

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.

K435164 RC

05 Dec 2007 14:31:47 Perth



REG \$ 85.00

LODGED BY

WILLIAMS HANCOCK

ADDRESS

Dunsborough Settlements

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PREPARED BY

Peter May - Commercial Lawyer

ADDRESS

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Reference PM:349-07

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9752 4899

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INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

(6)

TITLES, LEASES, DECLARATIONS ETC. LODGED HERewith

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

Received Items

Nos.

Receiving Clerk

SM

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

EXAMINED



BLANK INSTRUMENT FORM**RESTRICTIVE COVENANT**

(Note 1)

Busselton Court
SN/1/C17

47345/3040707

Total:

882

\$20.00

\$20.00

\$20.00

Charges:

\$0.00

29/10/2007 02:42

THIS DEED is made the 19th day of OCTOBER 2007.**BETWEEN:**

The persons whose particulars appear in Part I of the Schedule hereto ("the Covenantor").

AND

THE SHIRE OF AUGUSTA-MARGARET RIVER of Town View Terrace, Margaret River ("the Shire")

WHEREAS:

- A. The Covenantor is the Proprietor of the Land described in Part II of the Schedule hereto ("the Land").
- B. The Covenantor proposes to subdivide the Land in accordance with Deposited Plan 54822 ("the Plan").
- C. The Covenantor wishes to create a Restrictive Covenant in gross for the benefit of the Shire to ensure each Burdened Lot as described in Part III of the Schedule hereto has the burden of the Restrictive Covenant set out hereafter.

OPERATIVE PART**1. Section 129BA – Registration**

The Covenantor pursuant to Section 129BA of the Transfer of Land Act for the benefit of the Shire covenants and agrees the Restrictive Covenants in gross as set out in Part IV of the Schedule hereto burdens the Burdened Lot to the extent of the Restrictive Covenant.

2. Signing of documents

The Covenantor will sign all other documents and do any thing reasonably required to give effect to this Deed and in particular will sign any other document required to register the Restrictive Covenant contained in this Deed against the Certificate of Title for each Burdened Lot.

3. Encumbrances

Where the Land is encumbered with the encumbrances specified in Part V of the Schedule hereto the Covenantor shall obtain the consent of each mortgagee to the terms of this Deed and the creation of this Restrictive Covenant.

4. Headings and Interpretation

Headings shall be for information purposes and do not form part of this Deed but otherwise for the purpose of this Deed the following terms shall have the following meanings:

- (a) "Covenantor" shall mean the Covenantor as described in Part I of the Schedule hereto;
- (b) "Land" means the Land described in Part II the Schedule hereto;
- (c) "Burdened Lot" shall mean each lot described in Part III of the Schedule hereto;
- (d) "Restrictive Covenant" shall be those contained in Part IV of the Schedule hereto;
- (e) "Encumbrances" means the encumbrances named in Part V of the Schedule hereto.

THE SCHEDULE

PART I

The Covenantor

Kevin Bernard Maschmedt and Maxwell John Keech both of Brockman Road Cowaramup

PART II

The Land

Lot 4430 on Deposited Plan 171891 and being the whole of the land comprised in Certificate of Title Volume 1740 Folio 422

PART III

The Burdened Lots

Lots 700 to 730 (inclusive) on the Plan.

PART IV

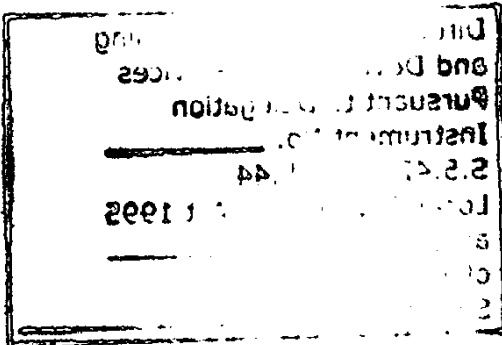
The Restrictive Covenant

The keeping of cats on the Burdened Lots is prohibited.

PART V

Encumbrances

Nil.



Signed by the said **Kevin Bernard**)
Maschmedt in the presence of:)



E.S. Maschmedt

Witness Signature

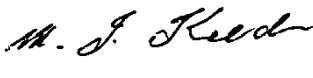
Elizabeth Maschmedt

Name of Witness (print)

14 Chipping Rd. City Beach

Address of Witness (print)

Signed by the said **Maxwell John**)
Keech in the presence of:)



E.S. Maschmedt

Witness Signature

Elizabeth Maschmedt

Name of Witness (print)

14 Chipping Rd. City Beach

Address of Witness (print)

The Common Seal of the)
Shire of Augusta-Margaret)
River was hereunto affixed by)
authority of the Council)
in the presence of:)

.....
Shire President

.....
Full name of Shire President

.....
Chief Executive Officer

.....
Full name of Chief Executive Officer

Director Planning
and Development Services
Pursuant to Delegation
Instrument No. 18
S.5.42 and S.5.44
Local Government Act 1995
and/or under ~~ET~~ WAPC REF 132010
of TPS No. Condition No 5
Signature [Handwritten Signature]