

Status: Registered

Doc #: R68640

*pid - 1-526-031 - P2849/
341-959. - R6133*

R-68640

FORM 17

LAND TITLE ACT APPLICATION

Easement

NATURE OF INTEREST: **Right-of-Way** MARKET VALUE: **Nominal**

HEREWITH FEE OF: **\$10.00**

Address of person entitled to be registered as owner if different than that shown in instrument:

Full name, address, telephone number of person presenting application:

R. Brian McDaniel
McDaniel & Company
Barristers and Solicitors
#204 - 55 Canada Avenue
Duncan, B.C., V9L 1T3
748-6633

Susan Schully
Signature of Applicant, or Solicitor, or Authorized Agent

Cowichan Registry has been duly authorized

by _____
to tick up Section 228 Notices & Documents

THIS INDENTURE made the **3rd** day of July, 1986

BETWEEN: **MARTIN GORDON WALL, Realtor, and MARGARET ROSE WALL, Businesswoman, both of R.R. #5, 1937 Maple Bay Road, Duncan, B.C. V9L 4T6, as Joint Tenants**

(hereinafter called the "Grantor")

OF THE FIRST PART

RECORDED
12 30
AUG 06

ALBERT GEORGE THEW, Businessman, #5334 - 200 Street Langley, B.C.

V3A 1M1 (as to an undivided one-half interest)

08/08/86 A4513 CHG NOM 10.00

-and-

DONNA BERNICE THEW, Bookkeeper R.R. #5, 1935 Maple Bay Road Duncan, B.C.

V9L 4T6 (as to an undivided one-half interest)

(hereinafter called the "Grantee")

OF THE SECOND PART

FOR REGISTRATION
MEMORANDUM OF REGISTRATION
Registered on the day of the month of the year 1986
K.D. JACOBS
Victoria Land Office
Approved on _____
at _____
the _____
CB

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WHEREAS:

- A. The Grantor is the registered owner of lands and premises legally described as:
Municipality of North Cowichan
Parcel Identifier 000-341-959
Lot 1, Section 19, Range 1, Cowichan District, Plan 5569, Except part in Plan 13635 and Except part outlined in red and marked L on Plan 397 B.L.

(hereinafter called the "servient tenement");
- B. The Grantee is the registered owner of lands and premises legally described as:
Municipality of North Cowichan
Parcel Identifier 001-526-031
X Lot 1, Section 19, Range 1, Cowichan District, Plan 13635

(hereinafter called the "dominant tenement");
- C. The Grantee has requested the Grantor to provide an Easement by way of Right-of-Way over and across part of the servient tenement for the purposes of access, ingress, and egress to the dominant tenement and the Grantor has agreed to grant such request.

NOW THEREFORE THIS INDENTURE WITNESSETH that for and in consideration of the sum of ONE DOLLAR (\$1.00) now paid by the Grantee to the Grantor (the receipt whereof is hereby acknowledged) the Grantor does hereby grant to the Grantee and its successors, personal representatives, assigns, agents and servants, in common with the Grantor, a free and uninterrupted right-of-way for persons, animals, and vehicles, through, along, over

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and under that part of the servient tenement more particularly described as:

That part of Lot 1, Section 19, Range 1, Cowichan District, Plan 5569, EXCEPT that part in Plan 13635 and EXCEPT that part outlined in red and marked L on Plan 397 B.L. commencing at the most Easterly corner of Lot One (1) of Section Nineteen (19), Range One (1), Cowichan District, Plan 5569; thence along the boundary of said Lot One (1), Plan 5569, North Sixty (60) degrees, Five Minutes West (N.60-05 W.) Three Hundred and Ninety-six and Sixty-six Hundredths (396.66) feet, North Twenty-six Degrees, Forty-seven Minutes West (N.26-47 W.) One Hundred and Twenty-five and Ninety-six Hundredths (125.96) feet more or less to the most Easterly corner of Lot One (1) of Section Nineteen (19), Range One (1), Cowichan District, Plan 13635; thence along the boundary of said Lot One (1), Plan 13635 South Sixty Degrees, Twenty-seven Minutes West (S.60-27 W.) Eighteen and Two Hundredths (18.02) feet; thence South Twenty-six degrees Forty-seven minutes East (S.26-47 E.) One Hundred and Thirty and Forty-seven Hundredths (130.47) feet; thence South Sixty degrees Five minutes East (S.60-05 E.) Four Hundred and Four and Sixty-nine Hundredths (404.69) feet more or less to the South East boundary of said Lot One (1), Plan 5569; thence along the said boundary North Twenty-one degrees Thirty-three minutes East (N.21-33 E.) Eighteen and Nineteen Hundredths (18.19) feet more or less to the point of commencement, being the area shown outlined in green on said Plan 13635.

(hereinafter called the "Right-of-Way").

TO HAVE AND TO HOLD unto the Grantee to and for its use forever.

OK as this refers to original plans.

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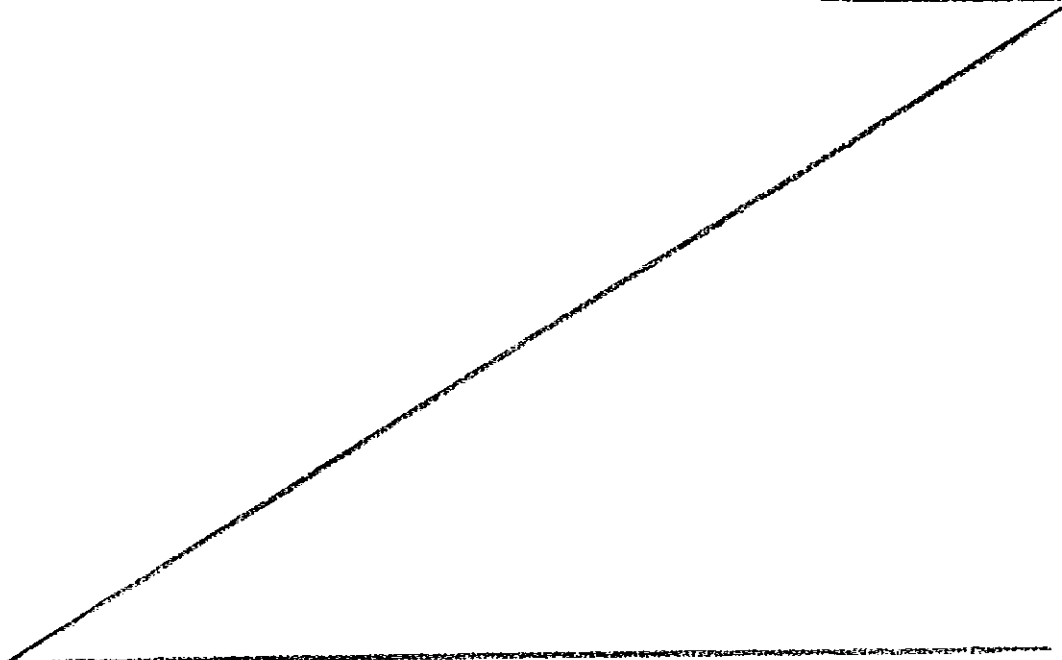
The Right-of-Way is appurtenant to the dominant tenement described herein.

The Grantor does further grant unto the Grantee the right to construct and maintain at the Grantee's expense, a road on the Right-of-Way.

The Grantee covenants with the Grantor to save the Grantor harmless from any and all claims of whatsoever nature arising through the use by the Grantee of the Right-of-Way.

Wherever the singular or the masculine is used throughout this Indenture the same shall be construed as meaning the plural or the feminine or body corporate or politic wherever the context of the parties so require.

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.



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IN WITNESS WHEREOF the parties have hereunto executed
this Indenture the day and year first above written.

SIGNED, SEALED AND DELIVERED)

by the Grantor in the)

presence of:)

[Signature])

Name)

R. Brian McDaniel)

Address Barrister and Solicitor)

#204-55 Canada Ave.)

Duncan, B.C. V9L 1T3)

Occupation 748-6633)

(as to both signatures))

[Signature])
MARTIN GORDON WALL

[Signature])
MARGARET ROSE WALL

SIGNED, SEALED AND DELIVERED)

by the Grantee in the)

presence of:)

[Signature])

Name L Taylor)

730 Whychell Rd)

Address Duncan B.C. V9L 2K1)

Personal loans officer)

Occupation)

(as to the signature of

Albert George Thew)

[Signature])
ALBERT GEORGE THEW

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SIGNED, SEALED AND DELIVERED)
by the Grantee in the)
presence of:)

R. Brian McDaniel

Donna Bernice Thew

Name **R. Brian McDaniel**)
Barrister and Solicitor)

Address **#204-55 Canada Ave.**)
Duncan, B.C. V9L 1T3)
748-6633)

Occupation)

DONNA BERNICE THEW

(as to the signature of
Donna Bernice Thew)

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Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, LORI TAYLOR, of 730 WARMCLIFFE RD., DUNSMuir

in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by ALBERT GEORGE THOMAS the party(ies) to it, for the purposes named in it.
2. The instrument was executed at DUNSMuir B.C.
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at DUNSMuir

in British Columbia, this 30th

day of JULY, 1986.

[Signature]

[Signature]

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE -- This affidavit must be sworn by a witness who is not a party to the instrument.