View Instrument Details

Instrument No	8138731.3
Status	Registered
Date & Time Lodged	20 October 2009 09:12
Lodged By	Shepherd, Andrea Jane
Instrument Type	Easement Instrument

Affected Computer Registers	Land District
414229	North Auckland
414230	North Auckland
414231	North Auckland
414232	North Auckland
414233	North Auckland
414234	North Auckland
414235	North Auckland
414236	North Auckland
414237	North Auckland
414238	North Auckland
414239	North Auckland
414240	North Auckland
414241	North Auckland
414242	North Auckland
414243	North Auckland
414244	North Auckland
414245	North Auckland
414246	North Auckland
414247	North Auckland
414248	North Auckland
414249	North Auckland
414250	North Auckland
414251	North Auckland
414252	North Auckland
414253	North Auckland
414254	North Auckland
414255	North Auckland
414256	North Auckland
414257	North Auckland
414258	North Auckland
414259	North Auckland
414260	North Auckland
414261	North Auckland
414262	North Auckland
414263	North Auckland
414264	North Auckland
414265	North Auckland
414266	North Auckland
414267	North Auckland
414268	North Auckland
414269	North Auckland

© Copyright: Land Information New Zealand

Affected Computer Registers	Land District
414270	North Auckland
414271	North Auckland
414272	North Auckland
414273	North Auckland
414274	North Auckland
414275	North Auckland
414276	North Auckland
414277	North Auckland
414278	North Auckland
414279	North Auckland
414280	North Auckland
414281	North Auckland
414282	North Auckland
414283	North Auckland
414284	North Auckland
414285	North Auckland
414286	North Auckland
414287	North Auckland

Annexure Schedule: Contains 8 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☑

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☑

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☑

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☑

I certify that the Mortgagee under Mortgage 5966146.5 has consented to this transaction and I hold that consent ☑

I certify that the Mortgagee under Mortgage 8028272.1 has consented to this transaction and I hold that consent ☑

Signature

Signed by Matthew Joseph Carroll as Grantor Representative on 03/11/2009 03:49 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☑

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☑

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☑

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☑

Signature

Signed by Matthew Joseph Carroll as Grantee Representative on 03/11/2009 03:49 PM

***** End of Report *****

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Duck Nominees Limited

Grantee

Duck Nominees Limited

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A *Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; *profit* or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
See Annexure Schedule			

Form B - continued

Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)

Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby varied by:

the provisions set out in Annexure Schedule 2

Covenant provisions

Delete phrases in [ ] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

N/A

Form L

Annexure Schedule Page 1 of 4 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

Purpose (nature and extent) of easement	**Shown (plan reference)**	**Servient tenement (Identifier/CT) All on DP 404128**	**Dominant tenement (Identifier/CT or in gross) All on DP 404128**
Right of way	CF, CG and CO on DP 404128	Lot 1 (CT 414229)	Lot 100 (CT 414229-414287 (inclusive))
Right to convey stormwater	BM on DP 404128	Lot 20 (CT 414242)	Lots 1, 4-6 (inclusive), 8-10 (inclusive), 12, 13, 15-17 (inclusive), 19, 21-27 (inclusive), 27a, 28, 28a, 29-35 (inclusive), 35a, 36-60 (inclusive), 69 and 70 (CT 414229-414241 (inclusive) and 414243-414287 (inclusive))
	BW on DP 404128	Lot 39 (CT 414264)	Lots 1, 4-6 (inclusive), 8-10 (inclusive), 12, 13, 15-17 (inclusive), 19-27 (inclusive), 27a, 28, 28a, 29-35 (inclusive), 35a, 36-38 (inclusive), 40-60 (inclusive), 69 and 70 (CT 414229-414263 (inclusive) and 414265-414287 (inclusive))

Form L

Annexure Schedule Page 2 of 4 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

Purpose (nature and extent) of easement	**Shown (plan reference)**	**Servient tenement (Identifier/CT) All on DP 404128**	**Dominant tenement (Identifier/CT or in gross) All on DP 404128**
Right to convey stormwater	BX on DP 404128	Lot 42 (CT 414267)	Lots 1, 4-6 (inclusive), 8-10 (inclusive), 12, 13, 15-17 (inclusive), 19-27 (inclusive), 27a, 28, 28a, 29-35 (inclusive), 35a, 36-41 (inclusive), 43-60 (inclusive), 69 and 70 (CT 414229-414266 (inclusive) and 414268-414287 (inclusive))
	R on DP 404128	Lot 33 (CT 414257)	Lots 1, 4-6 (inclusive), 8-10 (inclusive), 12, 13, 15-17 (inclusive), 19-27 (inclusive), 27a, 28, 28a, 29-32 (inclusive), 34, 35, 35a, 36-60 (inclusive), 69 and 70 (CT 414229 -414256 (inclusive) and 414258-414287 (inclusive))
	CB and CC on DP 404128	Lot 4 (CT 414230)	Lots 1, 5, 6, 8-10 (inclusive), 12, 13, 15-17 (inclusive), 19-27 (inclusive), 27a, 28, 28a, 29-35 (inclusive), 35a, 36-60 (inclusive), 69 and 70 (CT 414229 and 414231-414287 (inclusive))

Form L

Annexure Schedule Page 3 of 4 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

Purpose (nature and extent) of easement	**Shown (plan reference)**	**Servient tenement (Identifier/CT) All on DP 404128**	**Dominant tenement (Identifier/CT or in gross) All on DP 404128**
Right to drain sewage	BJ on DP 404128	Lot 104 (CT 414229-414287 (inclusive))	Lots 1, 4-6 (inclusive), 8, 9, 12, 13, 27, 27a, 28, 28a, 29-33 (inclusive), 35, 35a and 36-38 (inclusive) (CT 414229-414234 (inclusive), 414236, 414237, 414249-414257 (inclusive) and 414259-414263 (inclusive))
Right to convey telecommunications and computer media	CD on DP 404128	Lot 29 (CT 414253)	Lot 28 (CT 414251)

Form L

Annexure Schedule Page 4 of 4 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

ANNEXURE SCHEDULE 2

1 **Interpretation**

1.1 The Regulations are varied as follows:

(a) the definition of "easement facility" subclause (b) is amended by inserting at the end of the subclause, the words:

"and any mask, insulator, casing, fixture, tunnel or other equipment material used or intended to be used for supporting, enclosing, surrounding or protecting any of the aforementioned".

1.2 The following definitions are inserted into clause 1 of the Regulations:

"costs" means the costs of the installation, creation, establishment, repair, maintenance, and serving of any article, property or facility used or needed for the proper exercise of the rights created by this easement instrument;

"easement" means an easement recorded by an easement instrument, transfer instrument or deposit document;

"telecommunication" means the conveyance, transmission, emission or reception of signs, signals, impulses, writing, images, sounds, instructions, information or intelligence of any nature whether by electro magnetic waves or not, at any frequency and whether for the information of any person or not and includes any electronic power supply whether underground or over ground incidental to telecommunications;

"these provisions" means these provisions as they may be varied from time to time;

"Regulations" means Schedule 4 of the Land Transfer Regulations 2002;

2 **Right to drain sewage**

2.1 Clause 5(1) of the Regulations is varied by adding the words *"in any quantities"* after the words "and waste fluids" in the third line.

3 **Right to convey electricity**

3.1 Clause 7(1) of the Regulations is varied by adding the words *"in such quantity required to satisfy the grantee's reasonable needs"* after the words "or impediment" in the fourth line.

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)

Registrar-General of Land Approval 03/6150EF A.D.L.S.

Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

Consentor *Surname must be underlined or in CAPITALS*	**Capacity and Interest of Consentor** *(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)*
RAINBIRD INVESTMENTS LIMITED	**Mortgagee under mortgage number 5966146.5**

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
Delete words in [ ] if inconsistent with the consent.
State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

~~[section of the Act]~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the **Consentor hereby consents** to:

(a) the deposit of deposited plan 404128;
(b) the registration of the attached easement instruments;
(c) the registration of the attached land covenants; and
(d) the registration of the attached conservation covenant.

Dated this 10th day of July 2009

Attestation

	Signed in my presence by the Consentor
Director	**Signature of Witness**
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name Matthew Joseph Carroll
	Occupation Solicitor
	Address Auckland
Signature of Consentor	

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

REF: 7029 – AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)

Registrar-General of Land Approval 03/6150EF - A.C.L.S. -

Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

Consentor *Surname must be underlined or in CAPITALS*	**Capacity and Interest of Consentor** *(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)*
MY TRUSTEE LIMITED	**Mortgagee under mortgage number 8028272.1**

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
Delete words in [ ] if inconsistent with the consent.
State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

~~[section of the Act]~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the **Consentor hereby consents** to:

(a) the deposit of deposited plan 404128;
(b) the registration of the attached easement instruments;
(c) the registration of the attached land covenants; and
(d) the registration of the attached conservation covenant.

Dated this 10th day of July 2009

Attestation

My Trustee Ltd by

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name Matthew Joseph Carroll

Occupation Solicitor

Address Auckland

Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

REF: 7029 – AUCKLAND DISTRICT LAW SOCIETY