

Easement instrument to grant easement or *profit à prendre*, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

Southland

EI 6348058.2 Easement I

Cpy - 01/01.Pgs - 002,15/03/06,14:27



DocID: 110600493

Grantor

Surname(s) must be underlined.

J. GARDYNE LIMITED

Grantee

Surname(s) must be underlined.

J. GARDYNE LIMITED

Grant* of easement or *profit à prendre* or creation or 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).

Dated this


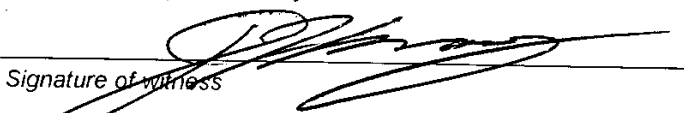
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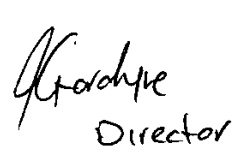
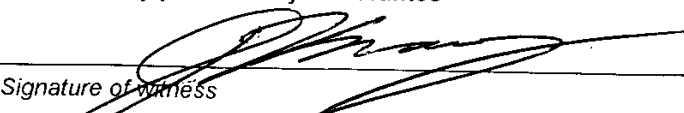
day of

March

20 05

Attestation

 Director	Signed in my presence by the Grantor	
	 Signature of witness Witness to complete in BLOCK letters (unless legibly printed)	
Signature [common seal] of Grantor	Witness name	DAVID J. GRAY SOLICITOR GORE
	Occupation	
	Address	

 Director	Signed in my presence by the Grantee	
	 Signature of witness Witness to complete in BLOCK letters (unless legibly printed)	
Signature [common seal] of Grantee	Witness name	DAVID J. GRAY SOLICITOR GORE
	Occupation	
	Address	

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1

Easement instrument

Dated

Page

of

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way, Right to Convey Electricity and Right to Drain Water	R DP346166	Pt Lot 1 DP7758	Lot 1 DP346166
Right to Drain Water	S DP346166	Pt Lot 1 DP7758	Lot 1 DP346166

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 specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

~~The implied rights and powers are [varied] [negated] [added to] or [substituted] by:~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

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

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box





165729 TE

(C)

Approved by the District Land Registrar, Invercargill. No. 241

NEW ZEALAND

MEMORANDUM OF TRANSFER

WHEREAS WILLIAM JAMES CUMMINGS of Fleming Farmer (hereinafter called "the Transferor")

1. Here state nature of the ^{is} ~~being~~ registered as the proprietor of an estate¹ in fee simple

subject however to such encumbrances liens and interests as are notified by memoranda

2. District, county, hundred underwritten or endorsed hereon in all that piece of land situated in the²

CHATTON DISTRICT

3. Here state area, exclusive of roads intersecting the same if any. containing³ ONE (1) RODD TWENTY-NINE POLES AND SIX TENTHS OF A POLE (29.6 POLES)

4. Here state rights of way, privileges, or easements, if any, intended to be conveyed: If the land to be dealt with contains all that is included in an existing grant, or certificate of title, or lease, refer thereto for description of parcels and diagrams, otherwise set forth boundaries in chains, links or feet, and refer to the plan delineated on the margin, or annexed to the instrument or deposited in the Land Registry Office.

be the same a little more or less⁴ being that part of part Section Twenty-nine (29) Block Three (III) of the said District that is more particularly shown as "Right-of-way" and coloured blue on plan deposited in the Land Registry Office at Invercargill as NUMBER 5492 And being also part of the land comprised and described in Certificate of Title recorded in the Land Transfer Office at Invercargill in VOLUME 147 FOLIO 254 (hereinafter called "the first above-described land") AND WHEREAS by a certain agreement for sale and purchase bearing date the 8th day of June 1959 the Transferor sold (inter alia) to ALEXANDER GORDON McINTOSH and GEORGE SAMUEL McINTOSH both of Pullar Farmers (hereinafter called "the Transferees") ALL THAT piece of land situated in the Chatton District containing TWENTY-SIX (26) ACRES THIRTY (30) POLES more or less being LOT THREE (3) on PLAN deposited in the Land Registry Office at Invercargill as NUMBER 5492 being also PART SECTION THIRTY (30) BLOCK THREE (III) of the said District And being also part of the land comprised and described in Certificate of Title recorded in the Land Transfer Office at Invercargill in VOLUME 98 FOLIO 107 (hereinafter called "the secondly above-described land") AND WHEREAS it was provided (inter alia) in the said Agreement for Sale and purchase that the Transferor should grant to the Transferees a right-of-way over the first above-described land in favour of the secondly above-described land and certain other lands now owned by the Transferees AND WHEREAS the whole of the lands over which the said right-of-way was agreed to be granted are described as ALL THAT piece of land situated in the Chatton District containing THIRTY-FOUR (34) ACRES THREE (3) RODS TWENTY-NINE POLES AND NINE TENTHS OF A POLE (29.9 POLES more or less being LOTS TWO (2) and THREE (3) on PLAN deposited in

in consideration of the sum of

paid to

by

the receipt of which sum hereby acknowledge



24 JUL 59 14863 -00.03.0

24 JUL 59 14863 -00.03.0

~~Do hereby Transfer to the said~~

5. Or a lesser estate or interest,
describing such lesser estate.

~~all estate and interest in the said piece of land~~

the Land Registry Office at Invercargill as NUMBER 5492 being also PART SECTION THIRTY (30) BLOCK THREE (III) of the said District And being also the whole of the land comprised and described in Certificate of Title recorded in the Land Transfer Office at Invercargill in VOLUME 212 FOLIO 41 (hereinafter called "the thirdly above-described land"). AND WHEREAS no transfer pursuant to such agreement to grant such right-of-way has ever been executed NOW THEREFORE IN CONSIDERATION of the premises the Transferor doth hereby transfer and grant unto the Transferees their executors and administrators and assigns and their servants agents workmen and visitors and all persons having business with them or either of them a free and perpetual right of way ingress egress and regress on horseback or on foot and with or without implements and vehicles of every description loaded or unloaded by night as well as by day in over and upon the first above-described land and any part thereof and to and from the public road delineated on the said deposited plan and abutting the first above-described land, TO THE INTENT that such easement or right of way hereby created shall be forever appurtenant to the thirdly above-described land.

In Witness whereof
day of

these presents have been executed this 20th
~~have hereunto subscribed~~ one thousand nine hundred and fifty-nine.

Signed by the said

WILLIAM JAMES CUMMINGS

W. J. Cummings

in the presence of

Witness

Name

T. H. Kennedy

Occupation

Law Clerk to the Magistrate

Address

Invercargill

NO. 165729

TRANSFER and Grant of
Right-of-way ~~of~~ over lands

Situated in the Chatton District

Correct for the purposes of the Land Transfer Act.

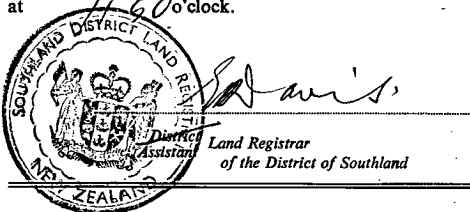
Alan B. Bannerman
Solicitor for the ~~Purchaser~~
Transferees

WILLIAM JAMES CUMMINGS ~~Vendor~~ Transferor

ALEXANDER GORDON McINTOSH and
GEORGE SAMUEL McINTOSH ~~Purchaser~~ Transferees

PARTICULARS entered in Register book,

Vol. 210, Folio 61 and
212/41
the 24 November 1959
at 11.50 o'clock.



rights of way only

LAND & L
Name: <u>T</u>
File: <u>210</u>
24 NOV 1959
Time: <u>11.50</u>
Page: <u>167</u>
Abstract No. <u>3392</u>

167

BANNERMAN, BRYDONE & FOLSTER
SOLICITORS
GORE, N.Z.

THE 'CANTON' PRESS CHRISTCHURCH





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **SL10C/677**
Land Registration District **Southland**
Date Issued 10 November 1993

Prior References

SL7C/234 SLA2/743

Estate Fee Simple
Area 62.9080 hectares more or less
Legal Description Lot 3 Deposited Plan 13135
Registered Owners
Greg Jeffrey Lamb

Interests

165729 Transfer creating the following easements

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 3 Deposited Plan 13135 - herein	A DP 13135	Lot 2-3 Deposited Plan 5492 - CT SL6D/380	

244367.1 Exploration Permit pursuant to the Crown Minerals Act 1991 by L & M Mining Limited Term 5 years commencing on 9.3.1994 - 16.9.1996 at 9.15 am

264675.4 Notice under Section 83 Crown Minerals Act 1991 of access rights in favour of L & M Mining Limited - 22.4.1999 at 2.16 pm

271995.1 Mining Permit under Crown Minerals Act 1991 Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

7046648.3 Mortgage to Rabobank New Zealand Limited - 29.9.2006 at 3:47 pm

A ROBERTSON CHURCHES GENERAL REPRESENTATIVE OF RICHMOND AND I AM INFORMED THAT A

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GRIP TITLE INFORMATION PREVIEW Freehold



Identifier SL10C/715
Land Registration District Southland
Date Issued 11 November 1993

Prior References

[SL6D/380](#) [SL6D/381](#)

Estate Fee Simple
Area: 33.4014 hectares more or less
Legal Description Lot 2-3 Deposited Plan 5492, Lot 1
Deposited Plan 10945 and Lot 9
Deposited Plan 13018

Registered Owners

Gardyne Agriculture Limited

Interests

165729 Transfer creating the following easements

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Section 29 Block III Chatton Survey District - CT SL10C/677	Blue DP 5492	Lot 2-3 Deposited Plan 5492 - herein	

Reserving also a right to holders of miners rights and mining privileges to use any water-course running through or bounding the said land for the purpose of discharging therein tailings, mining debris or waste water without liability to pay compensation therefor.

Subject to Section 59 Land Act 1948 (affects part Section 48 Block III Chatton Survey District)

Subject to Sections 241(2) & 242 Resource Management Act 1991

244367.1 Exploration Permit to L & M Mining Limited Term 5 years commencing on 9.3.1994 - 16.9.1996 at 9.15 am

265029.1 Notice of Access Rights under Crown Minerals Act 1991 in favour of L&M Mining Limited - 7.5.1999 at 2.15 pm

271995.1 Mining Permit Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

10260189.2 Mortgage to Westpac New Zealand Limited - 10.12.2015 at 12:18 pm

12312912.1 Notice of Access Rights under Crown Minerals Act 1991 in favour of Waikaka Gold Mines Limited - 23.2.2022 at 2:30 pm

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Identifier 189748
Land Registration District Southland
Date Issued 15 March 2005

Prior References

[SL10C/713](#) [SL10C/716](#)

Estate	Fee Simple	Instrument	OCT 6348058.1
Area:	185.6067 hectares more or less		
Legal Description	Lot 2 Deposited Plan 346166 and Lot 2-3 Deposited Plan 13018 and Lot 2, 4, 6, 8 Deposited Plan 7758 and Part Lot 1, 3 Deposited Plan 7758		

Registered Owners

J. Gardyne Limited

Interests

Subject as to part Section 121 Block XIV Chatton Survey District reserving also a right to holders of miners rights and mining privileges to use any water-course running through or bounding the said land for the purpose of discharging therein tailings, mining debris or waste water without liability to pay compensation therefor.

Subject as to part Section 121 Block XIV Chatton Survey District to Section 59 Land Act 1948

Subject to Section 241(2) Resource Management Act 1991 (affects DP 346166)

Subject to a right (in gross) to convey electricity for a period of 15 years beginning 5.12.2000 over part marked A on DP 300721 in favour of The Power Company Limited created by Transfer 5467342.1 - 24.1.2003 at 9:00 am

Subject to a right right of way, right to convey electricity & a right to drain water over part marked R and a right to drain water over part marked S on DP 346166 created by Easement Instrument 6348058.2 - 16.3.2005 at 9:00 am

271995.1 Mining Permit under Crown Minerals Act 1991 Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

6931731.1 Mortgage to (now) Westpac New Zealand Limited - 4.7.2006 at 9:00 am

8353680.25 Variation of Mortgage 6931731.1 - 24.11.2009 at 3:41 pm

12315819.1 Notice of Access Rights Under the Crown Minerals Act 1991 in favour of Waikaka Gold Mines Limited - 23.2.2022 at 2:31 pm

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Identifier SL10C/714
Land Registration District Southland
Date Issued 11 November 1993

Prior References

[SL6D/381](#)

Estate Fee Simple
Area: 95.1990 hectares more or less
Legal Description Lot 4-5 and Lot 10 Deposited Plan
13018

Registered Owners

Andrew Robert Weir, Pauline Margaret Weir and Barry
Leslie Roughan

Interests

Subject to Section 241 (2) Resource Management Act 1991

244367.1 Exploration Permit to L & M Mining Limited Term 5 years commencing on 9.3.1994 - 16.9.1996 at 9.15 am

264675.1 Notice of Access Rights under Crown Minerals Act 1991 in favour of L&M Mining Limited - 22.4.1999 at
2.16 pm

271995.1 Mining Permit Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

12371946.3 Mortgage to Heartland Bank Limited - 16.2.2022 at 4:14 pm

12315820.1 Notice of Access Rights under Crown Minerals Act 1991 in favour of Waikaka Gold Mines Limited -
23.2.2022 at 2:31 pm

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Identifier SL6B/292
Land Registration District Southland
Date Issued 08 October 1980

Prior References

[SL86/24](#)

Estate Fee Simple
Area: 17.8162 hectares more or less
Legal Description Part Section 49 Block XIV Chatton
Survey District

Registered Owners

J. Gardyne Limited

Interests

Together with such parts of the mines of coal and other minerals (if any) under the surface of the other part of the said Section as are not taken by proclamation No. 936 but are excepted there out by law

271995.1 Mining Permit under Crown Minerals Act 1991 Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

12315819.1 Notice of Access Rights Under the Crown Minerals Act 1991 in favour of Waikaka Gold Mines Limited - 23.2.2022 at 2:31 pm

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Identifier SL10C/677
Land Registration District Southland
Date Issued 09 November 1993

Prior References

[SL7C/234](#) [SLA2/743](#)

Estate Fee Simple
Area: 62.9080 hectares more or less
Legal Description Lot 3 Deposited Plan 13135

Registered Owners

Greg Jeffrey Lamb

Interests

165729 Transfer creating the following easements

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 3 Deposited Plan 13135 - herein	A DP 13135	Lot 2-3 Deposited Plan 5492 - CT SL6D/380	

244367.1 Exploration Permit pursuant to the Crown Minerals Act 1991 by L & M Mining Limited Term 5 years commencing on 9.3.1994 - 16.9.1996 at 9.15 am

264675.4 Notice under Section 83 Crown Minerals Act 1991 of access rights in favour of L & M Mining Limited - 22.4.1999 at 2.16 pm

271995.1 Mining Permit under Crown Minerals Act 1991 Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

7046648.3 Mortgage to Rabobank New Zealand Limited - 29.9.2006 at 3:47 pm

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Identifier SL10C/718
Land Registration District Southland
Date Issued 11 November 1993

Prior References

[SL6D/381](#)

Estate Fee Simple
Area: 47.7895 hectares more or less
Legal Description Part Lot 5 Deposited Plan 7758

Registered Owners

Pullar Siding Farm Limited

Interests

Reserving also a right to holders of miners rights and mining privileges to use any water-course running through or bounding the said land for the purpose of discharging therein tailings, mining debris or waste water without liability to pay compensation therefor. (affects part Section 48 Block III Chatton Survey District)

Subject to Section 59 Land Act 1948 (affects part Section 48 Block III Chatton Survey District)

244367.1 Exploration Permit to L & M Mining Limited Term 5 years commencing on 9.3.1994 - 16.9.1996 at 9.15 am

264675.2 Notice of Access Rights under Crown Minerals Act 1991 in favour of L&M Mining Limited - 22.4.1999 at 2.16 pm

271995.1 Mining Permit under Crown Minerals Act 1991 Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

11393988.2 Mortgage to Westpac New Zealand Limited - 1.4.2019 at 4:59 pm

12315815.1 Notice of Access Rights under Crown Minerals Act 1991 in favour of Waikaka Gold Mines Limited - 23.2.2022 at 2:31 pm

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Identifier SLB3/806
Land Registration District Southland
Date Issued 18 August 1966

Prior References

Estate Fee Simple
Area: 2.0305 hectares more or less
Legal Description Section 124 Block XIV Chatton Survey
District

Registered Owners

J. Gardyne Limited

Interests

Reserving also a right to holders of miners rights and mining privileges to use any water-course running through or bounding the said land for the purpose of discharging therein tailings, mining debris or waste water without liability to pay compensation therefor.

Subject to Section 59 Land Act 1948

271995.1 Mining Permit under Crown Minerals Act 1991 Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

12315819.1 Notice of Access Rights Under the Crown Minerals Act 1991 in favour of Waikaka Gold Mines Limited - 23.2.2022 at 2:31 pm

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Identifier SL10C/717
Land Registration District Southland
Date Issued 11 November 1993

Prior References

[SL6D/381](#)

Estate Fee Simple
Area: 4.9600 hectares more or less
Legal Description Lot 6, 8, 12-13 Deposited Plan 13018
Purpose Local Purpose (Esplanade) Reserve

Registered Owners

Gore District Council

Interests

244367.1 Exploration Permit to L & M Mining Limited Term 5 years commencing on 9.3.1994 - 16.9.1996 at 9.15 am

271995.1 Mining Permit Term 20 years commencing 17.3.2000 - 23.3.2000 at 9.00 am

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