

**INSTRUCTIONS**

1. If insufficient space in any section, additional Sheet Form B1, should be used with appropriate headings. The boxed sections should only contain the words "see page....."
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. 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 initialed by the persons signing this document and their witnesses.

**NOTES**

1. **DESCRIPTION OF LAND**  
Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.  
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.  
The Volume and Folio or Crown Lease number to be stated.
2. **APPLICANT**  
State full name of the Applicant/Applicants and the address/ addresses to which future notices can be sent.
3. **REASON FOR APPLICATION**  
The request to amend the register to be clearly stated. When referring to the land use the words, "land above described".
4. **APPLICANTS EXECUTION**  
A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The full name, address and occupation of the witness must be stated.

*Please enclose partial discharge of covenant as provided here - in & directed by Deputy Commissioner.*

*[Signature]*  
reg sul  
4/11/09

EXAMINED

**L110352 A**

20 Oct 2009 08:00:00 Midland



REG \$ 110.00

**APPLICATION**

**LODGED BY** Balwyn Margaret River Pty Ltd ACN 107 109 455

**ADDRESS** Level 2, 47 Stirling Highway,  
Nedlands WA 6009

**PHONE No.** 9423 5100

**FAX No.** 9423 5199

**REFERENCE No.**

**ISSUING BOX No.** 9992

**PREPARED BY** Balwyn Margaret River Pty Ltd

**ADDRESS** Level 2, 47 Stirling Highway,  
Nedlands WA 6009

**PHONE No.** 9423 5100

**FAX No.** 9423 5199

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

1

TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1. <u>letter</u>	Received Items
2. <u>copy DP</u>	Nos.
3. <u>copy CT</u>	1-4
4. <u>letter</u>	
5. _____	Receiving Clerk
6. _____	

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.



FORM A5

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

### APPLICATION

DESCRIPTION OF LAND (Note 1)

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 144 on Deposited Plan 64910	WHOLE	2727	746

APPLICANT (Note 2)

BALWYN MARGARET RIVER PTY LTD (ACN 107 109 455) of Level 2, 47 Stirling Highway, Nedlands

REASON FOR APPLICATION (Note 3)

THE APPLICANT HEREBY APPLIES  
for the modification of restrictive covenant in favour of the Shire of Augusta-Margaret River L051148 pursuant to Section 129BB of the Transfer of Land Act in relation to the land described above as shown on Deposited Plan 64925,

*Partial discharge as to Portion between "H - I" on DP 64925.*

*[Signature]*  
Assist. Registrar of Titles  
2/11/09

Dated this 19<sup>th</sup> day of OCTOBER Year 2009

SIGNATURE OF APPLICANT/S (Note 4)

<p>Signed <i>[Signature]</i> In the presence of <b>Andrew LESTER</b> <i>DIRECTOR</i></p>	<p>Signed <i>[Signature]</i> In the presence of <b>Russell Bryce LESTER</b> <i>DIRECTOR</i></p>
<p>Executed by BALWYN MARGARET RIVER PTY LTD (ACN 107 109 455) in accordanced with Section 127 of the Corporations Act</p>	

**LESTER**

BALWYN MARGARET RIVER  
PTY LTD

ABN 37 107 109 455

PO Box 1110  
Nedlands WA 6009

Level 2  
47 Stirling Highway  
Nedlands WA 6009

Telephone (08) 9423 5100  
Facsimile (08) 9423 5199  
info@lestergroup.com.au

28 October 2009

Ms Coralie Holland  
Landgate  
PO Box 2222  
Midland WA 6936

Dear Coralie

**Your Reference L110352**

I confirm that Balwyn Margaret River Pty Ltd is currently the registered proprietor of all lots on Deposited Plan 64910 and have no objection to this application.

Yours sincerely  
Balwyn Margaret River Pty Ltd



Adrian Lester  
Director

SM09020/mvm

28/10/2009

Director  
and Development Services  
Department of Education  
1000 ...  
AA.A.2 and SA.2.2  
Local Government Act 2001  
...  
...  
...

CONSENT TO MODIFICATION OF RESTRICTIVE COVENANT L051148

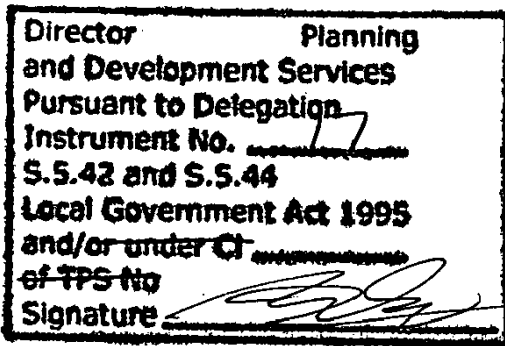
Shire of Augusta-Margaret River of PO Box 61, MARGARET RIVER, WA 6285 being the recipient of the restrictive covenant L051148 registered against the land described in the Schedule below hereby consents to the application by Balwyn Margaret River Pty Ltd (ACN 107 109 455) pursuant to Section 129BB of the Transfer of Land Act for the modification of the restrictive covenant L051148 from the land as shown on Deposited Plan 64925.

Dated the 15 day of October 2009

Schedule:

Lot 144 on Deposited Plan 64910 being the land comprised in Certificate of Title Volume 2727 Folio 746

EXECUTION BY



Office Held Acting Director of Planning and Development  
Shire of Augusta Margaret River

Anne SCHÖNFELDT  
Name of Authorised person (block letters)

# Memo



To: LEGAL SERVICES  
From: Steve Crowe, Legal Supervisor  
Date: 2/11/2009  
Re: 129BB TLA Application L110352 (the Application).

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The Application requests the Partial Discharge by s129BB TLA of the Restrictive Covenant created in Document L51148 (Covenant) created under s129BA TLA.

The burdened land identified in the Covenant deed is comprised in Certificates of Title Volume 2727 Folio 746. The Applicant seeks to have the Covenant Partially Discharged from the burdened land.

*A - MR*  
The consents required from the Town of ~~Victoria Park~~ and those persons with a registered interest in the land burdened by the RC have been obtained and are endorsed on the Application. Note that all lots on DP 64910 are still registered in the name of the Applicant.

I have prepared a draft direction for consideration by the D/Commissioner.

  
Thanks  
Steve Crowe.

## DIRECTION UNDER SECTION 129BB

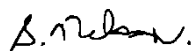
### REGISTRAR OF TITLES

#### APPLICATION L110352 – BALWYN MARGARET RIVER PTY LTD.

As it appears to me, the undersigned Deputy Commissioner of Titles that written consents to the Partial Discharge of the Restrictive Covenant created in Document L51148 have been received from the Shire of Augusta-Margaret River and all persons with a registered interested in the land burdened by the said Restrictive Covenant:

**TAKE NOTICE THAT**, in pursuance of the powers conferred on the Commissioner of Titles by section 129BB of the *Transfer of Land Act 1893* and delegated to me pursuant to section 15(1)(a) of the said Act and in pursuance of every power in me in this behalf enabling, **I HEREBY DIRECT**

That a memorandum of the Partial Discharge of the Restrictive Covenant created in Document L51148 as requested in Application L110352 be entered in the Second Schedule to Certificates of Title Volume 2727 Folio 736 to Volume 2727 Folio 746 and Volume 2727 Folio 756, ~~inclusive~~.



**SHANE NELSON**  
**DEPUTY COMMISSIONER OF TITLES**

4 November 2009