

L658738 SM

21 Jun 2011 08:00:00 Midland



REG \$ 135.00

LODGED BY *Conveyancing Southwest*

ADDRESS *PO BOX 1257*

PHONE No.

FAX No. *BUSSELTON WA*

REFERENCE No. *6280*

ISSUING BOX No. *999L*

PREPARED BY

ADDRESS *AS ABOVE*

PHONE No.

FAX No.

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

2/2

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	Receiving Clerk
6. _____	<i>ae</i>

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

MS now in approved format see attached. B



SIGNATURE OF APPLICANT
[Handwritten Signature]

in the presence of

Witness *[Handwritten Signature]*
Name *Tamara Stanley*
Address *11 Hillside Ave*
Margaret River WA
Occupation *Bookkeeper*

SIGNATURE OF APPLICANT
[Handwritten Signature]

in the presence of

Witness *[Handwritten Signature]*
Name *Tamara Stanley*
Address *11 Hillside Ave*
Margaret River WA
Occupation *Bookkeeper*

(TO BE SIGNED BY EACH APPLICANT)

SIGNED BY PERSONS HAVING REGISTERED INTERESTS AND CAVEATORS (IF ANY)

MORTGAGE
ENCUMBRANCE *GEMHURST P/L*
Document No. *4326428*
SIGNATURE *[Handwritten Signature]*
in the presence of *MICHAEL WILLIAM HOWE*
Witness *[Handwritten Signature]*
Name *Julie Barnes*
Address *44 Station Road*
Margaret River
Occupation *Receptionist*

MORTGAGE
ENCUMBRANCE *GEMHURST P/L*
Document No. *4326428*
SIGNATURE *[Handwritten Signature]*
in the presence of *BARBARA ANN HOWE*
Witness *[Handwritten Signature]*
Name *Julie Barnes*
Address
Occupation

ENCUMBRANCE.....
Document No.
SIGNATURE.....
in the presence of

ENCUMBRANCE.....
Document No.
SIGNATURE.....
in the presence of

(ADDITIONAL SIGNATURES AS REQUIRED)

2. The Schedule 2 by-laws are amended, repealed, or added to as follows —

15. Vehicle parking - Lots 5, 6, 7 & 8 have single parking bays registered for their respective lots as per the Strata Plan. Aside from these there is neither specific allocation of parking lots nor any presumption of exclusive use of parking bays. The parking lots for units 5, 6, 7 & 8 will be clearly marked by the Developer. No additional marking of any parking bays in the common area is to be carried out without prior discussion and approval of the Council of Owners. The parking bays are for the use of proprietors, staff and customers of the complex while conducting business. There is to be no long term parking permitted in the unallocated parking bays.

(Set out terms of amendment, repeal or addition)

(Delete as appropriate)

DATED THIS 20TH DAY OF MAY 2011.

Executed by Temere Pty Ltd (ACN 123006940)

SIGNATURE OF APPLICANT

[Signature]
Director Sean Michael Howard
in the presence of

SIGNATURE OF APPLICANT

[Signature]
Director Sherie Lee Howard
in the presence of

Witness

Name Tamara Starley

Address 11 Hillside Ave

Margaret River WA

Occupation Bookkeeper

Witness

Name Tamara Starley

Address 11 Hillside Ave

Margaret River WA

Occupation Bookkeeper

witness not required

2. Where any party bound by the terms of these by-laws is in dispute with any other party bound by the terms of these by-laws and such parties have not resolved the dispute within 14 days, then the provisions of this by-law shall apply.
3. A party asserting a dispute must give the other party a Dispute Notice containing the information set out in this by-law.
4. The Dispute notice must state
 - . what is in dispute
 - . the arguments of the party giving the Dispute notice, and
 - . what should be done to rectify the dispute
5. The party receiving the Dispute Notice must reply in writing within 5 working days of receiving the Dispute Notice.
6. If the dispute is not resolved by the exchange of notices, then the parties must confer in the presence of an independent person and attempt to resolve the dispute.
7. The conference with the independent person must be held within 14 days (or at a later time to meet the convenience of the Independent Person) from a notice convening the conference being sent from one of the parties.
8. Evidence of everything said or done in the course of attempting to settle a dispute is not admissible in subsequent proceedings.
9. During the dispute resolution process, the parties must continue to perform their existing obligations under the terms of the by-laws.
10. Subject to the parties' rights under the Act, any settlement reached by the parties will be final and binding on the parties. The Independent person may determine which party or parties pay the costs of and incidental to the resolution of the dispute.

Form 25

Strata Titles Act 1985

Section 5C(1)

STRATA/SURVEY-STRATA PLAN No. 55720

MANAGEMENT STATEMENT

(Name of original proprietors of land the subject of the plan) ~~The Howard Family Trust~~ Jemere PTY LTD-ATF

~~The Howard Family Trust~~

(Description of parcel the subject of the plan) Lot 41 on Deposited Plan 4947

This management statement lodged or to be lodged with a strata/survey-strata plan in respect of the above land sets out the by-laws of the strata company or amendments to the by-laws contained in Schedule 1 and/or Schedule 2 of the *Strata Titles Act 1985* that are to have effect upon registration of the strata/survey-strata plan.

1. The Schedule 1 by-laws are amended, repealed, or added to as follows —

16. Art Installation Guidelines -The Strata Company will lease the Art installation located in the central foyer from the Developer (whose property it remains) for the sum of \$110.00 (GST inclusive) per annum for a period of ten years after which a further 5 & 5 year option of lease will be available for negotiation between the Developer and the Strata Company. The removal of the installation at the end of the lease will be at the cost of the developer.

17. An occupier of a lot shall keep clean all glass in windows and all doors forming part of the boundary of their lot and all skylights and roof windows (if applicable).

18. Signage Guidelines - All signage visible from the exterior of the complex must be submitted to the Council of Owners prior to installation, with visual and dimension specific representations produced in colour for the Council of Owners information.

19. Dispute Resolution Process

1. Should any dispute arise in relation to the operation of the Strata Company or this Management Statement, the proprietors and the Strata Company shall follow the procedures set out in this by-law to resolve disputes. For the purpose of this by-law an "independent person" shall mean an independent, suitable qualified mediator nominated or recommended by the Law Society of Western Australia and a dispute "notice" means the written notice that is given under this by-law.

(Set out terms of amendment, repeal or addition)

4. The Dispute notice must state

What is in dispute.

The arguments of the party giving the Dispute notice, and

What should be done to rectify the dispute.

5. The party receiving the Dispute Notice must reply in writing within 5 working days of receiving the Dispute Notice.

6. If the dispute is not resolved by exchange of notices, then the parties must confer in the presence of an independent person and attempt to resolve the dispute.

7. The conference with the independent person must be held within 14 days (or a later time to meet the convenience of the Independent Person) from a notice convening the conference being sent from one of the parties.

8. Evidence of everything said or done in the course of attempting to settle a dispute is not admissible in subsequent proceedings.

9. During the dispute resolution process, the parties must continue to perform their existing obligations under the terms of the by-laws.

10. Subject to the parties' rights under the act, any settlement reached by the parties will be final and binding on the parties. The Independent person may determine which party or parties pay the costs of and incidental to the resolution of the dispute.

2. The Schedule 2 by-laws are added to as follows:

15. Vehicle parking – Lots 5, 6 7 & 8 have single parking bays registered for their respective lots as per the Strata Plan. Aside from these there is neither specific allocation of parking lots nor any presumption of exclusive use of parking bays.

The parking lots for units 5, 6 7 & 8 will be clearly marked by the Developer. No additional marking of any parking bays in the common area is to be carried out without prior discussion and approval of the Council of Owners. The parking bays are for the use of proprietors, staff and customers of the complex while conducting business. There is to be no long term parking permitted in the unallocated parking bays.

DATED THIS 21ST. DAY OF JUNE 2011

Executed by Jemere Pty Ltd ACN 123006940


Director Sign SEAN MICHAEL HOWARD


Director/Secretary sign SHERIE LEE HOWARD

SIGNED BY PERSONS HAVE REGISTERED INTEREST AND CAVEATORS (IF ANY)

ENCUMBRANCE Mortgage No L326428

Executed GEMHURST PTY LTD

ACN 010550179


Director Michael William Howe


Director Barbara Ann Howe

FORM B 2

FORM APPROVED
NO. B3862

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

BLANK INSTRUMENT FORM

MANAGEMENT STATEMENT

(Note 1)

FORM 25

Strata Titles Act 1985

Section 5C (1)

STRATA/SURVEY-STRATA PLAN NO 55720

MANAGEMENT STATEMENT

(Name of original proprietors of land the subject of the plan) JEMERE PTY LTD of PO Box 840 Margaret River

(Description of parcel the subject of the plan) Lot 41 on Deposited Plan 4947 being Certificate of Title Volume 1106 Folio 466

This management statement lodged or to be lodged with the Strata/Survey Plan 55720 in respect of the above land sets out the by-laws of the strata company or amendments to the by-laws contained in Schedule 1 and or/ Schedule 2 of the Strata Titles Act 1985 that are to have effect upon registration of the strata/survey plan.

1. The Schedule 1 by laws are added to as follows:

16. Art Installation Guidelines – The Strata Company will lease the Art installation located in the central foyer from the Developer (whose property it remains) for the sum of \$110.00 (GST inclusive) per annum for a period of ten years after which a further 5 & 5 year option of lease will be available for negotiation between the Developer and the Strata Company. The removal of the installation at the end of the lease will be at the cost of the developer.

17. An occupier of a lot shall keep clean all glass in windows and all doors forming part of the boundary of their lot and all skylights and roof windows (if applicable).

18. Signage Guidelines- All signage visible from the exterior of the complex must be submitted to the Council of Owners prior to installation, with visual and dimension specific representations produced in colour for the Council of Owners information.

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1. Should any dispute arise in relation to the operation of the Strata Company or this Management Statement, the proprietors and the Strata Company shall follow the procedures set out in this by-law to resolve disputes. For the purpose of this by-law an "independent person" shall mean an independent, suitable qualified mediator nominated or recommended by the Law Society of Western Australia and a dispute "notice " means the written notice that is give under this by-law.

2. Where any party bound by the terms of these by-laws is in dispute with any other party bound by the terms of these by-laws and such parties have not resolved the dispute within 14 days, then the provisions of this by-law shall apply.

3. A party asserting a dispute must give the other party a Dispute Notice containing the information set out in this by-law.



SOUTHWEST

Licensed Real Estate Settlement Agent

Licensee Jan McCaughan AIC

Unit 1/89 Duchess Street

PO Box 1257

Busselton WA 6280

Phone 9754 2385

Fax 9751 3487

admin@conveyancingsw.com.au

27 June 2011

2010/0506

Landgate
PO Box 2222
MIDLAND WA 6936

ATTENTION Helen Turner

Dear Sir/Madam

RE: **JEMERE PTY LTD – SURVEY STRATA PLAN**
34 TOWNVIEW TERRACE MARGARET RIVER DEALING NO L658737

We act on behalf of Applicants in the above matter and confirm as lodging party that we agree to have the above dealing re time clocked to assist in the rectification of the Management Statement.

Thank you for your assistance in this matter.

Yours faithfully
CONVEYANCING SOUTH WEST


Jan McCaughan
Principal

*Retimeclocking
not required.*

Visit us at our website www.conveyancingsw.com.au

File Copy Do Not Destroy.

Stopped Document Disposal Instructions

Fees to be Refunded	Document Type	Fee \$
Form 10 No.:		
Date:		
To:		
Address:		
Parties:		
Reference:		
Document Numbers:		
Computer Records Adjusted: <u>SMR</u> – WFR or REJECT <u>Crown</u> – SMP/CAL/RES		
Documents to be Rejected:		
Documents to be Withdrawn:		
Documents for Registration: L658737 & L658738		
Caveats to be made Null & Void:		
Authorised by: 		

Examiner's notes:

Stopped Case:658737

Original Cs/T:
1106-466

SP 55720

Notice Sent: 27/6/11

Action:

27/6 Jan from Conveyancing S/West called -
Applicants may come in to fix & sign HT
MS. will call prior.

28/6 Fixed - awaiting EBIS receipt.

Examination Instructions

Allocate New C/T
Complete Nom. Index

**Examiner: HT, Senior Registration
Officer**

Supervisor: Gerard Crothers, NSD 30



Requisition Notice

Section 192 of the Transfer of Land Act

Western Australian Land Information Authority ABN 86 574 793 858

Document Nos: L658737, L658738

Section 192

Your Ref: 2010/0506

Our Ref: Helen Turner Ph: 92737388 Fax: 92737673

Date: 27 June 2011

Lodging Party:
CONVEYANCING SOUTHWEST

Other Parties Contacted:

Registration of the above documents cannot be effected until all requisitions listed below are complied with and the fee payable is received. A time limit of 14 days applies from the date stated above after which all documents may be rejected.

Requisitions

Doc. No	Description	Req. Fee
L658737	1. Please note that duplicate Certificates of Title cannot issue to Equitas Lawyers. The letter of request by the mortgagee is not sufficient. A request to issue can only be made by all the registered proprietors by lodgement of an Application Form A7 (no fee payable).	0.00
L658738	2. The Management Statement is not in an approved format. The following require amendment:	79.00 Mtgce.
	2.1 The Strata Plan number is not stated. ✓	
	2.2 The name of the registered proprietor as shown on the certificate of title must be stated. Please delete reference to the Trust. ✓	
	2.3 This document is not printed in duplex (both sides) (see paras 1.5.3/1.5.4 of the Land Titles Registration Practice Manual). ✓	
	2.4 Pages are not numbered (see para 1.5.4 of the Land Titles Registration Practice Manual).	
	2.5 As it appears you are adding to the Schedule 1 & 2 by-laws, the words 'amended' and 'repealed' should be struck through. ✓	
	2.6 The Applicant should execute as the company, not as individuals (same way as set out in the Application document). ✓	

Spoke to Jan (conveyancing southwest) who understood & had explained this to the Mtgce.

Bruce Roberts
Registrar of Titles

Requisitions may be attended to by;

1. Fax direct to the Examiner referred to above.
2. Personal attendance Landgate, Midland Square. (all documents held at Midland Office)
3. The lodging of evidence at Landgate's Perth Business Office, QBE Building, 200 St. Georges Terrace, Perth or Bunbury Regional Office 61 Victoria St, Bunbury (note: no advice/discussions re: requisitions)
4. Post to P O Box 2222, Midland WA 6936.

Correspondence by representatives of parties to documents must state the capacity in which they act and confirm that they are duly authorised to do so.

Amendment by letter is at the discretion of the Registrar of Titles.

Unless these requisitions are complied with, the documents will be rejected. Upon notification of such rejection 75% of the registration fees paid are forfeitable. Documents may be withdrawn from registration, for which a withdrawal fee of \$67.50 per document is payable. Registration fees returnable in full or in part will be set-off against requisition and withdrawal fees. See payment options on page 2.

*Proof of payment to be provided at time requisition satisfied by copy of receipted assessment or provision of credit card payment authority.





Requisition Notice

Section 192 of the Transfer of Land Act

Western Australian Land Information Authority ABN 86 574 793 858

2.7 Confirmation by the Applicant is required that all pages form part of the management statement and why the formatting of the pages differ (i.e. As it is not printed in duplex or page numbered, there is nothing to link the pages together showing that all pages were present at the time the Applicant signed. The format of printing in page 2 is different to pages 1 & 3 appearing that page 2 may have been added afterwards.)



Requisition Sub Total \$	79.00
Additional Fee \$	0.00
TOTAL FEE Payable \$	79.00

If all requisitions satisfied and the Reduced Total Fee paid * by close of business next business day after service,

Deduct \$	27.00
Reduced Total Fee \$	<u>52.00</u>

\$52 paid by EBIS 8997044

Bruce Roberts
Registrar of Titles

Requisitions may be attended to by;

1. Fax direct to the Examiner referred to above.
2. Personal attendance Landgate, Midland Square. (all documents held at Midland Office)
3. The lodging of evidence at Landgate's Perth Business Office, QBE Building, 200 St. Georges Terrace, Perth or Bunbury Regional Office 61 Victoria St, Bunbury (note: no advice/discussions re: requisitions)
4. Post to P O Box 2222, Midland WA 6936.

Correspondence by representatives of parties to documents must state the capacity in which they act and confirm that they are duly authorised to do so. Amendment by letter is at the discretion of the Registrar of Titles.

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