

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 persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate 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.

H 336629 RC

14 Jan, 2000 13:40:59 Perth



REG. \$ 66.00

LODGED BY

McLEOD & CO
Solicitors

ADDRESS

220-222 Stirling Highway
CLAREMONT WA 6010

PHONE No.

9383 3133

FAX No.

9385 2693

REFERENCE No.

McL/N5 11048 (11048RCO/IE/D)

ISSUING BOX No.

346K

PREPARED BY

McLEOD & CO
SOLICITORS

ADDRESS

220-222 STIRLING HIGHWAY
CLAREMONT WA 6010

PHONE No.

9383 3133

FAX No.

9385 2693

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER 1
LODGING PARTY

FEE: 33
ASSESS. No. 94814

TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Received Items

Nos.

Receiving Clerk

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

EXAMINED

NE105

25/1



MORTGAGEE'S CONSENT

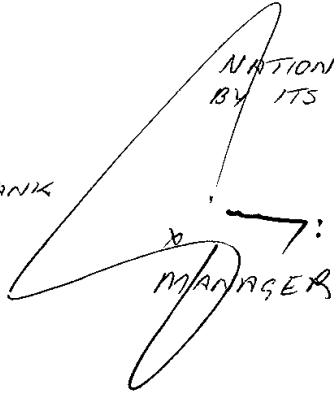
The NATIONAL AUSTRALIA BANK LIMITED (ACN 004 044 937) being the Mortgagee under Mortgage G293714 HEREBY CONSENTS to the Restrictive Covenant created by this Deed.

DATED the 29th day of NOVEMBER 1999.

EXECUTED BY NATIONAL AUSTRALIA BANK LTD
ACN 004 044 937 BY BEING SIGNED IN WESTERN
AUSTRALIA BY ITS ATTORNEY NOEL FRANCIS CASHELL
UNDER POWER OF ATTORNEY NO E 565042 (WHO DECLARES
THAT HE HOLDS THE OFFICE IN THE BANK INVOLVED
UNDER HIS SIGNATURE) IN THE PRESENCE OF:-


Karen Potter
Business Banking Officer

CLERK OF THE SAID BANK


NATIONAL AUSTRALIA BANK LTD
BY ITS ATTORNEY

MANAGER

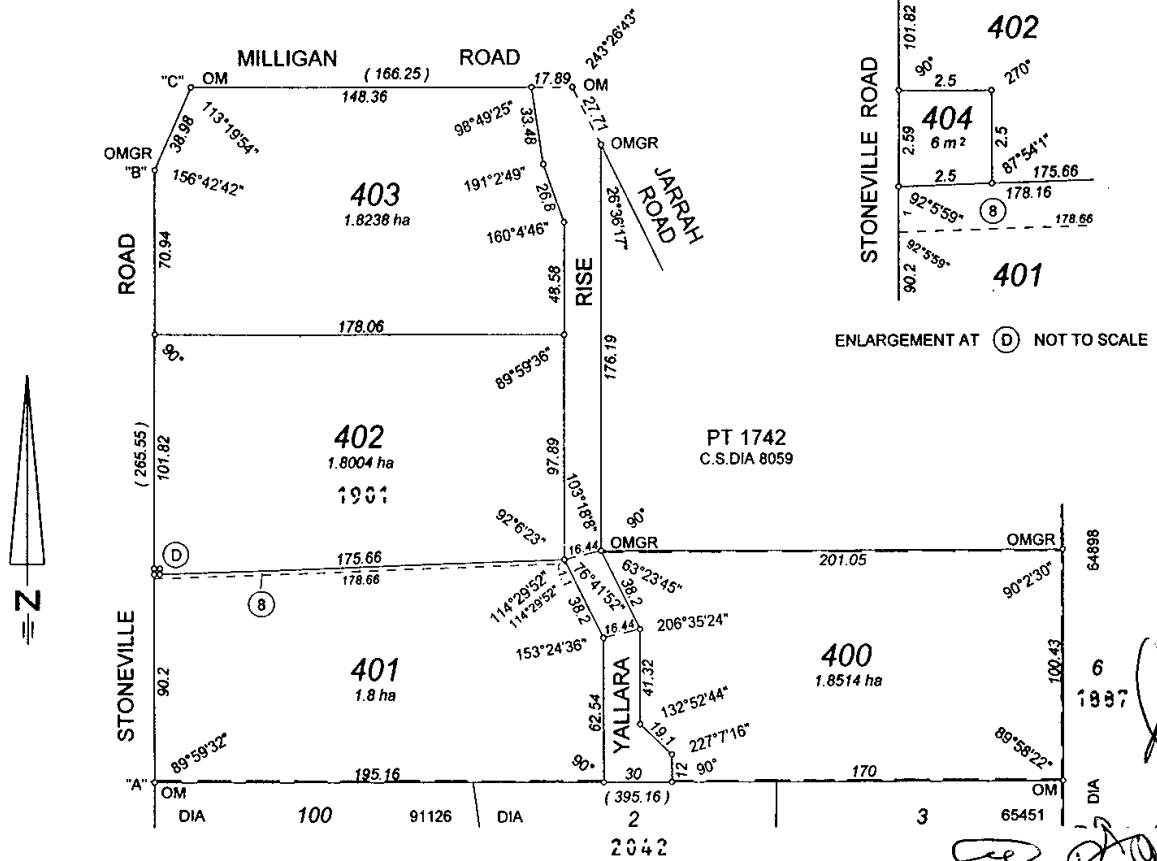
(11048RCO/1E/D)

LAND DESCRIPTION PT SWAN LOCATION 1901	ON	CERTIFICATE OF TITLE	FIELD BOOK	TOTAL AREA 7.8258 ha
	PLAN	VOLUME	FOLIO	
	DIAGRAM	1353	033	
	INDEX			
PUBLIC				

LOCAL AUTHORITY: SHIRE OF MUNDARING

LIMITED IN DEPTH TO 609.6 METRES

LOCALITY: STONEVILLE



(8) EASEMENT TO ELECTRICITY CORPORATION UNDER SECTION 27A OF THE T.P. & D. ACT REGULATION 8 (UNDERGROUND ELECTRIC

WILSON & MACKAY
LICENSED SURVEYORS
116 COPLEY ROAD
UPPER SWAN W.A. 6056
TELEPHONE - (08) 92964162

ACCESS TO STONEVILLE ROAD FROM "A" - "B"
& "B" - "C" IS RESTRICTED UNDER SECTION 129 BA
OF THE TRANSFER OF LAND ACT 1893 AS REFERRED
TO IN RESTRICTIVE COVENANT

0 50 100

SURVEYOR'S CERTIFICATE - Reg 54

I, J. J. MACKAY, hereby certify that this plan is a correct representation of the survey and / or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law (s) in relation to which it is lodged.

Licensed Surveyor

Date

SURVEYOR'S CERTIFICATE - Compiled

I, hereby certify that this compiled plan -
(a) is a correct and accurate representation of the survey (s) of the subject land; and
(b) is in accordance with the relevant law in relation to which it is lodged.

Licensed Surveyor

Date

APPROVED BY
WESTERN AUSTRALIAN PLANNING COMMISSION

FILE 108345

FOR CHAIRMAN

DATE

EARLY ISSUE YES / NO

LODGED

DATE

FEE PAID

ASSESS No

TYPE OF VALIDATION

FULL AUDIT

LEGAL COMPONENT

DOCKET PLANDIAGRAM

CERTIFIED CORRECT

F. S. C.

SCALE 1 : 2000

ALL DISTANCES ARE IN METRES

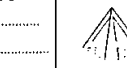
IN ORDER FOR DEALINGS

SUBJECT TO

FOR INSPECTOR OF PLANS & SURVEYS

APPROVED

INSPECTOR OF PLANS & SURVEYS



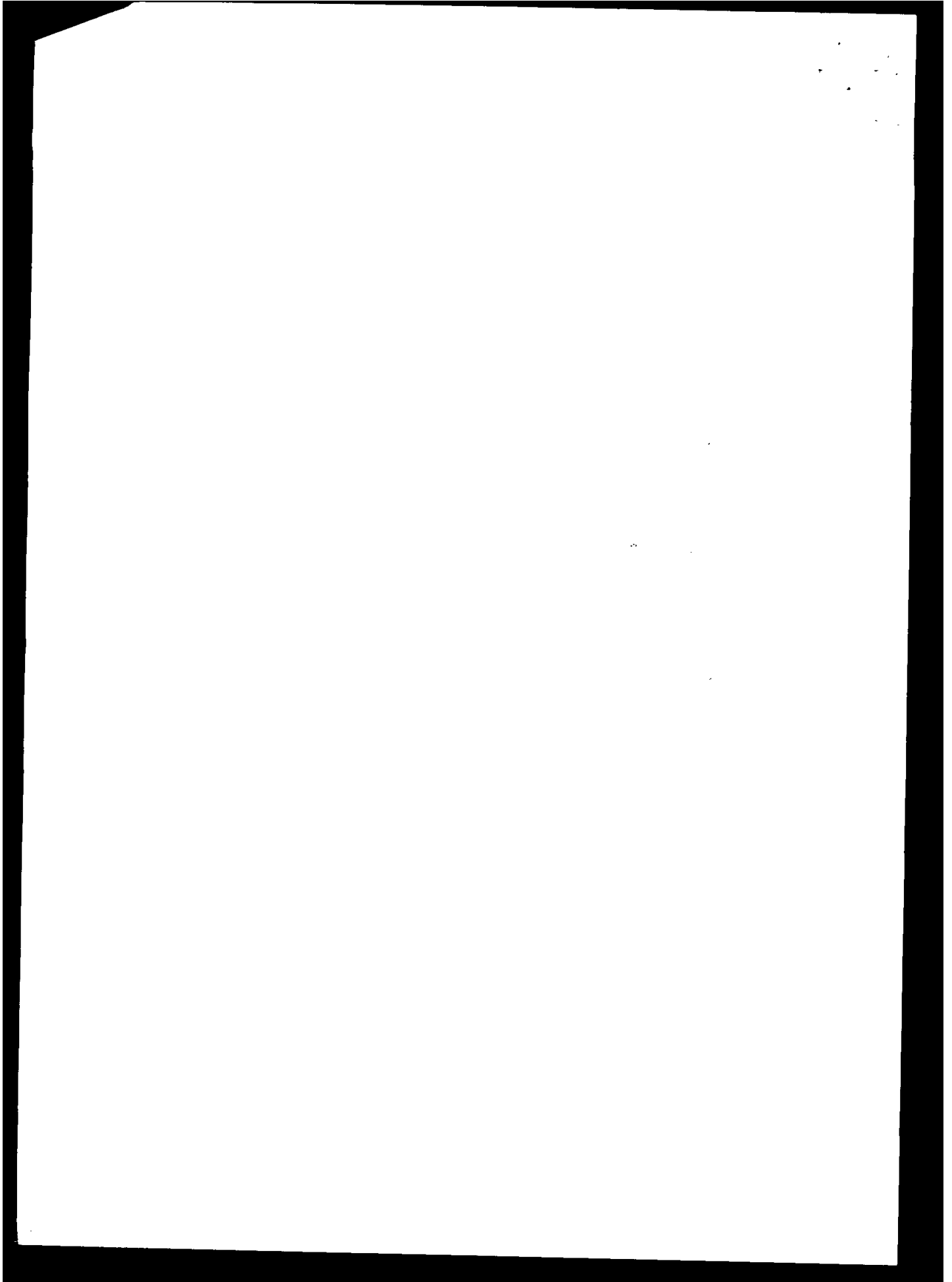
DOLA

Department of LAND ADMINISTRATION

OFFICE OF TITLES
DIAGRAM

98820

LASER PRINTED D.F.T.

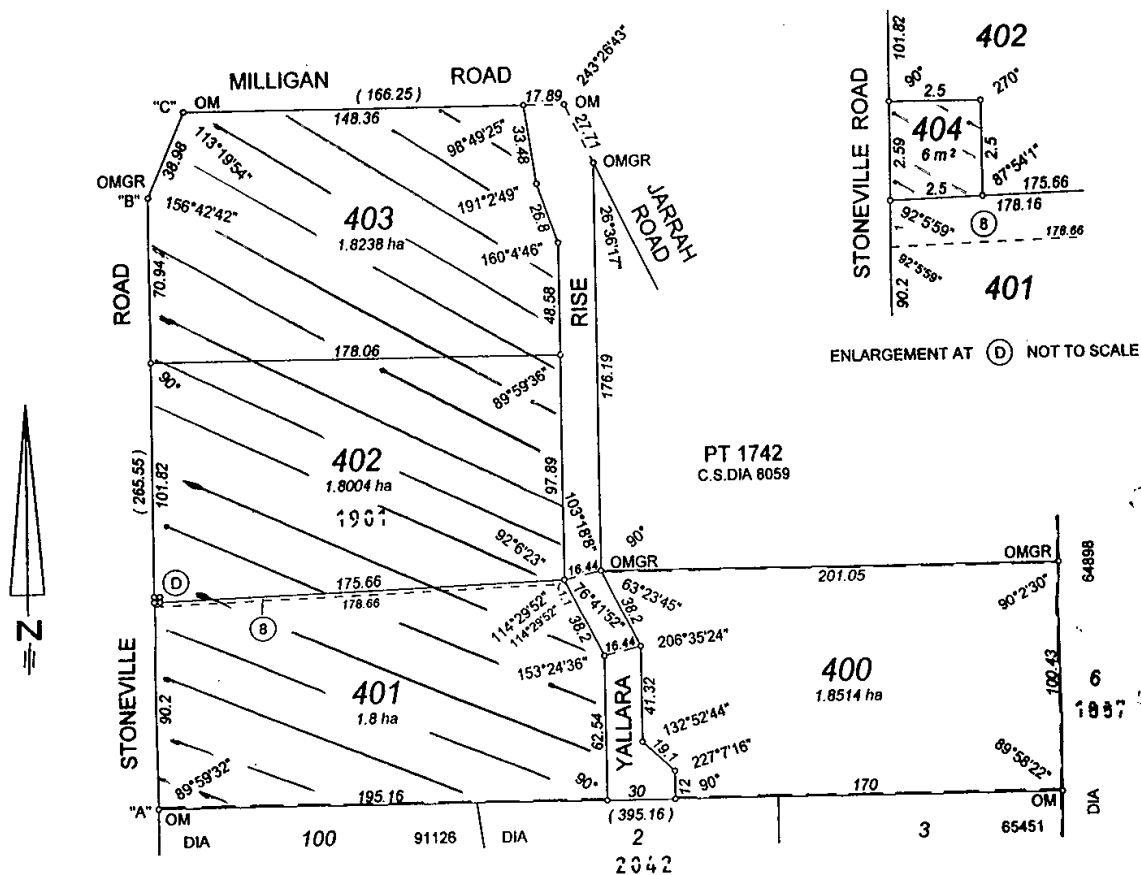


LAND DESCRIPTION	ON	CERTIFICATE OF TITLE	FIELD BOOK	2
PT SWAN LOCATION 1901	PLAN	VOLUME	FOLIO	TOTAL AREA 7.8258 ha
	DIAGRAM	1353	033	
	INDEX			
	PUBLIC			

LOCAL AUTHORITY: SHIRE OF MUNDARING

LIMITED IN DEPTH TO 609.6 METRES

LOCALITY: STONEVILLE



⑧ EASEMENT TO ELECTRICITY CORPORATION UNDER SECTION 27A OF THE T.P. & D. ACT REGULATION 8 (UNDERGROUND ELECTRIC)

WILSON & MACKAY
LICENSED SURVEYORS
116 COPLEY ROAD
UPPER SWAN W.A. 6056
TELEPHONE - (08) 92964162

ACCESS TO STONEVILLE ROAD FROM "A" - "B"
& "B" - "C" IS RESTRICTED UNDER SECTION 129 BA
OF THE TRANSFER OF LAND ACT 1893 AS REFERRED
TO IN RESTRICTIVE COVENANT

0 50 100

SURVEYOR'S CERTIFICATE - Reg. 54

I, **I. J. MACKAY** hereby certify that this plan is a correct representation of the survey and / or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law (s) in relation to which it is lodged.

17.9.99 Date

SURVEYOR'S CERTIFICATE - Completed
I, **I. J. MACKAY** hereby certify that this completed plan -
(a) is a correct and accurate representation of the survey (s) of the subject land; and
(b) is in accordance with the relevant law in relation to which it is lodged.

17.9.99 Date

APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION

FILE 108345

FOR CHAIRMAN

DATE

EARLY ISSUE YES/NO

LODGED

DATE

FEE PAID

ASSESS No

TYPE OF VALIDATION

FULL AUDIT

LEGAL COMPONENT

DOCKET PLAN/DIAGRAM

CERTIFIED CORRECT

F. S. C.

SCALE 1 : 2000

ALL DISTANCES ARE IN METRES

IN ORDER FOR DEALINGS

SUBJECT TO

FOR INSPECTOR OF PLANS & SURVEYS DATE

APPROVED

INSPECTOR OF PLANS & SURVEYS DATE



DOLA

Department of LAND ADMINISTRATION

OFFICE OF TITLES
DIAGRAM

98820

LASER PRINTED O F T

EXECUTED by the parties as a Deed.

SIGNED by the said DAVID JOHN GATTI
in the presence of:

) 
)

Witness sign: *H Cochrane*

Print name: Heather Cochrane

Address: 815 Traylen Road
Stoneville

Occupation: Receptionist

SIGNED by the said DERRYN CHERIE
GATTI in the presence of:

) 
)


Witness sign: *H Cochrane*

Print name: Heather Cochrane

Address: 815 Traylen Rd
Stoneville

Occupation: Receptionist

THE COMMON SEAL of the SHIRE OF)
MUNDARING was hereunto affixed)
in the presence of:)



PRESIDENT



CHIEF EXECUTIVE OFFICER

1985

Where a reference to a party includes more than one person the rights and obligations of those persons shall be joint and several.

Headings have been inserted for guidance only and shall be deemed not to form part of the context.

The Schedule and Annexures (if any) form part of this Deed.

SCHEDULE

ITEM 1 LAND BURDENED

~~Lot 401 on Diagram 98820 being the whole of the land comprised in Certificate of Title Volume Folio;~~

~~Lot 402 on Diagram 98820 being the whole of the land comprised in Certificate of Title Volume Folio; and~~

~~Lot 403 on Diagram 98820 being the whole of the land comprised in Certificate of Title Volume Folio;~~

2
see
letter
9/12

That part of Swan Location 1901 being the part of the land comprised in Certificate of Title Volume 1353 Folio 33 (the land) and the portions of the Land shown hatched on the sketch annexed

ITEM 2 ENCUMBRANCES

Mortgage G293714;

~~Easement created on Diagram 98820 pursuant to s.27A of the Town Planning & Development Act 1928;~~

Notification pursuant to S.70A of the Transfer of Land Act 1893, dated 13 January 2000

2
see
letter
9/12

- E. The Subdividers are required by Condition 2 of Subdivision Approval No. 108345 to restrict access from the Land Burdened to the abutting road shown on Diagram 98820 as Stoneville Road and the Subdividers enter into this Deed pursuant to Section 129BA of the Transfer of Land Act 1893 to comply with Condition 2.

OPERATIVE PART:

1. SUBDIVIDERS' COVENANTS

The Subdividers for themselves and their successors in title with the intention of binding so far as is possible the Land Burdened in the hands of whoever it may come HEREBY COVENANT with the Shire under and by virtue of the provisions of Section 129BA of the Transfer of Land Act 1893 not to use or permit the use of the Land Burdened for access from the Land Burdened to Stoneville Road between the points marked "A" and "B", and "B" and "C" shown along the western boundary of the Lots on Diagram 98820 of the Land Burdened on the sketch annexed.

*
see
see
1/15
9/12

2. COSTS

The Subdividers shall pay the costs of and incidental to the preparation, execution, stamping and registration of this Deed and all stamp duties and registration fees.

3. INTERPRETATION

In this Deed:

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

BLANK INSTRUMENT FORM

RESTRICTIVE COVENANT

(Note 1)

THIS RESTRICTIVE COVENANT is made the 9 day of December 1999

BETWEEN:

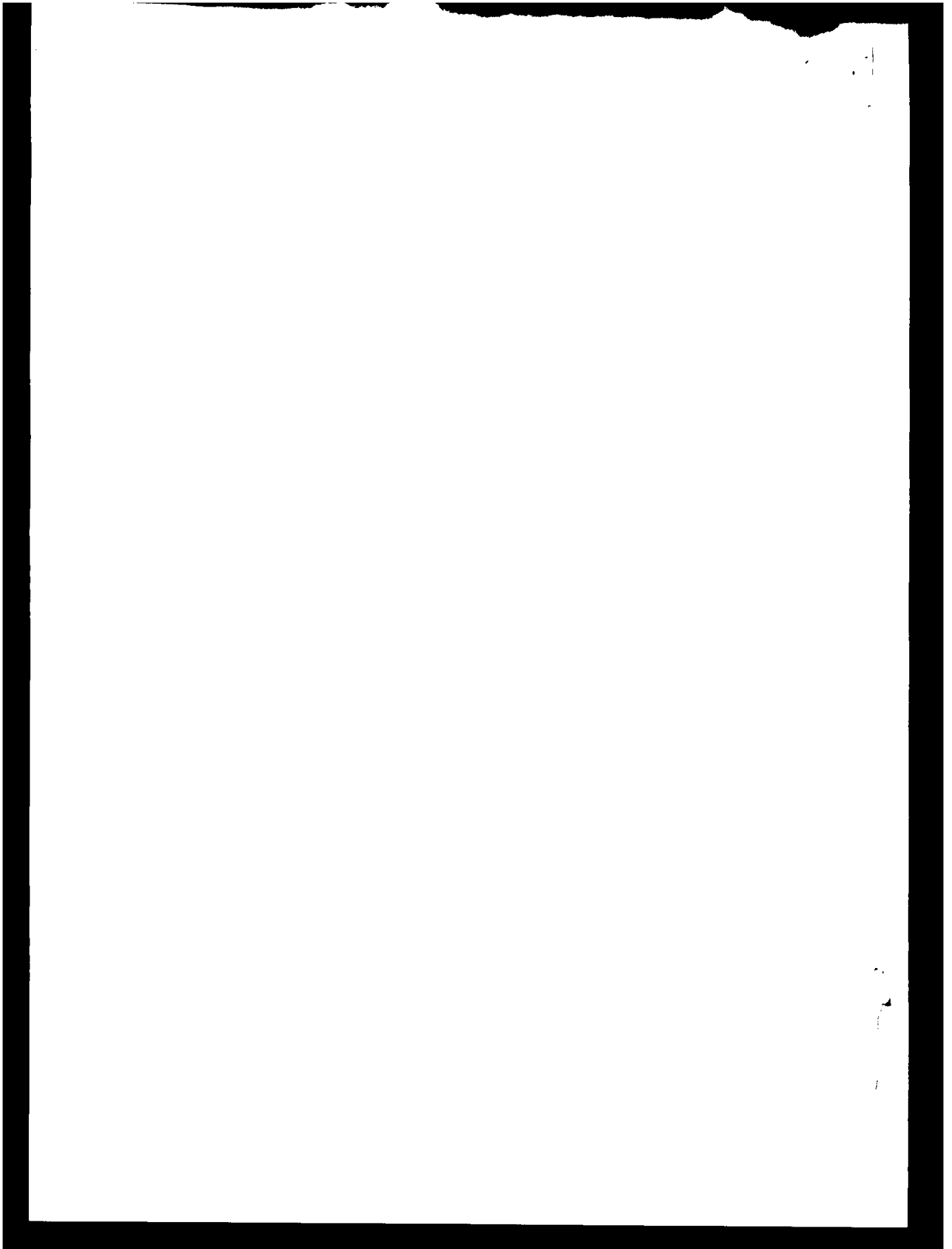
DAVID JOHN GATTI and DERRYN)
 CHERIE GATTI both formerly of Lot 14)
 Lapoinya Place, Stoneville and both now of)
 210 Lapoinya Place, Stoneville in the State of)
 Western Australia ("the Subdividers"))

AND

SHIRE OF MUNDARING of 7000 Great)
 Eastern Highway Mundaring in the said State)
 ("the Shire"))

RECITALS:

- 2
see
ref
912
- A. The Subdividers are registered as the proprietors of an estate in fee simple in land being ~~Lots 401, 402 and 403 on Diagram 98820 which Lots comprise the Land Burdened~~ portion of Swan Location 1901 being the whole of the land and the portions of the land shown hachured on sketch annexed comprised the land Burdened
- B. The Land Burdened is subject to the encumbrances noted in the Schedule hereto.
- C. The Land Burdened is situated within the district of the Shire.
- D. The Subdividers have sought and received from the Western Australian Planning Commission approval to subdivide land of which the Land Burdened forms part.





Our Ref

Your Ref

McL/N5 11048

4 February, 2000

Stopped Documents Section
Department of Land Administration
PO Box 2222
MIDLAND WA 6056

Attention: Mr Rob O'Sullivan

Dear Sir

DOCUMENT NO.S H336628-629

We refer to our letter dated 1 February 2000 and note that we omitted to enclose a cheque in payment of the production of title fee. We now enclose that cheque in the sum of \$33.00 for your attention.

Once again should you require any further action please contact J Engelhard.

Yours faithfully

Enc.

McLEOD & CO.



**BARRISTERS &
SOLICITORS**

Local Government Law
Environmental Planning Law

Stirling Law Chambers
220-222 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9385 2693
Email: McLeodAndCo.Net.Au

Partners
Denis McLeod
Geoffrey Owen
Linda Rowley
Senior Associate
Jennifer Engelhard
Associates
Peter Wittkuhn
Craig Clarke

(11048dola2/jje/c)

MIDLAND OFFICE: 35 SPRING PARK ROAD, MIDLAND
ALL CORRESPONDENCE TO CLAREMONT OFFICE

2. In respect of document H336629, the s.129BA restrictive covenant please amend:

(a) Recital A by deleting the words

"Lots 401, 402 and 403 on Diagram 98820 which Lots comprise the Land Burdened."

and insert the words

"portion of Swan Location 1901 being the whole of the land comprised in Certificate of Title Volume 1353 Folio 033 ("the Land") and the portions of the Land shown hachured on the sketch annexed comprise the Land Burdened";

(b) the last line of clause 1 of the Operative Part by deleting the words "of the Lots on Diagram 98820" and inserting

"of the Land Burdened on the sketch annexed";

(c) Item 1 of the Schedule by deleting the land description shown and inserting

"that part of portion of Swan Location 1901 being part of the land comprised in Certificate of Title Volume 1353 Folio 033 shown hachured on the sketch annexed";

(d) Item 2 of the Schedule by deleting reference to the easement created on Diagram 98820;

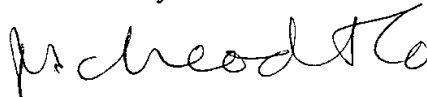
(e) by hachuring those parts of the sketch annexed to the document shown as Lots 401, 402, 403 and 404 or alternatively by inserting the enclosed sketch marked "2".

We have contacted the proprietor of the land who has undertaken to contact his bank to arrange for duplicate Certificate of Title Volume 1353 Folio 33 to be produced.

We trust the above will rectify the matter and satisfy the requisition. In the event that further information or action is required please contact J Engelhard of this firm as soon as possible.

A cheque in the sum of \$33.00 in payment of the requisition fee follows by post.

Yours faithfully



(11048dola1/js/c)



Our Ref
Your Ref

McL/N5 11048

1 February, 2000



McLEOD & CO.



**BARRISTERS &
SOLICITORS**

Local Government Law
Environmental Planning Law

Stirling Law Chambers
220-222 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9385 2693
Email: McLeodAndCo.Net.Au

Partners
Denis McLeod
Geoffrey Owen
Linda Rowley
Senior Associate
Jennifer Engelhard
Associates
Peter Wittkuhn
Craig Clarke

Stopped Documents Section
Department of Land Administration
PO Box 2222
MIDLAND WA 6056

Attention: Mr Rob O'Sullivan

Dear Sir

DOCUMENT NO.S H336628-629

We refer to your requisition notice dated 28 January 2000 in respect of the above documents and also to the conversations by telephone between Mr S Crowe of the Department of Land Administration and J Engelhard of this firm.

We are the solicitors who prepared and lodged the above documents and we are authorised to request and hereby request that the Registrar use his power under the Act to amend the documents in the following manner:

1. In respect of document H336628, the s.70A Notification please delete from the description of land in Box 1 the words:

"... as:

Lot 400

Lot 401

Lot 402

Lot 403

all on Diagram 98820 and a copy of which is annexed hereto"

and insert the words

"hachured on the sketch annexed hereto".

Please also insert the enclosed sketch marked "1" in place of the existing sketch or alternatively hachure the lots shown on the existing sketch as Lots 400, 401, 402 and 403.

MIDLAND OFFICE: 35 SPRING PARK ROAD, MIDLAND
ALL CORRESPONDENCE TO CLAREMONT OFFICE

STUCK

**PREVIOUSLY
TRANSMITTED
BY FACSIMILE**

*accept letter for book
Rob O'Sullivan
18-2-00*