision shall be made adjacent to each dominant tenement for a connection to be made to the principal pipeline for the purpose of a dominant tenement gaining access to the water supply and sewage drainage. When any dominant tenement is so connected there shall be installed at that point by the registered proprietor of the said Lots 1 and 2 on Deposited Plan S.76167 a water meter for the purposes of calculating the usage by the dominant tenement of the water.

- (3) Each registered proprietor of a dominant tenement shall be responsible for the maintenance and repair of his/her/their sewage easement connection to the principal pipeline system described in the immediately preceding paragraph.
- (4) To the extent not inconsistent with the provisions of the preceding paragraphs the rights and powers implied by clauses 2 and 5 of the Seventh Schedule to the Land Transfer Act 1952 shall apply to the right to drain sewage.

D. Arbitration

If any dispute or difference shall arise between the registered proprietor or proprietors for the time being and from time to time of either or any of the dominant or servient tenements as to the interpretation or effect of these presents or as to that which either or any of those persons ought fairly and reasonably to do in pursuance hereof or as to any other matter touching or concerning these presents then such dispute or difference shall be referred to and decided by reference to the arbitration of a single arbitrator and if the parties cannot agree and decide on a suitable person to act in that capacity but otherwise the same shall be referred to and decided by reference to the arbitration of two arbitrators (one to be appointed to each party to the dispute) and an umpire appointed by those arbitrators before they enter upon the matters referred to them and otherwise the same shall be dealt with in the manner provided by the Arbitration Act 1908 or any statutory amendment or re-enactment thereof; and this provision shall be deemed to be a "submission" within the meaning of the said Act.

A.R. L.

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

Attached

Dated this

7th

day of

April

1987

Signed by the above-named

BRUCE HERBERT NEWMAN

and JOAN SALLY NEWMAN

in the presence of

Witness

Occupation

Address

PETER GOLDSMITH SPIERS
SOLICITOR
WHAKATANE

B.H. Newman.

J.S. Newman

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*

Solicitor for the registered proprietor

The within easements

when created will be

Subject to Section 243 (a)

Resource Management Act 1991

[Signature]
A.R.



PARTICULARS ENTERED IN THE
LAND REGISTRY SOUTH AUCKLAND
AS AT 11.04.97

19.02 11.APR97 B 408670-5

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Kc
K40