



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R. W. Muir
Registrar-General
of Land

Identifier 103463
Land Registration District South Auckland
Date Issued 14 October 2003

Prior References
SA35B/931

Estate Fee Simple
Area 9187 square metres more or less
Legal Description Lot 5 Deposited Plan 325602

Proprietors

Edward Weymes as to a 1/2 share
Claire Elizabeth Weymes as to a 1/2 share

Interests

Land Covenant in Transfer H254148.1 - 26.9.1979
6087243.2 Mortgage to ANZ Banking Group (New Zealand) Limited - 21.7.2004 at 9:00 am

H 254148.1 T

(Approved by the District Land Registrar, South Auckland, No. S.298577/1964)

[NEW ZEALAND]

Memorandum of Transfer

ROBERT BERTRAM KEITH GARDINER, Chartered Accountant ROBERT WILLIAM RANDALL
McKINNON, Solicitor, Both of Hamilton and JOHN CHARLES WARREN of Okoroire,
Farmer (hereinafter referred to as "the Transferors")

TRANSFER BY DEED
ASSIGNMENT OF AGREEMENT
dated with duty of
\$K00 on 6/9/79

an estate in fee simple 6912 being registered as proprietor(s) of
—FP *****1.00

subject however to such encumbrances, liens and interests as are notified by memorandum underwritten
or endorsed hereon, in the piece(s) of land situate in the Provincial District of Auckland
containing FOUR DECIMAL NOUGHT NINE TWO FOUR HECTARES (4.0924 ha) more or
less being Lot 5 on Deposited Plan S.10651 and being part Allotment 59
Parish of Tamahere and being all the land comprised and described in
Certificate of Title Volume 6B Folio 1125 (South Auckland Registry)
SUBJECT TO:- Fencing Covenant in Transfer S.591156 /

IN CONSIDERATION of the sum of FORTY THOUSAND DOLLARS (\$40,000.00) paid
to us by GRAHAM GILMER McCOLL of Hamilton, Restaurateur and PATRICIA
his wife (the receipt whereof is hereby acknowledged) (hereinafter referred
to as "the Transferee"), DO HEREBY TRANSFER to the said GRAHAM GILMER
McCOLL and PATRICIA McCOLL all our estate and interest in the said piece
of land above described and the Transferees so as to bind the land above
described DOTH HEREBY COVENANT AND AGREE with the Transferors for the
benefit of the land described in the first schedule hereto and every part
thereof that the Transferees will henceforth and at all times hereafter
observe and perform all the stipulations and restrictions contained in the
said Second Schedule hereto to the end and intent that each of the said
stipulations and restrictions shall enure for the benefit of all the land
described in the First Schedule hereto and each part thereof and for the
benefit of the registered proprietors thereof from time to time and the
Transferee DOTH HEREBY FURTHER COVENANT that they will at all times here-
after save harmless and indemnified the Transferors from all proceedings
costs claims and demands in respect of breaches by the Transferees of the
covenants and restrictions hereinbefore on their part contained and implied
and the Transferees further covenant that they will not call upon the Trans

feror to pay for or contribute towards the cost of erection or maintenance of any boundary fence between the above described land and the adjoining land owned by the Transferors PROVIDED THAT this covenant shall not enure for the benefit of the subsequent purchaser of such adjoining land AND THE TRANSFERORS DO HEREBY COVENANT that they will include all the stipulations and restrictions contained in the Second Schedule hereto in any Agreements for the sale of Lots 4 and 6 on Deposited Plan S.10651 and incorporate the said stipulations and restrictions in the Memoranda of Transfer of Lots 4 and 6 on Deposited Plan S.10651 to the end and intent that each of the said stipulations and restrictions shall enure for the benefit of all the land described in the third schedule hereto and each part thereof for the benefit of the registered proprietors thereof from time to time.

FIRST SCHEDULE

Lots 4 and 6 on Deposited Plan S.10651.

SECOND SCHEDULE

- (a) Not to use the said land for commercial poultry farming nor to keep or permit to be kept on the said land any pigs.
- (b) Not to construct on the said land any residential dwelling other than a brand new dwelling house at a value of not less than THIRTY THOUSAND DOLLARS (\$30,000.00).

THIRD SCHEDULE

Lots 1 to 3 and 7 to 10 inclusive on Deposited Plan S.10651.

Lots 4 and 6 on Deposited Plan S.10651.

IN WITNESS WHEREOF these presents have been executed this

STATUTORY DECLARATION TO BE MADE WHERE
PURCHASER IS AN INDIVIDUAL

Deposited
2/3/1979
Hyde
R.A.H.

Form 1

IN THE MATTER of the Land Settlement Promotion and Land Acquisition Act 1952 (hereinafter referred to as the Act) and

IN THE MATTER of an Agreement for Sale and Purchase

dated the 12 day of February 1979 A.

from ROBERT BERTRAM KEITH GARDINER Chartered Accountant (or Lessor)
ROBERT WILLIAM RANDALL MCKINNON Solicitor both of Hamilton and
JOHN CHARLES WARREN of Okoroire, Farmer
to GRAHAM GILMER MCCOLL of Hamilton, Restaurateur and
PATRICIA MCCOLE his wife

as Purchaser (or Lessee)

affecting all that parcel of land containing 4.0924 hectares more or less

being all/part of the land comprised and described in certificate of title, Volume 6B

folio 1125 (South Auckland Land Registry).

I, GRAHAM GILMER MCCOLL of Hamilton Restaurateur

solemnly and sincerely declare:

1. I am the purchaser (or lessee) above-named of the land above described
2. I have entered into the transaction solely on my behalf as the person beneficially entitled thereunder.
3. I do not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Act, outside a city or borough or town district, and I have no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

4. I am unmarried

or

My wife (or husband) does not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, and she (or he) has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

5. No company of which I or my wife (or husband) is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

6. I have attained the age of 17 years. ~~(Or Neither my father nor my mother owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land).~~

7. I have not since the passing of the Act (namely, the 16th day of October 1952) transferred, granted, leased, or otherwise disposed of any estate or interest in farm land, as so defined, to any person as a trustee for any person or created any trust in respect of any estate or interest in any such farm land.

8. The transaction is subject to Part IIA of this Act and—

- (a) I am a British subject, but not a New Zealand citizen (or, I am a British protected person within the meaning of the British Nationality and New Zealand Citizenship Act 1948); and
- b) I have resided in New Zealand for not less than 2½ years during the period of 3 years immediately preceding the date of the transaction, and intend to continue to reside permanently in New Zealand.

GRAHAM GILMER MCCOLL, RESTAURATEUR
 2-3-1979

9. The transaction is not subject to Part IIA of the Act because—

The transaction does not relate to any land of any of the classes described in paragraph (f) of subsection (1) of section 35B of the said Act (as substituted by section 2 of Land Settlement Promotion and Land Acquisition Amendment Act 1969).

Or I am a New Zealand citizen, and so declare because—

(a) Immediately before the date of commencement of the British Nationality and New Zealand Citizenship Act 1948 I was a British subject, and I was born within the territories comprised at the commencement of that Act in New Zealand and would have been a New Zealand citizen if section 6 of that Act had been in force at the time of my birth (or I was ordinarily resident in New Zealand at the commencement of that Act and had been so resident throughout the period of 12 months immediately preceding the commencement of that Act).

~~(b) I am a person naturalised in New Zealand.~~

~~(c) I am registered as a New Zealand citizen.~~

(d) I am a New Zealand citizen by birth.

~~(e) I am a New Zealand citizen by descent.~~

(f) I am the wife of
who is qualified as a New Zealand citizen as set out in paragraph

above.

~~g)~~

I am the purchaser (lessor) as trustee under the following trust and every beneficiary under the trust is a New Zealand citizen (or every beneficiary under the trust who is an individual is a New Zealand citizen and no beneficiary under the trust that is a body corporate is an overseas corporation as defined in section 35A of the Act).

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at HAMILTON

this 25 day of February 1979.

before me—

~~Justice of the Peace
Solicitor of the Supreme Court
other person authorised to take and receive statutory declarations~~

NOTE—1. Where both Parts I) and IIA of the Act apply to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 8 of this form.

2. Where only Part II of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 7 and paragraph 9 of this form.

3. Where only Part IIA of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 8 of this form.

4. Where the declaration is made for the purposes of section 35D of the Act, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 9 of this form.

5. Where Part II only or both Parts II and IIA of the Act apply to the transaction, and the purchaser or lessee is a trustee then, under section 24 (1) (a) of the Act the consent of the Court is required and this form is not applicable.

6. Section 2 (1) of the Act contains the following definitions:

"Farm land" means land that, in the opinion of the Land Valuation Committee, or, as the case may be, of the Land Valuation Court, is or should be used exclusively or principally for agricultural purposes:

Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Committee or, as the case may be, of the Court, be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

"Agricultural purposes" has a meaning corresponding to the term "agriculture", which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

7. The classes of land described in paragraph (f) of section 35B (1) of the Act are as follows:

- a) Any land of 1 acre or over in area which under any operative regional planning scheme or proposed or operative district scheme under the Town and Country Planning Act 1953, is designated or zoned as a reserve, or as a public park, or for recreation purposes, or as private open space, or for preservation as a place of or containing an object of historical or scientific interest or natural beauty, or any proposed such purpose.
- (b) Any land of 5 acres or over in area which under any such proposed or operative district scheme is zoned for rural purposes or is so zoned that farming of any kind is a predominant or conditional use in that zone.
- (c) Any land of 1 acre or over in area which is not included in any proposed or operative district scheme provided and maintained by any Council or other local authority under that Act.
- (d) Any land being or forming part of any island (except the North Island and the South Island) which is less than 100 miles from the nearest part of the coast of the North Island or of the South Island.
- e) Any land being or forming part of any island of the Chatham Islands.

McCOLL P

Deposited
2/13/79
Hyl... Form 1
LVC1

STATUTORY DECLARATION TO BE MADE WHERE PURCHASER IS AN INDIVIDUAL

IN THE MATTER of the Land Settlement Promotion and Land Acquisition Act 1952 (hereinafter referred to as the Act) and

IN THE MATTER of of an Agreement for Sale and Purchase

dated the 12 day of February 19 79

from ROBERT BERTRAM KEITH GARDINER Chartered Accountant
ROBERT WILLIAM RANDALL MCKINNON Solicitor both of Hamilton and
JOHN CHARLES WARREN of Okoroire, Farmer
to GRAHAM GILMER MCCOLL of Hamilton Restaurateur and
PATRICIA MCCOLL his wife

as Purchaser (or Lessee)

affecting all that parcel of land containing 4.0924 hectares more or less

being all/part of the land comprised and described in certificate of title, Volume 6B

folio 1125 (South Auckland Land Registry).

I, PATRICIA MCCOLL of Hamilton, his wife

solemnly and sincerely declare:

- 1. I am the purchaser-(or-lessee) above-named of the land above described
- 2. I have entered into the transaction solely on my behalf as the person beneficially entitled thereunder.
- 3. I do not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Act, outside a city or borough or town district, and I have no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

4. I am unmarried
or

My wife-(or husband) does not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, and she-(or he) has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

5. No company of which I or my wife-(or husband) is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

6. I have attained the age of 17 years. (Or ~~Neither my father nor my mother owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.~~)

7. I have not since the passing of the Act (namely, the 16th day of October 1952) transferred, granted, leased, or otherwise disposed of any estate or interest in farm land, as so defined, to any person as a trustee for any person or created any trust in respect of any estate or interest in any such farm land.

8. The transaction is subject to Part IIA of this Act and-

- (a) I am a British subject, but not a New Zealand citizen (or, I am a British protected person within the meaning of the British Nationality and New Zealand Citizenship Act 1948); and
- b) I have resided in New Zealand for not less than 2½ years during the period of 3 years immediately preceding the date of the transaction, and intend to continue to reside permanently in New Zealand.

STACE, HAMMOND, GRACE & PARTNERS : GTF
2-3-1979

9. The transaction is not subject to Part IIA of the Act because—

The transaction does not relate to any land of any of the classes described in paragraph (f) of subsection (1) of section 35B of the said Act (as substituted by section 2 of Land Settlement Promotion and Land Acquisition Amendment Act 1969).

Or I am a New Zealand citizen, and so declare because—

(a) Immediately before the date of commencement of the British Nationality and New Zealand Citizenship Act, 1948 I was a British subject, and I was born within the territories comprised at the commencement of that Act in New Zealand and would have been a New Zealand citizen if section 6 of that Act had been in force at the time of my birth (or I was ordinarily resident in New Zealand at the commencement of that Act and had been so resident throughout the period of 12 months immediately preceding the commencement of that Act).

~~(b) I am a person naturalised in New Zealand.~~

~~(c) I am registered as a New Zealand citizen.~~

(d) I am a New Zealand citizen by birth.

~~(e) I am a New Zealand citizen by descent.~~

(f) I am the wife of
who is qualified as a New Zealand citizen as set out in paragraph above.

g)

I am the purchaser (lessee) as trustee under the following trust and every beneficiary under the trust is a New Zealand citizen (or every beneficiary under the trust who is an individual is a New Zealand citizen and no beneficiary under the trust that is a body corporate is an overseas corporation as defined in section 35A of the Act).

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at HAMILTON

this 26 day of February 1979

before me

Justice of the Peace
Solicitor of the Supreme Court

other person authorised to take and receive statutory declarations

Patricia McLeod

NOTE—1. Where both Parts II and IIA of the Act apply to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 8 of this form.

2. Where only Part II of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 7 and paragraph 9 of this form.

3. Where only Part IIA of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 8 of this form.

4. Where the declaration is made for the purposes of section 35D of the Act, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 9 of this form.

5. Where Part II only or both Parts II and IIA of the Act apply to the transaction, and the purchaser or lessee is a trustee then, under section 24 (1) (a) of the Act the consent of the Court is required and this form is not applicable.

6. Section 2 (1) of the Act contains the following definitions:

"Farm land" means land that, in the opinion of the Land Valuation Committee, or, as the case may be, of the Land Valuation Court, is or should be used exclusively or principally for agricultural purposes:

Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Committee or, as the case may be, of the Court, be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

"Agricultural purposes" has a meaning corresponding to the term "agriculture", which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

7. The classes of land described in paragraph (f) of section 35B (1) of the Act are as follows:

- a) Any land of 1 acre or over in area which under any operative regional planning scheme or proposed or operative district scheme under the Town and Country Planning Act 1953, is designated or zoned as a reserve, or as a public park, or for recreation purposes, or as private open space, or for preservation as a place of or containing an object of historical or scientific interest or natural beauty, or any proposed such purpose.
- (b) Any land of 5 acres or over in area which under any such proposed or operative district scheme is zoned for rural purposes or is so zoned that farming of any kind is a predominant or conditional use in that zone.
- (c) Any land of 1 acre or over in area which is not included in any proposed or operative district scheme provided and maintained by any Council or other local authority under that Act.
- (d) Any land being or forming part of any island (except the North Island and the South Island) which is less than 100 miles from the nearest part of the coast of the North Island or of the South Island.
- e) Any land being or forming part of any island of the Chatham Islands.

9th day of March
and seventy-nine (1979).

One thousand nine hundred

SIGNED by the said ROBERT BERTRAM KEITH
GARDINER and ROBERT WILLIAM RANDALL
McKINNON as Transferors in the presence
of :-

[Handwritten signatures]
Robert Bertram Keith
Gardiner
McKinnon

[Handwritten signature]
Gardiner

SIGNED by the said JOHN CHARLES WARREN
as Transferor in the presence of :-

[Handwritten signature]
John Charles Warren

[Handwritten signature]

SIGNED by the said GRAHAM GILMER McCOLL
and PATRICIA McCOLL as Transferees in
the presence of :-

[Handwritten signature]
Graham Gilmer McColl
Patricia McColl

[Handwritten signature]
Graham Gilmer McColl
Patricia McColl

No.

Correct for the purposes of the Land

TRANSFER of

Solicitor for the

GARDINER MCKINNON & WARREN

Transferor

MCCOLL

Transferee

Particulars entered in the Register-Book, Vol.

Folio

the day of
19 at o'clock

Assistant Land Registrar
of the District of South Auckland



SEP 26 2 16 PM '79

District Land Registry
Hamilton No.2

254148/
681125



GRACE HAMMOND GRACE & PARTNERS
SOLICITORS & HAMILTON