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RC - 1  
- 2

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 05985 FOLIO 855

Security no : 124059405297D  
Produced 07/03/2016 03:04 pm

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 583778M (formerly known as part of Crown Allotment  
13 Section B, part of Crown Allotment 17 Section B Parish of Yambuk).  
PARENT TITLE Volume 01262 Folio 368A  
Created by instrument 1551866 20/11/1934

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ROSS SYDNEY DUMESNY

VERONICA JEAN DUMESNY both of 1771 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC  
3282

AB831573K 24/01/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG217321W 27/11/2008

RABOBANK AUSTRALIA LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP583778M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

TITLE PLAN		EDITION 1		TP 583778M									
Location of Land  Parish. YAMBUK Township: Section: B Crown Allotment 13(PT), 17(PT) Crown Portion:  Last Plan Reference. Derived From: VOL 5985 FOL 855 Depth Limitation: NIL			Notations     ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN										
Description of Land / Easement Information				THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 28/07/2000 VERIFIED: EWA									
<p>Diagram details:                  - Left boundary (between roads): N20°16'E 112P10, N5°19'E 304416                  - Top boundary (Parcel 17): N60°28'E 580710, N88°26'E 7805710                  - Bottom boundary (Parcel 13): S83°46'W 3162710                  - Right boundary (Parcel 17): S21°15'E 113316, S45°01'E 181710, S57°30'E 579710                  - Right boundary (Parcel 13): S45°01'E 253610, S40°43'E 380910</p>													
TOTAL AREA = 348A 2R 23P													
<table border="1"> <thead> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> </thead> <tbody> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CA 13 (PT)</td> </tr> <tr> <td colspan="2">PARCEL 2 = CA 17 (PT)</td> </tr> </tbody> </table>						TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 13 (PT)		PARCEL 2 = CA 17 (PT)	
TABLE OF PARCEL IDENTIFIERS													
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962													
PARCEL 1 = CA 13 (PT)													
PARCEL 2 = CA 17 (PT)													
LENGTHS ARE IN LINKS Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets											

pc-3

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 05985 FOLIO 856

Security no : 124059405329T  
Produced 07/03/2016 03:05 pm

LAND DESCRIPTION

Lot 1 on Title Plan 739708U (formerly known as part of Crown Allotment 13  
Section B Parish of Yambuk).  
PARENT TITLE Volume 01262 Folio 368A  
Created by instrument 1551867 20/11/1934

REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors

ROSS SYDNEY DUMESNY  
VERONICA JEAN DUMESNY both of 1771 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC  
3282  
AB831572M 24/01/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG217321W 27/11/2008  
RABOBANK AUSTRALIA LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP739708U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 1771 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

TITLE PLAN		EDITION 1	TP 739708U						
Location of Land Parish: YAMBUK Township: Section: B Crown Allotment: 13(PT) Crown Portion:  Last Plan Reference Derived From: VOL 5985 FOL 856 Depth Limitation: NIL		Notations  ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land / Easement Information  E-1 = EASEMENT TO SEC CREATED BY C/E A758157		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 10/04/2002 VERIFIED: AP							
<table border="1"> <thead> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> </thead> <tbody> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CA 13 (PT)</td> </tr> </tbody> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 13 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CA 13 (PT)									
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets							

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10246 FOLIO 739

Security no : 124059405363G

Produced 07/03/2016 03:06 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 342920W.  
PARENT TITLE Volume 10245 Folio 495  
Created by instrument PS342920W 28/08/1995

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ROSS SYDNEY DUMESNY

VERONICA JEAN DUMESNY both of 1771 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC  
3282

AB831574H 24/01/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG217321W 27/11/2008

RABOBANK AUSTRALIA LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS342920W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

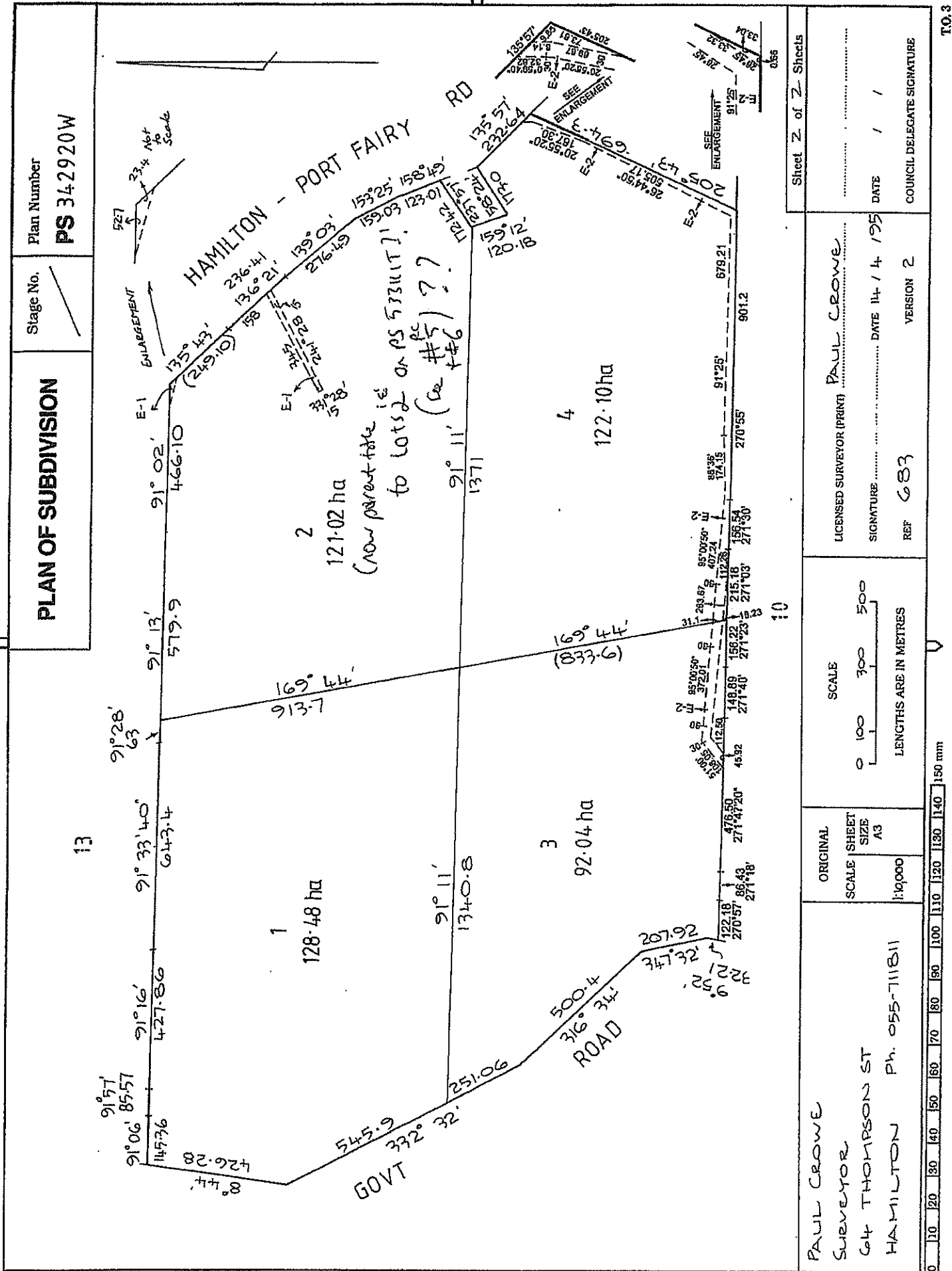
-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

<b>PLAN OF SUBDIVISION</b>				STAGE NO. /	LTO use only <b>EDITION 3</b>	Plan Number <b>PS 342920 W</b>
<b>Location of Land</b> <b>Parish:</b> YAMBUK <b>Township:</b> _____ <b>Section:</b> B <b>Crown Allotment:</b> 11 & 12 (PARTS) <b>Crown Portion:</b> _____  <b>LTO Base Record:</b> PARISH OF YAMBUK (3942) <b>Title Reference:</b> V.10245 - F.495  <b>Last Plan Reference:</b> TP 3262Q <b>Postal Address:</b> HAMILTON - PORT FAIRY RD (at time of subdivision) ORFORD 3284  <b>AMG Co-ordinates</b> E 599000 Zone: 54 (of approx. centre of land in plan) N 5762500				<b>Council Certificate and Endorsement</b> Council Name: MOYNE SHIRE COUNCIL Ref: S 186 1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6</del> / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <b>OPEN SPACE</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied in Stage</del> _____ Council delegate <del>Council seal</del> Date 21 / 6 / 1995 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date 21 / 6 / 95		
<b>Vesting of Roads and/or Reserves</b>						
Identifier	Council/Body/Person					
NIL	NIL					
<b>Notations</b>						
<b>Staging</b> This is/is not a staged subdivision Planning Permit No. P229						
<b>Depth Limitation</b>						
<b>Survey</b> This plan is/ <del>is not</del> based on survey This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No.						
<b>Easement Information</b>					<b>LTO use only</b>	
<b>Legend:</b> E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)					Statement of Compliance/ Exemption Statement  Received <input checked="" type="checkbox"/> Date 25 / 7 / 95	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of		
E-1	POWERLINE	SEE DIAG	THIS PLAN -SECTION 44 OF THE ELECTRICITY INDUSTRY ACT 1993	POWERCOR		
E-2	TRANSMISSION OF ELECTRICITY	SEE DIAG.	AK562401L	VOL.10244 FOL.080		
					<b>LTO use only</b> PLAN REGISTERED TIME 8.30 DATE 28 / 8 / 95  <i>[Signature]</i> Assistant Registrar of Titles Sheet 1 of 2 Sheets	
PAUL CROWE SURVEYOR 64 THOMPSON ST HAMILTON Ph. 055-711811			LICENSED SURVEYOR (PRINT) <i>PAUL CROWE</i> SIGNATURE..... DATE 14 / 4 / 95 REF 683 VERSION 2		DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3	







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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10922 FOLIO 364

Security no : 124059405390B

Produced 07/03/2016 03:06 pm

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 533111T.  
PARENT TITLE Volume 10246 Folio 740  
Created by instrument PS533111T 19/01/2006

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ROSS SYDNEY DUMESNY

VERONICA JEAN DUMESNY both of 91 FAULKNERS NORTH ROAD TARRONE VIC 3283

AG217320Y 27/11/2008

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG217321W 27/11/2008

RABOBANK AUSTRALIA LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987  
AD944746G 18/10/2005

DIAGRAM LOCATION

SEE PS533111T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

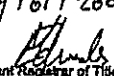

NIL

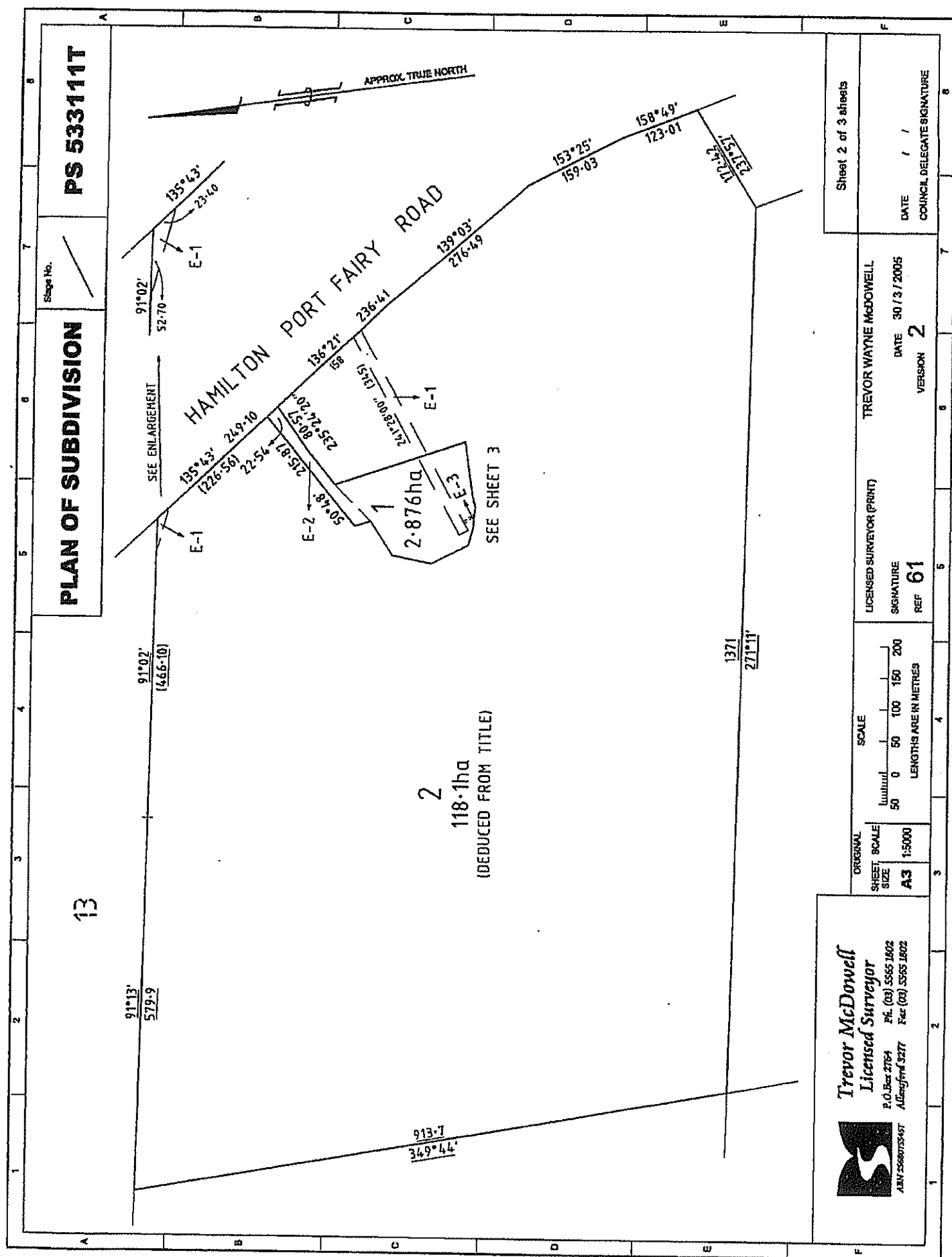
-----END OF REGISTER SEARCH STATEMENT-----

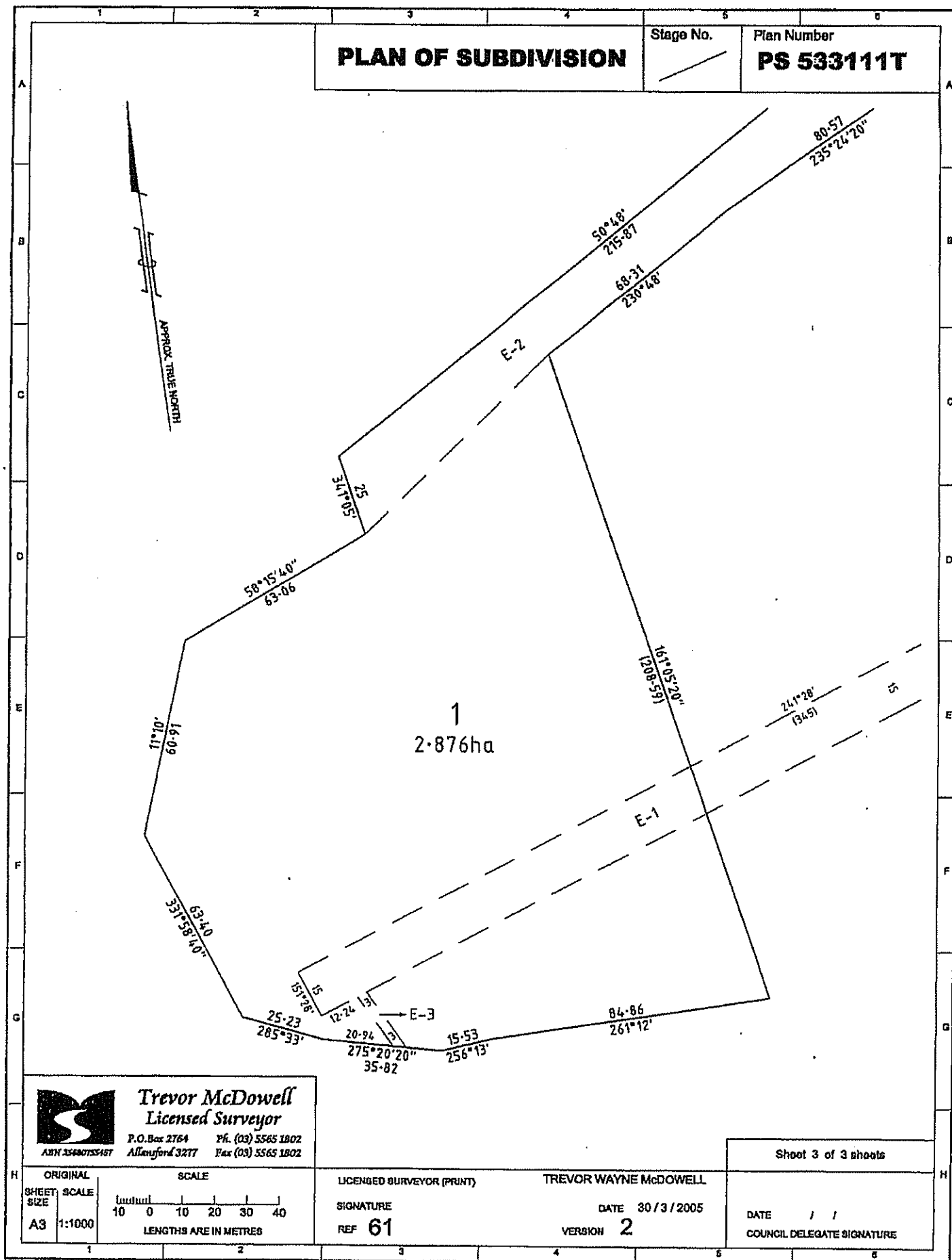
Additional information: (not part of the Register Search Statement)

Street Address: 1595 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

PLAN OF SUBDIVISION				Stage No. <div style="border-bottom: 1px solid black; height: 1em; width: 100%;"></div>	LTO use only EDITION 1	PS 533111T
<b>Location of Land</b> Parish: YAMBUK Township: _____ Section: _____ Crown Allotment: 12 (PART) Crown Portion: _____  Title References: Vol 10246 Fol 740  Last Plan Reference: LOT 2 PS 342920 Postal Address: 1595 HAMILTON PORT FAIRY ROAD PORT FAIRY 3284 AMG Co-ordinates: E 599 700 (Of approx. centre of plan) N 5 762 650 Zone 54				<b>Council Certification and Endorsement</b> Council Name: MOYNE SHIRE COUNCIL Ref: SUB 05/0038  1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11 (7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6 1/1</del>  <del>3. This is a statement of compliance issued under section 24 of the</del> <del>Subdivision Act 1988.</del>  Open Space  (i) A requirement for public open space under section 18 Subdivision Act 1988 <del>has</del> has not been made. <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied in Stage</del>  Council Delegate <del>Council seal</del>  Date 21/9/2005		
Vesting of Roads or Reserves						
Identifier		Council/Body/Person				
Nil		Nil				
Notations						
Depth Limitation: DOES NOT APPLY				Staging This is not a staged subdivision Planning Permit No. PL04/430		
<b>Obligations attached to the use of Easements E-2</b>  For the duration of the easement the dominant tenement owners shall contribute 70% and the servient tenement owners shall contribute 30% to costs of maintenance and repair with respect to normal wear and tear. Repair necessitated by the action of a lot owner or persons claiming through a lot owner shall be the responsibility of the respective lot owner.				Survey:- This plan is based on partial survey. Lot 1 is the result of this survey. Undefined dimensions have not been verified by this survey.  To be completed where applicable. This survey has been connected to permanent marks no(s). 14, 18 In proclaimed Survey Area no. _____		
Easement Information					LR use only Statement of Compliance / Exemption Statement  Received <input checked="" type="checkbox"/>  Date 21/12/05	
<b>Legend:</b> E - Encumbering Easement or Condition in Crown Grant in Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)					LR use only PLAN REGISTERED TIME 5.03pm DATE 19/01/2006  Assistant Registrar of Titles	
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		
E-1	POWERLINE	SEE DIAG.	PS 342920 : SEC. 44 ELECTRICITY INDUSTRY ACT 1993	POWERCOR AUSTRALIA LIMITED		
E-2	CARRIAGEWAY (SEE OBLIGATIONS IN NOTATIONS PANEL)	SEE DIAG.	THIS PLAN	LOT 2 ON THIS PLAN		
E-3	POWERLINE	3	THIS PLAN - SEC 88 ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED		
 <b>Trevor McDowell</b> Licensed Surveyor P.O. Box 2764 Pli. (03) 5565 1802 Allansford 3277 Fax (03) 5565 1802					LICENSED SURVEYOR (PRINT) TREVOR WAYNE McDOWELL  SIGNATURE _____ DATE 30/3/2005  REF 61 VERSION 2  DATE / / COUNCIL DELEGATE SIGNATURE _____  Original sheet size A3	
					Sheet 1 of 3 sheets	







IX Agreement  
Form 13

AD944746G



APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A  
RECORDING OF AN AGREEMENT

Planning and Environment Act 1987

Lodged at the Land Titles Office by:

Name: Arthur E George & Sons  
Phone: 03 5593 3440  
Address: 202 Manifold Street, Camperdown 3260  
Ref: JH:37195  
Customer Code: 08521

Privacy Collection Statement

The information under this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry.

The Authority having made an agreement referred to in Section 181(1) of the **Planning and Environment Act 1987** requires to be made in the Register for the land.

Land: 1595 Hamilton-Port Fairy Road, Port Fairy 3284 being Lot 2 on Plan of Subdivision No PS 342920W contained in Certificate of Title Volume 10246 Folio 740.

Authority: Moyné Shire Council, ~~PO Box 51, Port Fairy 3284~~ *Princes Street Port Fairy 3284*  
*Arthur E George & Sons as Current Legal Practitioner for a 11 Parties*

Section and Act under which agreement made: Section 173, Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

Signature for the Authority: *Graham Shiehl*

Position held: CEO.

Name of Officer: GRAHAM SHIELL

Date: 5<sup>th</sup> day of September 2005.

CAVEAT

AD340710C  
remains

1/18/05

*f. m. d. s.*

AD944746G

18/10/2005 \$92.30 173



**PLANNING AND ENVIRONMENT ACT 1987**

**SECTION 173 AGREEMENT**

**THIS AGREEMENT** is made the **13<sup>th</sup>** day of **SEPTEMBER** 2005.

**BETWEEN:**

**MOYNE SHIRE COUNCIL** of Princes Street, Port Fairy in the State of Victoria [the Council]  
of the First Part

-and-

**PATRICK EDMUND RYAN and ELIZABETH FRANCES RYAN by their Attorney FARM MORTGAGES LTD ACN 005-475-294 ABN 72-005-475-294** whose registered office is at 49 Victoria Street, Cobden in the State of Victoria [the Owner]

of the Second Part

**WHEREAS:**

- A. The Council is the Responsible Authority under the Act for the Planning Scheme.
- B. The Owner is the registered sole proprietor of the subject land, which is comprised in Certificate of Title Volume 10246 Folio 740 and is otherwise described as 1595 Hamilton-Port Fairy Road, Port Fairy 3284 ("the Subject Land").
- C. On 23<sup>rd</sup> March 2005, the Responsible Authority issued the Planning Permit allowing Two Lot Subdivision (House Excision).
- D. Condition No 1 a) of the Planning Permit states:  
"The land must not be further subdivided so as to create any additional lots for a house, except where the house is located on a lot that is equal to or larger than the minimum lot size, specified by the Moyne Planning Scheme."

**IT IS AGREED:**

**1. DEFINITIONS**

In this agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

- 1.1 "the Act" means the Planning and Environment Act 1987.
- 1.2 "this Agreement" means this Agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.
- 1.3 "the Council" means the Moyne Shire Council as the Responsible Authority for the Planning Scheme and any subsequent person or body which is the Responsible Authority for the Planning Scheme.
- 1.4 "Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part thereof.
- 1.5 "the Owner" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Subject Land and every part thereof.
- 1.6 "the Planning Scheme" means the Moyne Planning Scheme.
- 1.7 "the Planning Permit" means Planning Permit No PL 04/430.
- 1.8 "the Subject Land" means Lot 2 PS 342920W, 1595 Hamilton-Port Fairy Road, Port Fairy 3284 being the land described in Certificate of Title Volume 10246 Folio 740

**2. INTERPRETATION**

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa.
- 2.2 a reference to a gender includes a reference to each other gender.
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 if a party consists of more than one person this Agreement binds them jointly and each of them severally.

- 2.5 a word or expression used in this Agreement has its ordinary meaning unless that word or expression is defined in this Agreement. If a word or expression is not defined in this Agreement and it is defined in the Act or the Planning Scheme it has the meaning as defined in the Act or the Planning Scheme. If defined in both the Act and the Planning Scheme it has the meaning as defined in the Planning Scheme.
- 2.6 any reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 the introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 the obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run to law and equity with the Land **PROVIDED THAT** if and when the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot (if any).
3. **OWNERS' COVENANTS**
  - 3.1 The Owner covenants and agrees that the land will not be further subdivided so as to create any additional lots for a house, except where the house is located on a lot that is equal to or larger than the minimum lot size, specified by the Moyne Planning Scheme.
  - 3.2 The Owner agrees to pay the Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement.
4. **FURTHER COVENANTS OF THE APPLICANT**

The Owner covenants and agrees that it will:

  - 4.1 **Notice**
    - 4.1.1 bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees, lessees and assigns.
  - 4.2 **Compliance**
    - 4.2.1 do all things necessary to give effect to this Agreement.
    - 4.2.2 make application to the Registrar of Titles to make a recording of this Agreement and the register on the Certificate of Title to the Subject Land in accordance with Section 181 of the Act.
5. **ACKNOWLEDGMENT BY THE COUNCIL**

The Council hereby acknowledges that this Agreement complies with the requirements of Condition No 1 a) of the Planning Permit.
6. **AGREEMENT UNDER SECTION 173 OF THE ACT**

The Council and the Owner agree that without limiting the respective powers to enter into this Agreement and, insofar as can be so treated, this Agreement is made pursuant to Section 173 of the Act.
7. **OWNER'S WARRANTIES**

Without limiting the operation or effect which this Agreement has, the Owner warrants that:

  - 7.1 apart from the parties referred to in this Agreement, or other persons disclosed in writing to the Council prior to the signing of this Agreement, no other person has any interest either legal or equitable in the Subject Land which may be affected by this Agreement or by development or use of the Subject Land pursuant to the Scheme or any permit or approved plan under the Scheme.
  - 7.2 the Owner has obtained all necessary authorities and consents to bind all other persons who have any interest either legal or equitable in the Subject Land.
8. **SUCCESSORS IN TITLE**

Without limiting the operation or effect which this Agreement has, the Owner shall ensure that, unless this Agreement is recorded on the folio of the register which relates to the Subject Land, the Owner's successors in title will:

  - 8.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and

8.2 execute under seal a deed agreeing to be bound by the terms of this Agreement.

**9. DISPUTE RESOLUTION**

9.1 If there is a dispute between the parties concerning the interpretation or implementation of this Agreement, that dispute must be referred to the Tribunal for resolution to the extent permitted by the Act.

9.2 If there is a dispute concerning any matter which is not referable to the Tribunal under the Act, that dispute must be referred for arbitration by an Arbitrator agreed upon in writing by the parties or, in the absence of such agreement the Chairman of the Victorian Chapter of the Institute of Arbitrators, Australia or his nominee, for arbitration.

9.3 The parties are entitled to legal representation for the purposes of any arbitration or referral referred to in Clauses 9.1.2 and 9.1.3 and, unless the Arbitrator, Chairman, nominee or the Tribunal otherwise directs, each party must bear its own costs in such matter.

**10. GENERAL MATTERS**

**10.1 Notices**

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

10.1.1 by delivering it personally to that party;

10.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

10.1.3 sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

10.2 A notice or other communication is deemed served:

10.2.1 if delivered, on the next following business day;

10.2.2 if posted, on the expiration of two business days after the date of posting; or

10.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested transmission before the end of that business day.

**10.3 No Waiver**

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

**10.4 Severability**

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

**10.5 No Fettering of Council's Powers**

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

**10.6 Further Assurance**

The parties to the Agreement shall respectively execute all further documents and do all acts and things reasonably required to effectuate this Agreement.

**11. COMMENCEMENT OF AGREEMENT**

This Agreement commences from the date of this Agreement.

**12. ENDING OF AGREEMENT**

12.1 This Agreement will end upon the completion of the obligations of the parties as set out in this Agreement or upon such earlier date as may be agreed between the parties;

12.2 As soon as reasonably practicable after the Agreement has ended, Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under s.183(2) of the Act to cancel the recording of this Agreement on the register.



4

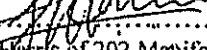
**EXECUTED** by the parties on the date set out at the commencement of this Agreement.


**THE COMMON SEAL** of the **MOYNE SHIRE COUNCIL** )  
was hereunto affixed this **5<sup>th</sup>** day of **September** )  
2005 in the presence of: )

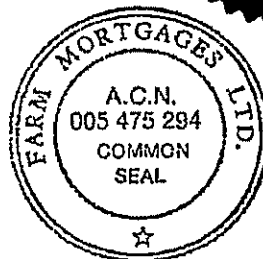
 ..... Councillor

 ..... Chief Executive Officer

**SIGNED SEALED AND DELIVERED** by the said )  
**PATRICK EDMUND RYAN** and **ELIZABETH FRANCES** )  
**RYAN** by their Attorney **FARM MORTGAGES LTD ACN** )  
**005 475 294** whose **COMMON SEAL** was hereunto affixed )  
in accordance with its Articles of Association in the presence of:-)

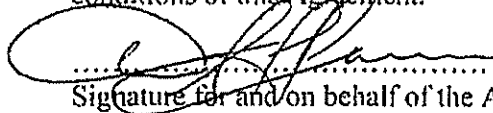
 ..... Director  
Simon Timothy Harris of 202 Manifold Street, Camperdown 3260

 ..... Secretary  
David Anthony John Harris of 202 Manifold Street, Camperdown 3260



**MORTGAGEE'S CONSENT**

Farm Mortgages Ltd as First and Second Mortgagees in possession of the Subject Land under registered Mortgage Nos W160664X and W160665U agrees to be bound by the covenants and conditions of this Agreement.

 .....  
Signature for and on behalf of the Applicant

37195s173Agr(5) 08.05 yo'cu

**AD944746G**

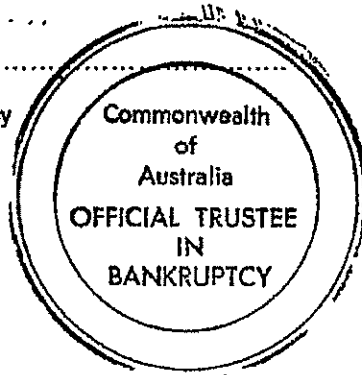
18/10/2005 \$92.30 173



**TO THE REGISTRAR OF TITLES**

The Official Trustee in Bankruptcy (as Trustee of the Bankrupt Estates of Patrick Edmund Ryan (No. 1410 of 2002/3) and Elizabeth Frances Ryan (No. 1411 of 2002/4)) hereby consents to the Registration of the Section 173 Agreement (Planning and Environment Act 1987) in relation to Certificate of Title Volume 10246 Folio 740, subject to the retention of the Official Trustee in Bankruptcy's Caveat recorded in dealing number AB370710C.

Alistair Ashley Page  
The Official Trustee in Bankruptcy



**AD944746G**

18/10/2005 \$92.30 173



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10922 FOLIO 363

Security no : 124059405407J  
Produced 07/03/2016 03:07 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 533111T.  
PARENT TITLE Volume 10246 Folio 740  
Created by instrument PS533111T 19/01/2006

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ROSS SYDNEY DUMESNY

VERONICA JEAN DUMESNY both of 91 FAULKNERS NORTH ROAD TARRONE VIC 3283

AG217320Y 27/11/2008

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG217321W 27/11/2008

RABOBANK AUSTRALIA LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987  
AD944746G 18/10/2005

DIAGRAM LOCATION

SEE PS533111T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL



-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

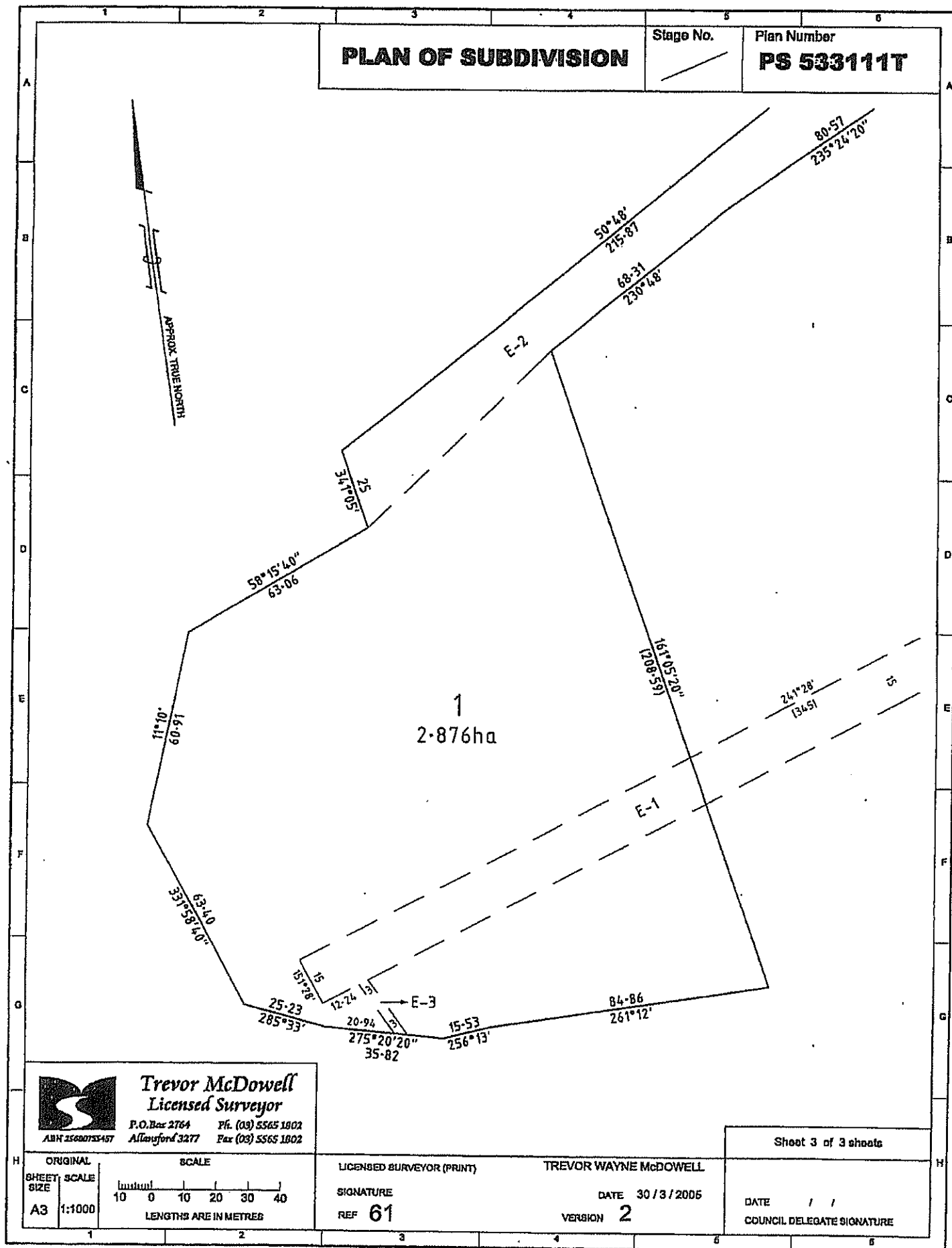
Street Address: 1595 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

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PLAN OF SUBDIVISION		Stage No.  /	LTO use only  EDITION 1	PS 533111T
<b>Location of Land</b> Parish: YAMBUK Township: _____ Section: _____ Crown Allotment: 12 (PART) Crown Portion: _____  Title References: Vol 10246 Fol 740  Last Plan Reference: LOT 2 PS 342920 Postal Address: 1595 HAMILTON PORT FAIRY ROAD PORT FAIRY 3284  AMG Co-ordinates: E 599 700 (Of approx. centre of plan) N 5 762 850 Zone 54		<b>Council Certification and Endorsement</b> Council Name: MOYNE SHIRE COUNCIL Ref: SUB 05/0038  1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11 (7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6</del> / /  <del>3. This is a statement of compliance issued under section 24 of the</del> <del>Subdivision Act 1988.</del>  Open Space  (i) A requirement for public open space under section 18 Subdivision Act 1988 <del>has not been made.</del> <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied in Stage</del>  Council Delegate <del>Council seal</del>  Date 21/9/2005		
Vesting of Roads or Reserves				
Identifier	Council/Body/Person			
Nil	Nil			
Notations				
Depth Limitation: DOES NOT APPLY		Staging This is not a staged subdivision Planning Permit No. PL04/430		
<b>Obligations attached to the use of Easements E-2</b>  For the duration of the easement the dominant tenement owners shall contribute 70% and the servient tenement owners shall contribute 30% to costs of maintenance and repair with respect to normal wear and tear. Repair necessitated by the action of a lot owner or persons claiming through a lot owner shall be the responsibility of the respective lot owner.		Survey:- This plan is based on partial survey. Lot 1 is the result of this survey. Underlined dimensions have not been verified by this survey.  To be completed where applicable. This survey has been connected to permanent marks no(s). 14, 18 In proclaimed Survey Area no. _____		
Easement Information				
<b>Legend:</b> E - Encumbering Easement or Condition in Crown Grant in Nature of an Easement A - Appurtenant Easement		R - Encumbering Easement (Road)  Received <input checked="" type="checkbox"/>  Date 21/12/05		
Subject Land	Purpose	Width (Metres)	Origin	Land Benefitted/in Favour Of
E-1	POWERLINE	SEE DIAG.	PS 342920 : SEC. 44 ELECTRICITY INDUSTRY ACT 1993	POWERCOR AUSTRALIA LIMITED
E-2	CARRIAGEWAY (SEE OBLIGATIONS IN NOTATIONS PANEL)	SEE DIAG.	THIS PLAN	LOT 2 ON THIS PLAN
E-3	POWERLINE	3	THIS PLAN - SEC 88 ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED
LR use only PLAN REGISTERED TIME 5:03pm DATE 19/01/2006  Assistant Registrar of Titles				
Sheet 1 of 3 sheets				
 <b>Trevor McDowell</b> Licensed Surveyor P.O. Box 2764 Pk. (03) 5565 1802 Allansford 3277 Fax (03) 5565 1802		LICENSED SURVEYOR (PRINT) TREVOR WAYNE McDOWELL  SIGNATURE _____ DATE 30/3/2005 REF 61 VERSION 2		
DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3				







*IX Agreement*  
Form 13

**AD944746G**



**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A  
RECORDING OF AN AGREEMENT**

**Planning and Environment Act 1987**

Lodged at the Land Titles Office by:

Name: Arthur E George & Sons

Phone: 03 5593 3440

Address: 202 Manifold Street, Camperdown 3260

Ref: JH:37195

Customer Code: 0852T

**Privacy Collection Statement**

The information under this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry.

The Authority having made an agreement referred to in Section 181(1) of the **Planning and Environment Act 1987** requires to be made in the Register for the land.

Land: 1595 Hamilton-Port Fairy Road, Port Fairy 3284 being Lot 2 on Plan of Subdivision No PS 342920W contained in Certificate of Title Volume 10246 Folio 740.

Authority: Moyneg Shire Council, *P.O. Box 51, Port Fairy 3284* *Princes Street Port Fairy 3284* *Arthur E George & Sons as Licensed Legal Practitioners for a 11 Parties*

Section and Act under which agreement made: Section 173. **Planning and Environment Act 1987**

A copy of the Agreement is attached to this Application.

Signature for the Authority: *[Signature]*

Position held: **CEO.**

Name of Officer: **GRAHAM SHIELL**

Date: **5<sup>th</sup>** day of **September** 2005.

**CAVEAT**

*AD370710C*

*remains*

*1/10/05*

*f. Madsen*

**AD944746G**



**PLANNING AND ENVIRONMENT ACT 1987**

**SECTION 173 AGREEMENT**

**THIS AGREEMENT** is made the **13<sup>th</sup>** day of **SEPTEMBER** 2005.

**BETWEEN:**

**MOYNE SHIRE COUNCIL** of Princes Street, Port Fairy in the State of Victoria [the Council]  
of the First Part

-and-

**PATRICK EDMUND RYAN and ELIZABETH FRANCES RYAN by their Attorney FARM MORTGAGES LTD ACN 005-475-294 ABN 72-005-475-294** whose registered office is at 49 Victoria Street, Cobden in the State of Victoria [the Owner]

of the Second Part

**WHEREAS:**

- A. The Council is the Responsible Authority under the Act for the Planning Scheme.
- B. The Owner is the registered sole proprietor of the subject land, which is comprised in Certificate of Title Volume 10246 Folio 740 and is otherwise described as 1595 Hamilton-Port Fairy Road, Port Fairy 3284 ("the Subject Land").
- C. On 23<sup>rd</sup> March 2005, the Responsible Authority issued the Planning Permit allowing Two Lot Subdivision (House Exeision).
- D. Condition No 1 a) of the Planning Permit states:  
"The land must not be further subdivided so as to create any additional lots for a house, except where the house is located on a lot that is equal to or larger than the minimum lot size, specified by the Moyne Planning Scheme."

**IT IS AGREED:**

**1. DEFINITIONS**

In this agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

- 1.1 "the Act" means the Planning and Environment Act 1987.
- 1.2 "this Agreement" means this Agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.
- 1.3 "the Council" means the Moyne Shire Council as the Responsible Authority for the Planning Scheme and any subsequent person or body which is the Responsible Authority for the Planning Scheme.
- 1.4 "Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part thereof.
- 1.5 "the Owner" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Subject Land and every part thereof.
- 1.6 "the Planning Scheme" means the Moyne Planning Scheme.
- 1.7 "the Planning Permit" means Planning Permit No PL 04/430.
- 1.8 "the Subject Land" means Lot 2 PS 342920W, 1595 Hamilton-Port Fairy Road, Port Fairy 3284 being the land described in Certificate of Title Volume 10246 Folio 740

**2. INTERPRETATION**

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa.
- 2.2 a reference to a gender includes a reference to each other gender.
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 if a party consists of more than one person this Agreement binds them jointly and each of them severally.



- 2.5 a word or expression used in this Agreement has its ordinary meaning unless that word or expression is defined in this Agreement. If a word or expression is not defined in this Agreement and it is defined in the Act or the Planning Scheme it has the meaning as defined in the Act or the Planning Scheme. If defined in both the Act and the Planning Scheme it has the meaning as defined in the Planning Scheme.
- 2.6 any reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 the introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 the obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run to law and equity with the Land **PROVIDED THAT** if and when the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot (if any).

### 3. OWNERS' COVENANTS

- 3.1 The Owner covenants and agrees that the land will not be further subdivided so as to create any additional lots for a house, except where the house is located on a lot that is equal to or larger than the minimum lot size, specified by the Moyne Planning Scheme.
- 3.2 The Owner agrees to pay the Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement.

### 4. FURTHER COVENANTS OF THE APPLICANT

The Owner covenants and agrees that it will:

#### 4.1 Notice

- 4.1.1 bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees, lessees and assigns.

#### 4.2 Compliance

- 4.2.1 do all things necessary to give effect to this Agreement.
- 4.2.2 make application to the Registrar of Titles to make a recording of this Agreement and the register on the Certificate of Title to the Subject Land in accordance with Section 181 of the Act.

### 5. ACKNOWLEDGMENT BY THE COUNCIL

The Council hereby acknowledges that this Agreement complies with the requirements of Condition No 1 a) of the Planning Permit.

### 6. AGREEMENT UNDER SECTION 173 OF THE ACT

The Council and the Owner agree that without limiting the respective powers to enter into this Agreement and, insofar as can be so treated, this Agreement is made pursuant to Section 173 of the Act.

### 7. OWNER'S WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that:

- 7.1 apart from the parties referred to in this Agreement, or other persons disclosed in writing to the Council prior to the signing of this Agreement, no other person has any interest either legal or equitable in the Subject Land which may be affected by this Agreement or by development or use of the Subject Land pursuant to the Scheme or any permit or approved plan under the Scheme.
- 7.2 the Owner has obtained all necessary authorities and consents to bind all other persons who have any interest either legal or equitable in the Subject Land.

### 8. SUCCESSORS IN TITLE

Without limiting the operation or effect which this Agreement has, the Owner shall ensure that, unless this Agreement is recorded on the folio of the register which relates to the Subject Land, the Owner's successors in title will:

- 8.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and

8.2 execute under seal a deed agreeing to be bound by the terms of this Agreement.

**9. DISPUTE RESOLUTION**

9.1 If there is a dispute between the parties concerning the interpretation or implementation of this Agreement, that dispute must be referred to the Tribunal for resolution to the extent permitted by the Act.

9.2 If there is a dispute concerning any matter which is not referable to the Tribunal under the Act, that dispute must be referred for arbitration by an Arbitrator agreed upon in writing by the parties or, in the absence of such agreement the Chairman of the Victorian Chapter of the Institute of Arbitrators, Australia or his nominee, for arbitration.

9.3 The parties are entitled to legal representation for the purposes of any arbitration or referral referred to in Clauses 9.1.2 and 9.1.3 and, unless the Arbitrator, Chairman, nominee or the Tribunal otherwise directs, each party must bear its own costs in such matter.

**10. GENERAL MATTERS**

**10.1 Notices**

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served;

10.1.1 by delivering it personally to that party;

10.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

10.1.3 sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

10.2 A notice or other communication is deemed served:

10.2.1 if delivered, on the next following business day;

10.2.2 if posted, on the expiration of two business days after the date of posting; or

10.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested transmission before the end of that business day.

**10.3 No Waiver**

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

**10.4 Severability**

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

**10.5 No Fettering of Council's Powers**

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

**10.6 Further Assurance**

The parties to the Agreement shall respectively execute all further documents and do all acts and things reasonably required to effectuate this Agreement.

**11. COMMENCEMENT OF AGREEMENT**

This Agreement commences from the date of this Agreement.

**12. ENDING OF AGREEMENT**

12.1 This Agreement will end upon the completion of the obligations of the parties as set out in this Agreement or upon such earlier date as may be agreed between the parties;

12.2 As soon as reasonably practicable after the Agreement has ended, Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under s.183(2) of the Act to cancel the recording of this Agreement on the register.

**EXECUTED** by the parties on the date set out at the commencement of this Agreement.

**THE COMMON SEAL** of the **MOYNE SHIRE COUNCIL** )  
was hereunto affixed this **5<sup>th</sup>** day of **September** )  
2005 in the presence of: )

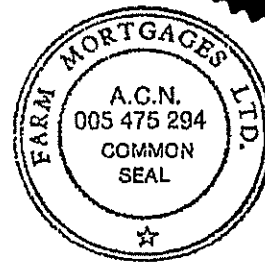
..... Councillor

..... Chief Executive Officer

**SIGNED SEALED AND DELIVERED** by the said )  
**PATRICK EDMUND RYAN** and **ELIZABETH FRANCES** )  
**RYAN** by their Attorney **FARM MORTGAGES LTD ACN** )  
**005 475 294** whose **COMMON SEAL** was hereunto affixed )  
in accordance with its Articles of Association in the presence of:-)

..... Director  
Simon Timothy Harris of 202 Manifold Street, Camperdown 3260

..... Secretary  
David Anthony John Harris of 202 Manifold Street, Camperdown 3260



**MORTGAGEE'S CONSENT**

Farm Mortgages Ltd as First and Second Mortgagees in possession of the Subject Land under registered Mortgage Nos W160664X and W160665U agrees to be bound by the covenants and conditions of this Agreement.

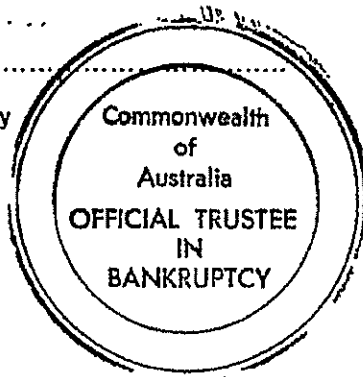
.....  
Signature for and on behalf of the Applicant



**TO THE REGISTRAR OF TITLES**

The Official Trustee in Bankruptcy (as Trustee of the Bankrupt Estates of Patrick Edmund Ryan (No. 1410 of 2002/3) and Elizabeth Frances Ryan (No. 1411 of 2002/4)) hereby consents to the Registration of the Section 173 Agreement (Planning and Environment Act 1987) in relation to Certificate of Title Volume 10246 Folio 740, subject to the retention of the Official Trustee in Bankruptcy's Caveat recorded in dealing number AB370710C.

.....  
Alistair Ashley Page  
The Official Trustee in Bankruptcy



**AD944746G**



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QC - 7

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10246 FOLIO 742

Security no : 124059405421T  
Produced 07/03/2016 03:08 pm

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 342920W.  
PARENT TITLE Volume 10245 Folio 495  
Created by instrument PS342920W 28/08/1995

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ROSS SYDNEY DUMESNY

VERONICA JEAN DUMESNY both of 91 FAULKNERS NORTH ROAD TARRONE VIC 3283

AG217319H 27/11/2008

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG217321W 27/11/2008

RABOBANK AUSTRALIA LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987  
AL876796X 12/05/2015

DIAGRAM LOCATION

SEE PS342920W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

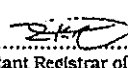
-----END OF REGISTER SEARCH STATEMENT-----

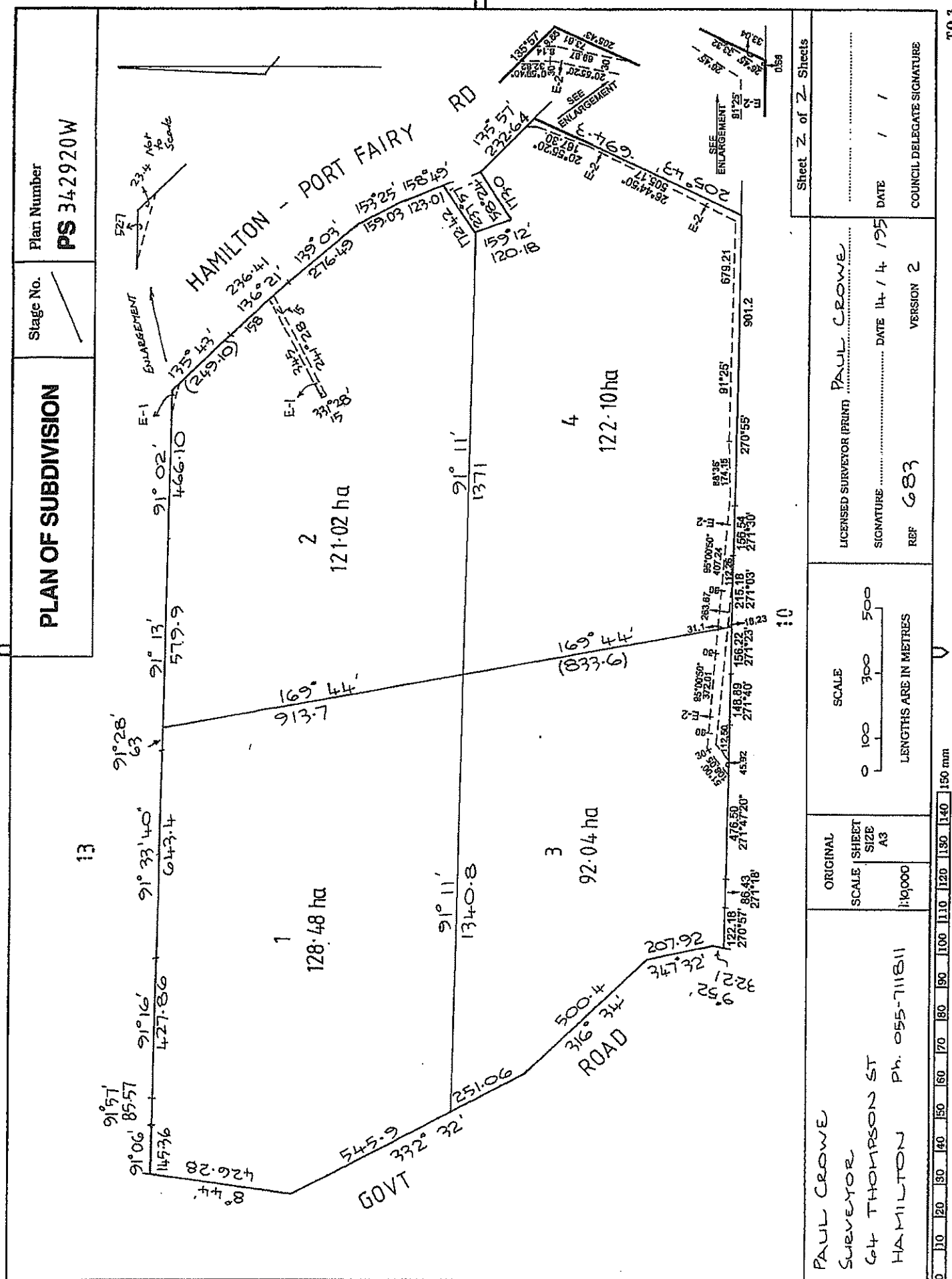
Additional information: (not part of the Register Search Statement)

Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

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<b>PLAN OF SUBDIVISION</b>				STAGE NO. <del>1</del>	LTO use only <b>EDITION 3</b>	Plan Number <b>PS 342920 W</b>
<b>Location of Land</b> <b>Parish:</b> YAMBUK  <b>Township:</b> — <b>Section:</b> B <b>Crown Allotment:</b> 11 & 12 (PARTS) <b>Crown Portion:</b> —  <b>LTO Base Record:</b> PARISH OF YAMBUK (3942) <b>Title Reference:</b> V.10245 — F.495  <b>Last Plan Reference:</b> TP 3262Q <b>Postal Address:</b> HAMILTON — PORT FAIRY RD (at time of subdivision) ORFORD 3284  <b>AMG Co-ordinates</b> E 599000 Zone: 54 (of approx. centre of land in plan) N 5762500				<b>Council Certificate and Endorsement</b> Council Name: MOYNE SHIRE COUNCIL Ref: S 186 1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6</del> / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <b>OPEN SPACE</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 <del>has</del> /has not been made. <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied in Stage</del> _____ Council delegate <del>Council seal</del> Date 21 / 6 / 1995 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date 21 / 6 / 95		
<b>Vesting of Roads and/or Reserves</b>						
Identifier	Council/Body/Person					
NIL	NIL					
<b>Notations</b>						
<b>Staging</b>		This is/is not a staged subdivision Planning Permit No. P 229				
<b>Depth Limitation</b>						
<b>Survey</b> This plan is/is not based on survey This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No.						
<b>Easement Information</b>						<b>LTO use only</b>
<b>Legend:</b> E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)						Statement of Compliance/ Exemption Statement
						Received <input checked="" type="checkbox"/>
						Date 25 / 7 / 95
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		
E-1	POWERLINE	SEE DIAG	THIS PLAN —SECTION 44 OF THE ELECTRICITY INDUSTRY ACT 1993	POWERCOR		
E-2	TRANSMISSION OF ELECTRICITY	SEE DIAG.	AK562401L	VOL.10244 FOL.080		
						<b>LTO use only</b>
						PLAN REGISTERED
						TIME 8.30
						DATE 28 / 8 / 95
						 Assistant Registrar of Titles
						Sheet 1 of 2 Sheets
PAUL CROWE SURVEYOR 64 THOMPSON ST HAMILTON Ph 055-711811			LICENSED SURVEYOR (PRINT) <u>PAUL CROWE</u> SIGNATURE..... DATE 14 / 4 / 95 REF 683 VERSION 2			DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3



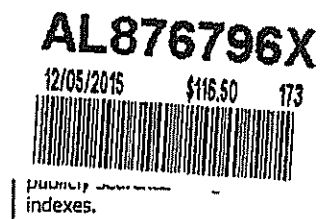
PS342920W

[illegible]



Application by a responsible authority for the making  
of a recording of an agreement

Section 181 Planning and Environment Act 1987



Lodged by

Name: Taits Legal

Phone: 5560 2100

Address: 121 Kepler Street, Warrnambool 3280

Reference: Alex McCulloch: 142206

Customer Code: 1638Q

The responsible authority having made an agreement referred to in Section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land: Certificate of Title Volume 10246 Folio 742

Responsible authority: Moyne Shire Council

Section and Act under which agreement made: Section 173 of the Planning & Environment Act 1987

A copy of the agreement is attached to this application:

Date: 11/12/14

Signature for responsible authority:

Name of officer:

David Madden

**PLANNING & ENVIRONMENT ACT**

**AGREEMENT PURSUANT TO SECTION 173**

**MOYNE SHIRE COUNCIL**

- and -

**ROSS SYDNEY DUMESNY AND VERONICA JEAN DUMESNY**

**AFFECTED LAND:** The land described in Certificate of Title Volume  
10246 Folio 742

**AL876796X**



**THIS AGREEMENT** is made on the 15<sup>th</sup> day of December  
2014

**BETWEEN:**

The Responsible Authority: Moyne Shire Council ("the Council")

of Princes Street Port Fairy, Victoria 3284

The Owner:

Ross Sydney Dumesny and Veronica Jean Dumesny

of 1595 Hamilton-Port Fairy Road PORT FAIRY VIC 3284 ("the  
Owner")

**WHEREAS**

1. The Owner is the registered proprietor of all that piece of land described in Certificate of Title Volume 10246 Folio 742 ("the Land").
2. The land is affected by the provisions of the Moyne Planning Scheme ("the Scheme").
3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme.
4. Pursuant to Planning Permit No. PL14/084 the Council has allowed for the Development of the Land subject to the conditions stated in the permit.
5. The parties enter this agreement in satisfaction of the conditions of the permit.
6. Condition 5 of the Planning Permit requires the Owner of the Land to enter into an agreement with the Shire pursuant to section 173 of the Act and for this agreement to be registered at the Titles Office pursuant to Section 181 of the Act.

**AL876796X**

12/05/2015 \$116.50 173



**BY THIS AGREEMENT IT IS AGREED AND COVENANTED:**

**1. OPERATION**

- 1.1. This agreement is made pursuant to Section 173 of the Act.
- 1.2. This agreement shall come into force on execution by both parties.
- 1.3. The covenants of this agreement shall run with the land.

**2. INTERPRETATION**

**2.1. LOT**

In this agreement "lot" means any and each lot shown on the subdivision plan.

**2.2. OWNER**

In this agreement the word "Owner" unless the contrary intention appears, shall be deemed to include its successors assigns and transferees and the obligations imposed on and assumed by **Ross Sydney Dumesny and Veronica Jean Dumesny** shall be binding on the successors transferees purchasers mortgagees assigns of **Ross Sydney Dumesny and Veronica Jean Dumesny** and any other person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement; and

If the Owner holds the land in a trust capacity, "Owner" shall include the beneficiaries of the trust in relation to which it holds such as land. Where such trust relationship exists the Owner in executing this agreement does so intending to assume not only personal liability, but also to bind the trust for which it acts as trustee.

If the Owner is constituted by more than one person any obligation imposed by this agreement on the Owner shall be imposed on those persons jointly and severally.

**2.3. COUNCIL**

In this agreement the word "Council" shall include the Shire's successors and its successors as responsible authority for town planning control in the area in which the land is situate.

**2.4. In this agreement, unless the context otherwise requires:**

- 2.4.1. Words denoting the singular number shall include the plural and vice versa.
- 2.4.2. Words denoting any gender shall include all genders.
- 2.4.3. Where a word or phrase is defined, other parts of speech and grammatical forms of that words or phrase shall have corresponding meanings.
- 2.4.4. Words denoting natural persons shall include corporations and vice versa.
- 2.4.5. References to clauses and schedules are to clauses of and schedules to this agreement.
- 2.4.6. Headings are for convenience only and do not effect interpretation.
- 2.4.7. References to any party to this agreement or instrument shall include the party's successors and permitted assigns.
- 2.4.8. Reference to any agreement or instrument shall be also to such agreement or instrument as amended, novated, supplemented, varied or replaced from time to time.
- 2.4.9. References to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any

legislation provision substituted for, and all regulations and statutory instruments issued under such legislation or provision.

2.4.10. As the case may be, a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, jointly and severally.

### 3. AGREEMENT

The Owner agrees that the 'wetland area' shown on the Plan Sheet 1 of 3 project no. 19/13 dated Oct 2013 prepared by Alex Smit of South West Civil Engineering must be established by 'plugging' the drainage channel and its on-going protection secured with the construction of 'stock proof fencing' around the perimeter of the wetland to the satisfaction of the Responsible Authority.

### 4. REGISTRATION

The parties shall do all things necessary to enable the Council to register this agreement pursuant to Section 181 of the Act.

### 5. DISCLOSURE

The Owner shall not sell mortgage or part with possession of the land or any part of it without first disclosing to its successors the existence and nature of this agreement.

### 6. COSTS OF AGREEMENT

The Owner forthwith on demand shall pay to the Council the Council's costs and expenses (as between the solicitor and own client) of and incidental to this agreement and of anything consequent on it or in furtherance of it.

### 7. DEFAULT

If the Owner fails to comply with this agreement the Council may serve on the Owner or on the owner of that part of the land in respect of which there has been a failure of compliance a notice in writing specifying the works, matters and things ("the Remedial Works") in respect of which the relevant owner is in default. If such default continues for thirty days after the service of such notice the Council by its employees or contractors may enter upon the land and cause the Remedial Works to be done.

A notice served on the Owner pursuant to this clause may set out the costs (as estimated by the Council) of carrying out the Remedial Works. If the Owner does not comply with the notice within thirty days the Council may serve on the Owner a demand in writing for the amount of the estimated costs. The amount then shall become a debt due and payable by the relevant owner to the Council.

As soon as practicable after the completion of the Remedial Works the Council shall certify the actual costs of the Remedial Works. The difference between a sum paid to the Council as the estimated costs, and the actual costs, shall be paid by the relevant owner to the Council or if there is excess, repaid by the Council to the relevant owner.

### 8. COUNCIL AS ATTORNEY FOR OWNER

The Owner hereby appoints the Council as its attorney to do all things the Owner is capable of doing for the purposes of giving effect to this agreement or necessary to give effect to any of the duties or obligations imposed on the Owner pursuant to this agreement and hereby authorises the Council to do and will ratify whatever the Council lawfully shall do or cause to be done under this power of attorney.

### 9. NOTICES

Any notice required under this agreement may be served by delivering it to the Owner at its last known address within the rating records of the Council. Any notice posted



shall be deemed to have been served at the expiration of twenty-four hours from the time of posting.

#### 10. SUCCESSORS BOUND

Without limiting the operation or effect which this agreement has apart from this sub-clause, the Owner shall ensure that its successors:

- 10.1. Give effect to and do all acts and sign all documents which are required of them to give effect to this agreement; and
- 10.2. Execute under the seal a deed agreeing to be bound by the terms of this agreement.
- 10.3. The obligation imposed on the Owner by sub-clause 1 of this shall cease for such time as there appears in the register book at the officer of the Registrar of Titles a memorandum of this agreement.

#### 11. RELEASE

On a person ceasing to own any part of the land that person shall be released from the obligations of that person as an owner under this agreement, save to the extent that any right has arisen against such owner prior to such cessation.

#### 12. FURTHER DOCUMENTATION AND ACTION

Each of the parties shall sign and execute all such further documents and deeds and do all acts and things as the other party reasonably shall require for giving effect to this agreement.

#### 13. DISPUTE

Should any dispute or difference arise between the parties with respect to the interpretation of this agreement, its application, such dispute or difference shall be determined by a person appointed by the parties by agreement, or failing agreement, by a person qualified in the area of the dispute or difference and appointed by the Secretary as defined in the Act.

#### EXECUTED AS A DEED.

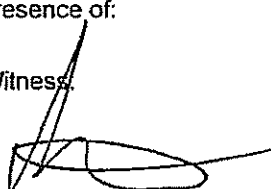
THE Common Seal of the MOYNE SHIRE COUNCIL  
was hereunto affixed this fifteenth day  
of December 2014 in the presence of:

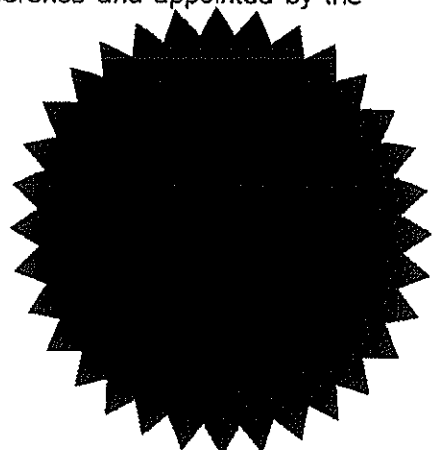
Councillor

Chief Executive Officer

SIGNED by ROSS SYDNEY DUMESNY  
and VERONICA JEAN DUMESNY in the  
presence of:

Witness

 Neil Martin



) R.S. Dumesny  
)  
) V.J. Dumesny

**AL876796X**



**AL876796X**



**Rabobank**

**MORTGAGEE'S CONSENT**

Rabobank Australia Limited ACN 001 621 129 being the registered proprietor of mortgage number AG217321W over Certificate of Title Volume 10246 Folio 742 consents to the registration of the attached Section 173 Agreement

DATED 6th MAY 2015

SIGNED, SEALED and DELIVERED for and on behalf of:

Rabobank Australia Limited ACN 001 621 129

by its attorneys LYNDALL JAYNE VINES

(Senior Manager)

and JENNIFER PAM KING

(Manager)

who respectively state at the time of their executing this instrument they have no notice of the revocation of the Power of Attorney dated 18<sup>th</sup> April 2000, a certified copy of which is filed in Permanent Order Book 277, page 027, item 30, and under the authority they have executed this instrument.

Signature of Witness

KARL SIMON MCWILLIAM

Name of Witness

Lyndall Jayne Vines

MANAGER APPROVALS

Level 9, 1 Collins Street

MELBOURNE VIC 3000

Address and occupation of  
Witness

Jennifer Pam King

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10246 FOLIO 741

Security no : 124059405442V  
Produced 07/03/2016 03:08 pm

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 342920W.  
PARENT TITLE Volume 10245 Folio 495  
Created by instrument PS342920W 28/08/1995

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ROSS SYDNEY DUMESNY

VERONICA JEAN DUMESNY both of 1771 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC  
3282

AB831575F 24/01/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG217321W 27/11/2008

RABOBANK AUSTRALIA LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS342920W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL


-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

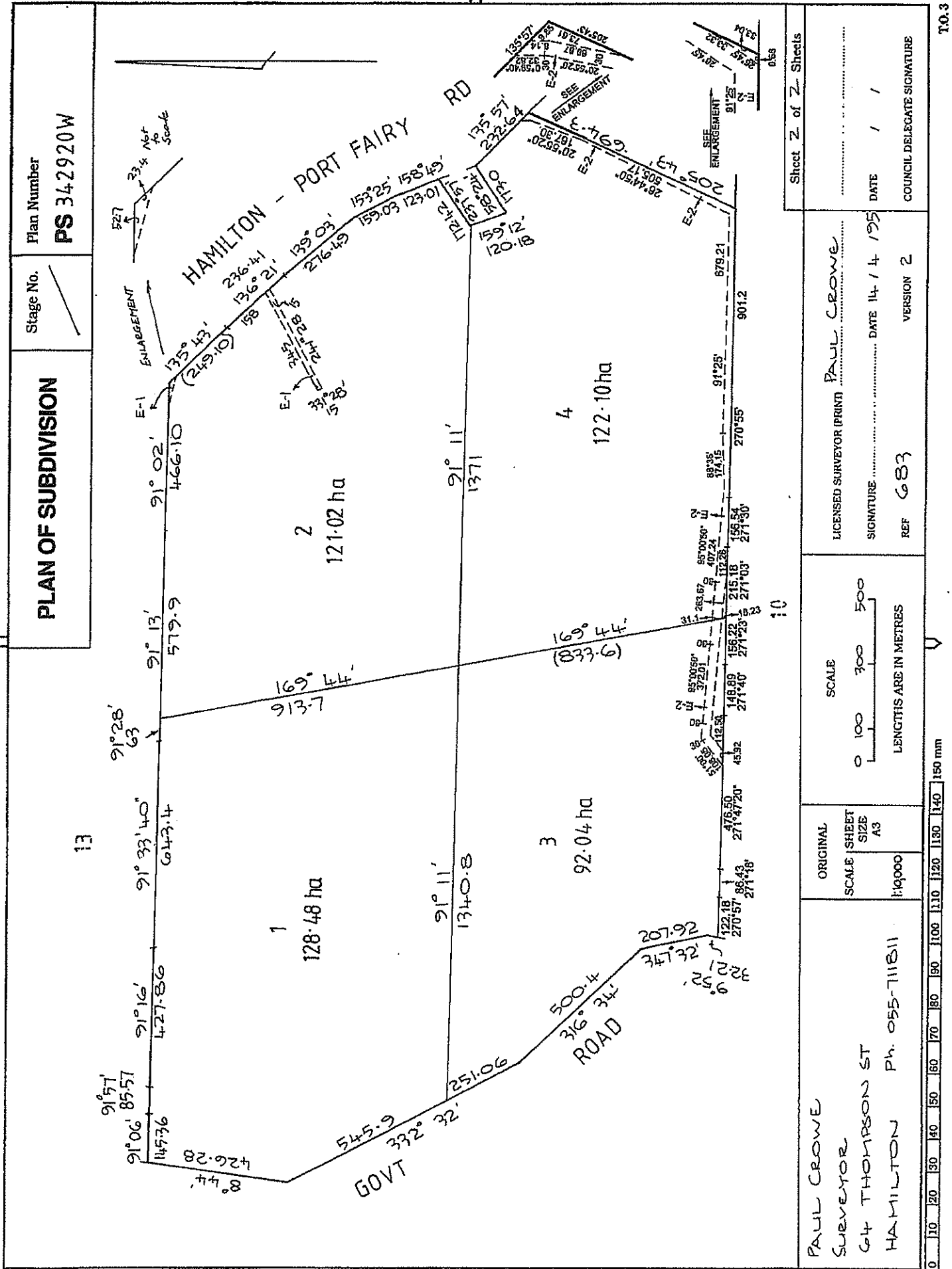
Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

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<b>PLAN OF SUBDIVISION</b>		STAGE NO. <del>1</del>	LTO use only <b>EDITION 3</b>	Plan Number <b>PS 342920 W</b>
<b>Location of Land</b> <b>Parish:</b> YAMBUK  <b>Township:</b> _____ <b>Section:</b> B <b>Crown Allotment:</b> 11 & 12 (PARTS) <b>Crown Portion:</b> _____  <b>LTO Base Record:</b> PARISH OF YAMBUK (3942) <b>Title Reference:</b> V.10245 - F 495  <b>Last Plan Reference:</b> TP 3262Q <b>Postal Address:</b> HAMILTON - PORT FAIRY RD (at time of subdivision) ORFORD 3284  <b>AMG Co-ordinates</b> E 599000 Zone: 54 (of approx. centre of land in plan) N 5762500		<b>Council Certificate and Endorsement</b> Council Name: MOYNE SHIRE COUNCIL Ref: S 186 1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6</del> / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <b>OPEN SPACE</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied in Stage</del> _____ Council delegate _____ <del>Council seal</del> _____ Date 21 / 6 / 1995 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate _____ Council Seal _____ Date 21 / 6 / 95		
<b>Vesting of Roads and/or Reserves</b>				
Identifier	Council/Body/Person			
NIL	NIL			
<b>Notations</b>				
<b>Staging</b>		This is/is not a staged subdivision Planning Permit No. P 229		
<b>Depth Limitation</b>				
<b>Survey</b> This plan is/ <del>is not</del> based on survey This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No.				
<b>Easement Information</b>				
<b>Legend:</b> E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)				<b>LTO use only</b>
				Statement of Compliance/ Exemption Statement
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	POWERLINE	SEE DIAG	THIS PLAN -SECTION 44 OF THE ELECTRICITY INDUSTRY ACT 1993	POWERCOR
E-2	TRANSMISSION OF ELECTRICITY	SEE DIAG.	AK562401L	VOL.10244 FOL.080
				Received <input checked="" type="checkbox"/> Date 25 / 7 / 95
				<b>LTO use only</b> PLAN REGISTERED TIME 8.30 DATE 28 / 8 / 95  Assistant Registrar of Titles Sheet 1 of 2 Sheets
PAUL CROWE SURVEYOR 64 THOMPSON ST HAMILTON. Ph 055-711811			LICENSED SURVEYOR (PRINT) <u>PAUL CROWE</u> SIGNATURE..... DATE 14 / 4 / 95 REF 683 VERSION 2	
			DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3	





PS342920W

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10585 FOLIO 322

Security no : 124059405474L  
Produced 07/03/2016 03:09 pm

LAND DESCRIPTION

Lot 1 on Title Plan 020873M.  
PARENT TITLE Volume 08738 Folio 308  
Created by instrument X426361E 19/04/2001

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
HOGAN PASTORAL CO PTY LTD of 194 HIGH STREET BELMONT VIC 3216  
AJ929039S 25/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK801884H 23/12/2013  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP020873M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

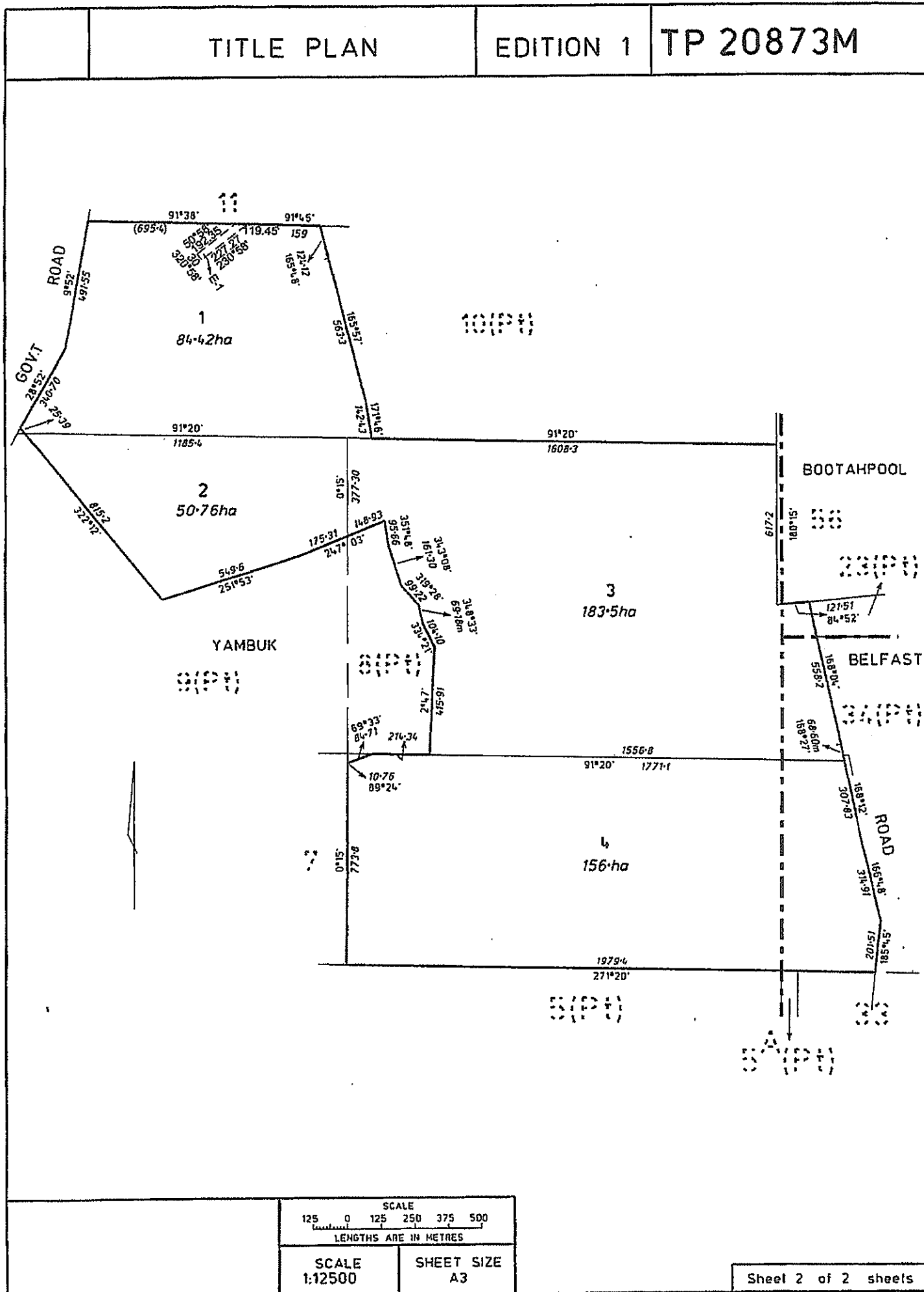
-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

TITLE PLAN		EDITION 2		TP20873M	
<b>Location of Land</b> Parish: Yambuk C.A.'s 5(Pt), 5A(Pt), 8(Pt), 9(Pt) & 10(Pt) Section B Parish: Belfast C.A. 34(Pt) Parish: Bootahpool C.A. 23(Pt) Last Plan Reference: LP4537 Part of lots 53, 54, 55 & 58 Title Reference: Vol. 6013 Fol. 590 Vol.8738 Fol.308 Depth Limitation: NIL			<b>Notations</b> <b>APPURTENANCY</b> The whole of the land in this plan has a right of carriageway over the roads coloured brown on C/T Vol. 8738 Fol. 308 & Vol. 6013 Fol. 590 and together with a right to allow all storm flood or other water which may fall or be on or pass through or over the land in this plan to flow through and pass over or along any drains and/or channels now existing or which may hereafter exist in upon or under the land coloured yellow on C/T Vol. 8738 Fol. 308 & Vol. 6013 Fol. 590 and together with a right to enter upon the said land coloured yellow with or without horses carts and/or other vehicles and to dig cut excavate and make any drain or channel therein or thereon and to repair or alter any drain or channel		
<b>Easement Information</b>					THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of	
E-1	TRANSMISSION OF ELECTRICITY	SEE DIAG.	AK616877L	VOL.10244 FOL.080	
<b>SEE DIAGRAM ON SHEET 2</b>					
LENGTHS ARE IN METRES		SCALE	SHEET SIZE A3	FILE NO: X426358L	
LAND VICTORIA 283 Queen Street Melbourne		Drawn By: M.Briffa	DEALING CODE: 45		Sheet 1 of 2



RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

# PLAN NUMBER

TP020873M

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10585 FOLIO 312

Security no : 124059405495N  
Produced 07/03/2016 03:09 pm

LAND DESCRIPTION

Lot 2 on Title Plan 020873M.  
PARENT TITLE Volume 08738 Folio 308  
Created by instrument X426358L 19/04/2001

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
HOGAN PASTORAL CO PTY LTD of 194 HIGH STREET BELMONT VIC 3216  
AJ929039S 25/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK801884H 23/12/2013  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP020873M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

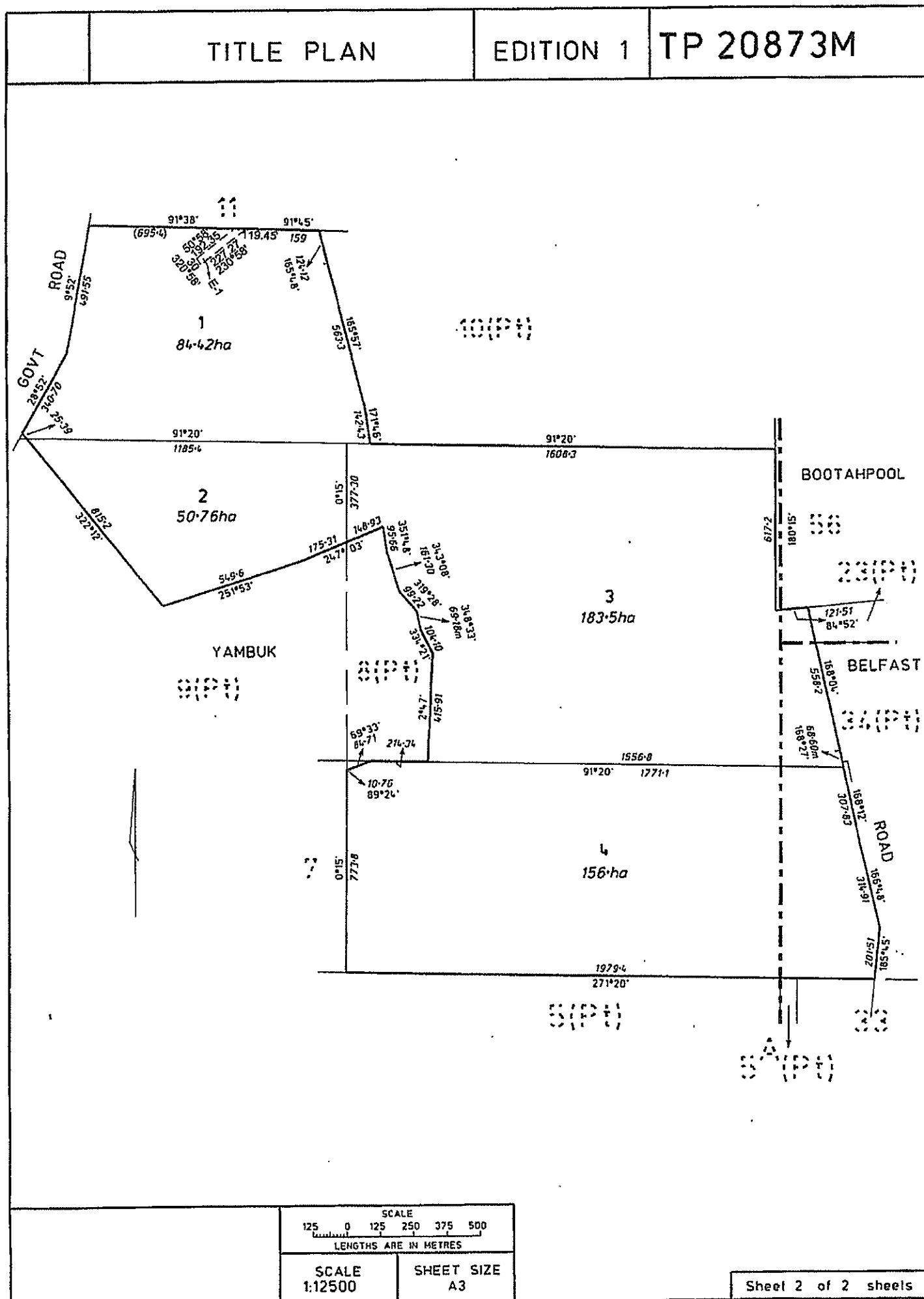
Additional information: (not part of the Register Search Statement)

Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

TITLE PLAN		EDITION 2		TP20873M	
<b>Location of Land</b> Parish: Yambuk C.A.'s 5(Pt), 5A(Pt), 8(Pt), 9(Pt) & 10(Pt) Section B Parish: Belfast C.A. 34(Pt) Parish: Bootahpool C.A. 23(Pt) Last Plan Reference: LP4537 Part of lots 53, 54, 55 & 58 Title Reference: Vol. 6013 Fol. 590 Vol.8738 Fol.308 Depth Limitation: NIL			<b>Notations</b> <b>APPURTENANCY</b> The whole of the land in this plan has a right of carriageway over the roads coloured brown on C/T Vol. 8738 Fol. 308 & Vol. 6013 Fol. 590 and together with a right to allow all storm flood or other water which may fall or be on or pass through or over the land in this plan to flow through and pass over or along any drains and/or channels now existing or which may hereafter exist in upon or under the land coloured yellow on C/T Vol. 8738 Fol. 308 & Vol. 6013 Fol. 590 and together with a right to enter upon the said land coloured yellow with or without horses carts and/or other vehicles and to dig cut excavate and make any drain or channel therein or thereon and to repair or alter any drain or channel		
<b>Easement Information</b>					THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES
<b>Easement Reference</b> E-1	<b>Purpose / Authority</b> TRANSMISSION OF ELECTRICITY	<b>Width (Metres)</b> SEE DIAG.	<b>Origin</b> AK616877L	<b>Land benefited / In favour of</b> VOL.10244 FOL.080	Checked by <i>[Signature]</i> Date 14 / 6 / 2001 Assistant Registrar of Titles
<h2>SEE DIAGRAM ON SHEET 2</h2>					
LENGTHS ARE IN METRES		SCALE	SHEET SIZE A3	FILE NO: X426358L	
LAND VICTORIA 283 Queen Street Melbourne		Drawn By: M.Briffa	DEALING CODE: 45		Sheet 1 of 2





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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10585 FOLIO 319

Security no : 124059405554Y  
Produced 07/03/2016 03:11 pm

LAND DESCRIPTION

Lot 57 on Plan of Subdivision 004537.  
PARENT TITLE Volume 08738 Folio 308  
Created by instrument X426360H 19/04/2001

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

HOGAN PASTORAL CO PTY LTD of 194 HIGH STREET BELMONT VIC 3216  
AJ929039S 25/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK801884H 23/12/2013

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP482364E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

<b>TITLE PLAN</b>		<b>EDITION 2</b>	<b>TP 482364E</b>																														
<b>Location of Land</b> Parish : YAMBUK Township : Crown Portion : Section : Portion : Base record : DCMB Last Plan Reference : LOT 57 ON LP 4537 Derived From : VOL. 10585 FOL. 319 Depth Limitation : NIL		<b>Notations</b>  ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN																															
<b>Description of Land/ Easement Information</b> <p>all that piece of land in the Parish of Yambuk being Lot 57 on Plan of Subdivision No 4537 which land is shown enclosed by continuous lines on the map hereon Together with a right of carriage way over the roads coloured brown on C/T Volume 8738 Folio 308 and together with a right to allow all storm flood or other water which may fall or be on or pass through or over the land on the map hereon to flow through and pass over or along any drains and/or channels now existing or which may hereafter exist in upon or under the land coloured yellow on C/T Volume 8738 Folio 308 and together with a right to enter upon the said land coloured yellow with or without horses carts and/or other vehicles and to dig cut excavate and make any drain or channel therein or thereon and to repair or alter any drain channel</p>		THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES COMPILED: Date 24/06/05 VERIFIED: A. DALLAS Assistant Registrar of Titles																															
<table border="1"> <thead> <tr> <th colspan="5">EASEMENT INFORMATION</th> </tr> <tr> <th colspan="5">Legend: A - Appurtenant Easement E - Encumbering Easement R- Encumbering Easement (Road)</th> </tr> <tr> <th>Easement Reference</th> <th>Purpose</th> <th>Width (Metres)</th> <th>Origin</th> <th>Land Benefitted / In Favour Of</th> </tr> </thead> <tbody> <tr> <td>E-1</td> <td>TRANSMISSION OF ELECTRICITY</td> <td>SEE DIAG.</td> <td>AK618877L</td> <td>VOL.10244 FOL.080</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>				EASEMENT INFORMATION					Legend: A - Appurtenant Easement E - Encumbering Easement R- Encumbering Easement (Road)					Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of	E-1	TRANSMISSION OF ELECTRICITY	SEE DIAG.	AK618877L	VOL.10244 FOL.080										
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Legend: A - Appurtenant Easement E - Encumbering Easement R- Encumbering Easement (Road)																																	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of																													
E-1	TRANSMISSION OF ELECTRICITY	SEE DIAG.	AK618877L	VOL.10244 FOL.080																													
<p style="text-align: center;"><b>LOT 57</b> 139.1 ha</p>																																	
LENGTHS ARE IN METRES Metres = 0.3048 x Feet Metres = 0.201168 x Links																																	
Sheet 1 of 1 Sheets																																	

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

# PLAN NUMBER

TP482364E

**WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.  
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.**

[illegible]



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10585 FOLIO 561

Security no : 124059405571F  
Produced 07/03/2016 03:12 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 078617.  
PARENT TITLE Volume 05161 Folio 030  
Created by instrument X426365R 19/04/2001

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
HOGAN PASTORAL CO PTY LTD of 194 HIGH STREET BELMONT VIC 3216  
AJ929039S 25/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP078617 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

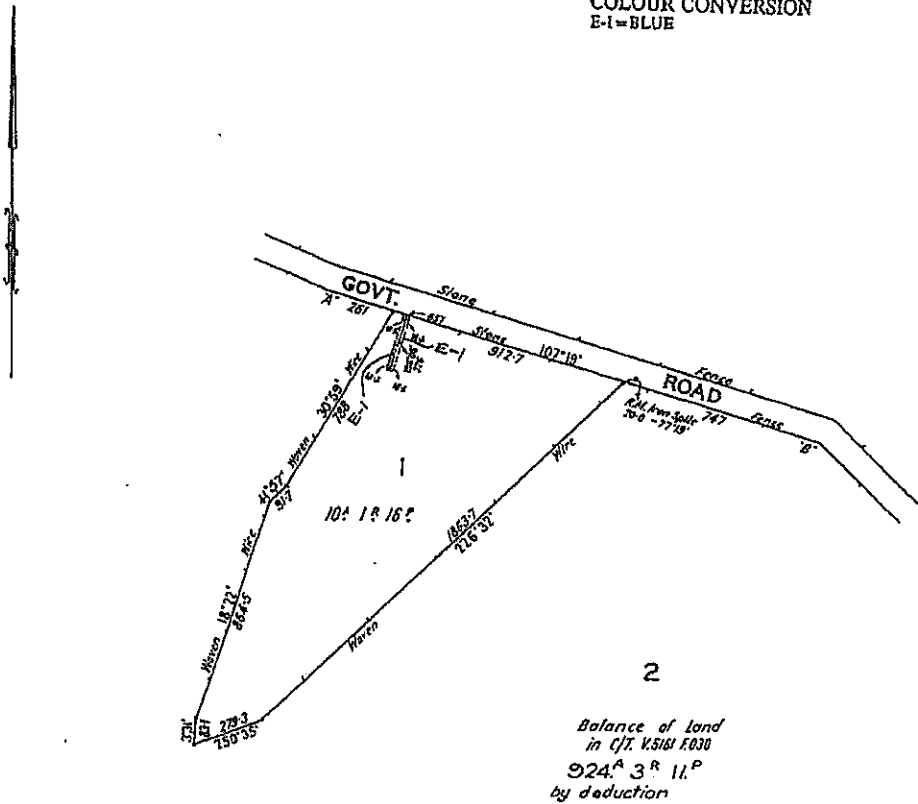
Street Address: "ARINGA NORTH" 1357 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

LP78617  
 EDITION 1  
 APPROVED 6/9/67

PLAN OF SUBDIVISION OF PART OF CROWN PORTIONS 33,34,35 & 36 PARISH OF BELFAST PART OF CROWN PORTIONS 22 & 23 PARISH OF BOOTAHPOOL COUNTY OF VILLIERS SCALE OF CHAINS	APPROPRIATIONS	ENCUMBRANCES & OTHER NOTATIONS
	Blue : Supply of Electricity	Datum A-B 287'10"

COLOUR CONVERSION  
 E-1=BLUE



FOR APPROPRIATIONS, ETC,  
 SEE BACK HEREOF



CERTIFICATE OF TITLE V. 5161 F. 030

LODGED BY CAMERON & LOWENSTERN

DATE 8.8.67

DECLARED BY D.R. HAYES 1.5.67

CONSENT OF COUNCIL SHIRE OF

BELFAST

2.6.67

PLAN APPROVED DATE 6.9.67 TIME 1.21

LP 78617.....  
BACK OF SHEET 1....

THE LAND COLOURED BLUE  
IS APPROPRIATED  
OR SET APART FOR  
EASEMENTS OF SUPPLY OF ELECTRICITY.



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PC - 13

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09495 FOLIO 250

Security no : 124059405593G

Produced 07/03/2016 03:12 pm

LAND DESCRIPTION

Lot 1 on Title Plan 189288D.  
PARENT TITLE Volume 08738 Folio 309  
Created by instrument J976270 21/06/1982

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

HOGAN PASTORAL CO PTY LTD of 194 HIGH STREET BELMONT VIC 3216  
AJ929039S 25/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK801884H 23/12/2013

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP189288D FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

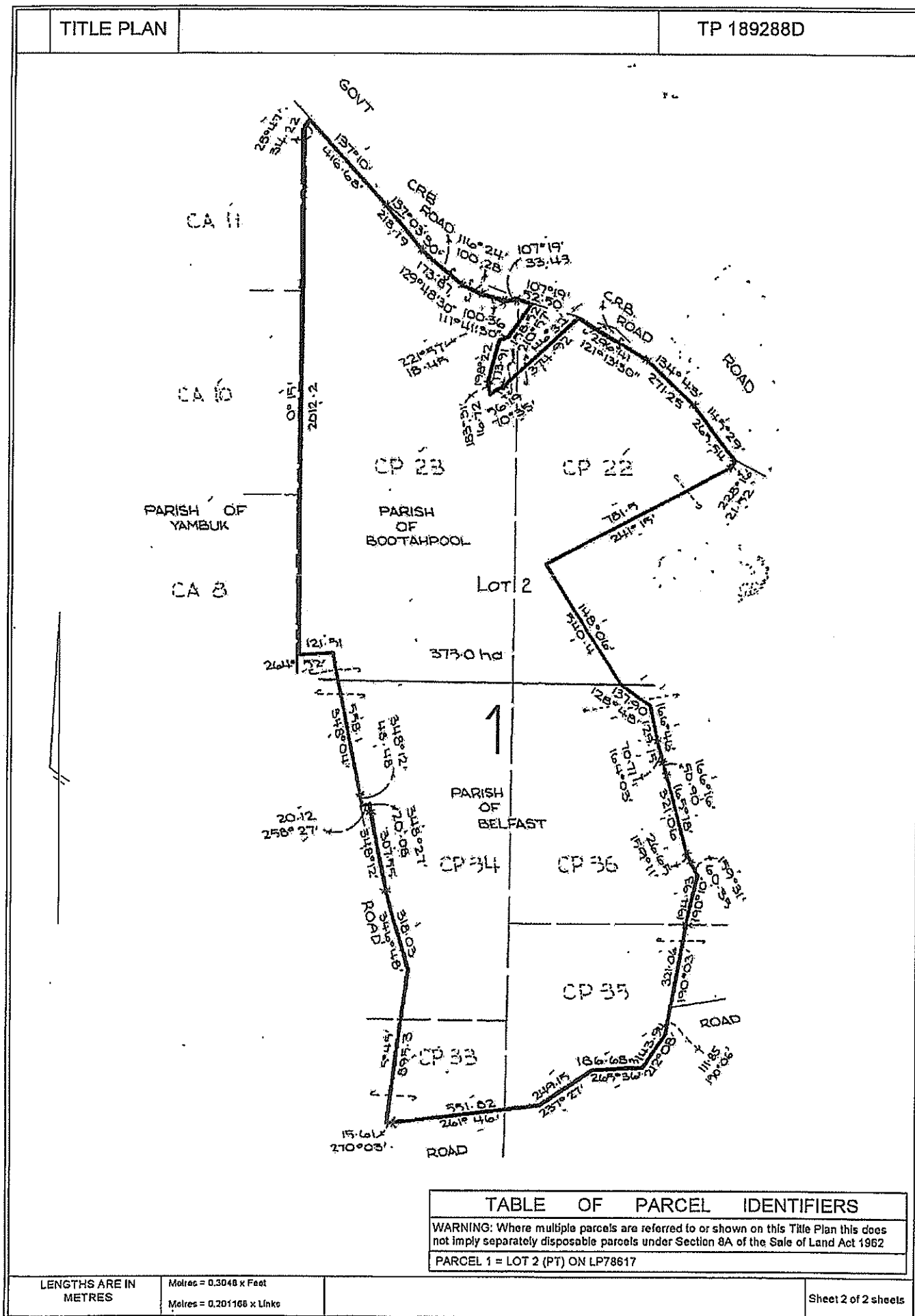
-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: "ARINGA NORTH" 1357 HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

TITLE PLAN		EDITION 1	TP 189288D
<b>Location of Land</b>  Parish: BOOTAHPOOL BELFAST Township: Section: Crown Allotment: Crown Portion: 22 (PT), 23 (PT) 33 (PT), 34 (PT), 35 (PT), 36 (PT)  Last Plan Reference: LP78617 Derived From: VOL 9495 FOL 250 Depth Limitation: NIL		<b>Notations</b>     ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
<b>Description of Land / Easement Information</b>  all- that piece of land in the County of Villiers being part of - -- Lot 2 on Plan of Subdivision No. 78617 and being part of Crown - - - - - Portions 22 and 23 Parish of Bootahpool and part of Crown Portions 33, 34 -- 35 and 36 Parish of Belfast which land is shown enclosed by continuous - -- lines on the map TOGETHER WITH a right of - - - carriage way over the roads coloured brown on Certificate of - - - - - Title Vol. 8738 Fol. 309 - - - - -		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 15/10/1999 VERIFIED: DA	
<p>SEE SHEET 2 FOR DIAGRAM</p>			
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 2 sheets





RC 14

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10585 FOLIO 315

Security no : 124059405619D

Produced 07/03/2016 03:13 pm

LAND DESCRIPTION

Lot 3 on Title Plan 020873M.  
PARENT TITLE Volume 08738 Folio 308  
Created by instrument X426359H 19/04/2001

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
HOGAN PASTORAL CO PTY LTD of 194 HIGH STREET BELMONT VIC 3216  
AJ929039S 25/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK801884H 23/12/2013  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP020873M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

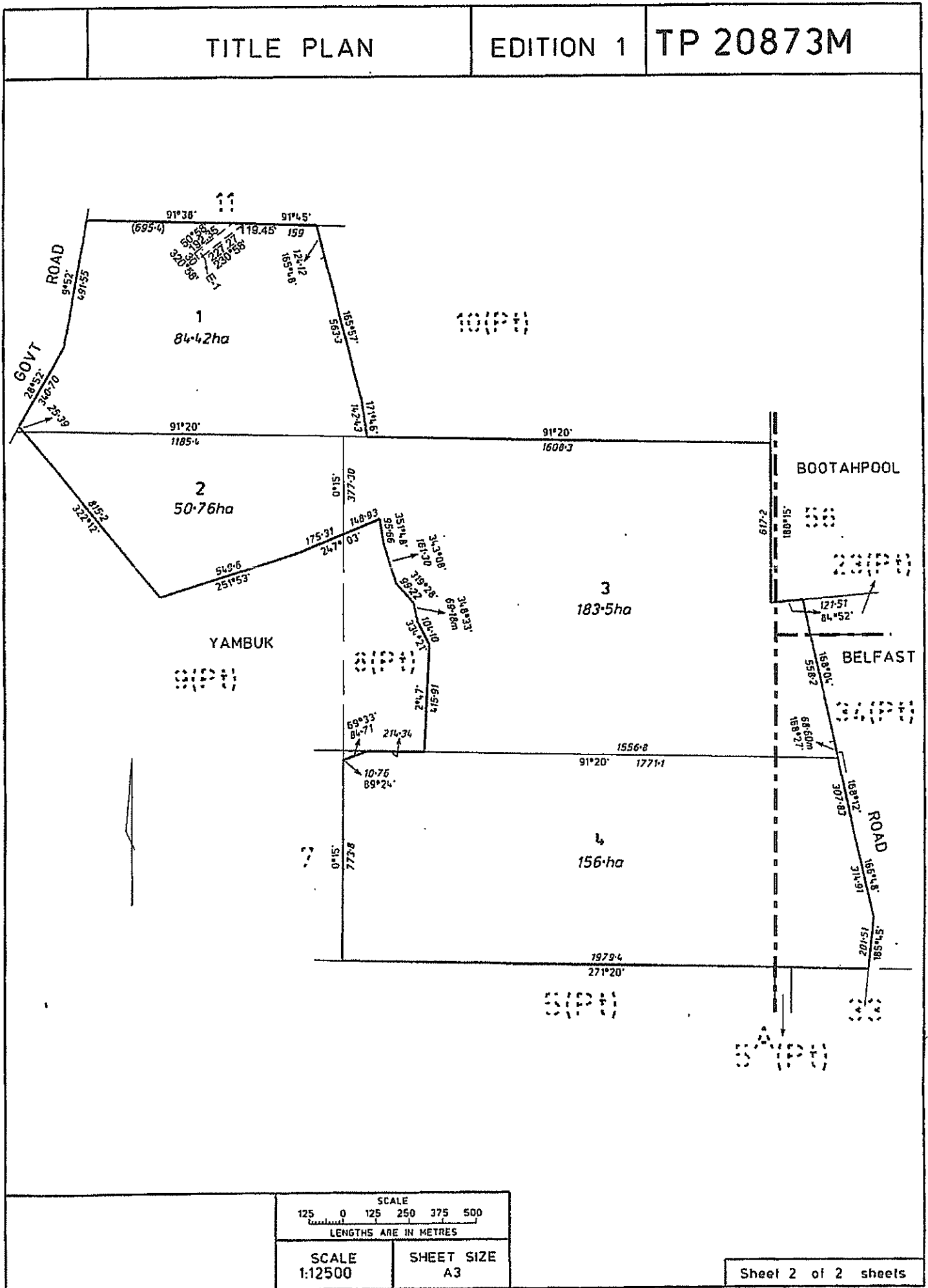
Additional information: (not part of the Register Search Statement)

Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

TITLE PLAN		EDITION 2		TP20873M	
<b>Location of Land</b> Parish: Yambuk C.A.'s 5(Pt), 5A(Pt), 8(Pt), 9(Pt) & 10(Pt) Section B Parish: Belfast C.A. 34(Pt) Parish: Bootahpool C.A. 23(Pt) Last Plan Reference: LP4537 Part of lots 53, 54, 55 & 58 Title Reference: Vol. 6013 Fol. 590 Vol.8738 Fol.308 Depth Limitation: NIL			<b>Notations</b> <b>APPURTENANCY</b> The whole of the land in this plan has a right of carriageway over the roads coloured brown on C/T Vol. 8738 Fol. 308 & Vol. 6013 Fol. 590 and together with a right to allow all storm flood or other water which may fall or be on or pass through or over the land in this plan to flow through and pass over or along any drains and/or channels now existing or which may hereafter exist in upon or under the land coloured yellow on C/T Vol. 8738 Fol. 308 & Vol. 6013 Fol. 590 and together with a right to enter upon the said land coloured yellow with or without horses carts and/or other vehicles and to dig cut excavate and make any drain or channel therein or thereon and to repair or alter any drain or channel		
<b>Easement Information</b>					THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of	
E-1	TRANSMISSION OF ELECTRICITY	SEE DIAG.	AK816877L	VOL.10244 FOL.080	
<b>SEE DIAGRAM ON SHEET 2</b>					
LENGTHS ARE IN METRES		SCALE	SHEET SIZE A3	FILE NO: X426358L	
LAND VICTORIA 283 Queen Street Melbourne		Drawn By: M.Briffa	DEALING CODE: 45		Sheet 1 of 2







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Pr - 15  
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- 17  
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- 36

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08898 FOLIO 020

Security no : 124059405645A  
Produced 07/03/2016 03:13 pm

LAND DESCRIPTION

-----  
Lots 1, 2, 3, 4, 5, 6 and 7 on Title Plan 674712N.  
PARENT TITLE Volume 08646 Folio 913  
Created by instrument E024919 24/09/1971

REGISTERED PROPRIETOR

-----  
Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 10 equal undivided shares

Sole Proprietor

KIERON JAMES MOORE of 438 FINGERBOARD ROAD PORT FAIRY VIC 3285

As to 9 of a total of 10 equal undivided shares

Joint Proprietors

KIERON JAMES MOORE

SHIRLEY ANN MOORE both of 438 FINGERBOARD ROAD PORT FAIRY VIC 3285

AJ883441Q 30/08/2012

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

-----  
SEE TP674712N FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

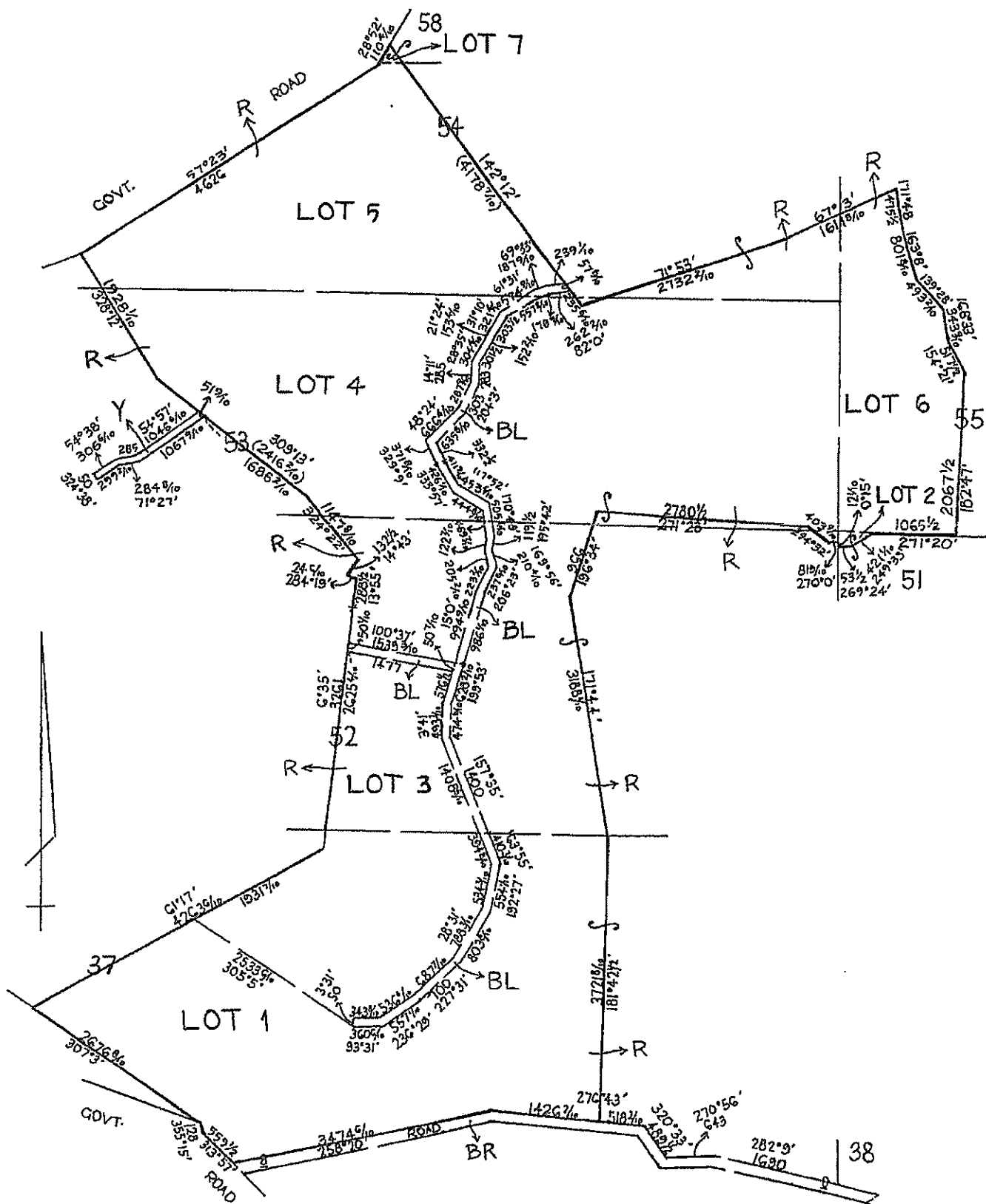
-----  
NIL

DOCUMENT END

<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 674712N</b>			
<b>Location of Land</b> Parish : YAMBUK Township : - Section : - Crown Allotment : - Crown Portion : -  Last Plan Reference : LP 4537 Derived From : VOL. 8898 FOL. 020  Depth Limitation : NIL		<b>Notations</b>      ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN			
<b>Description of Land/ Easement Information</b> <p>Together with a right of carriage way over the roads -- coloured brown on the said map and Together with a right to allow all storm-flood or other waters which may fall or be on or pass through or over the -- land coloured red and blue to flow through and pass over or along any drains -- and or channels now existing or which may hereafter exist in upon or under the land coloured yellow on the said map and Together with a right to enter upon the said land coloured yellow with or without horses carts and/or other -- vehicles and to dig cut excavate and make any drain or channel therein or -- thereon and to repair or alter any drain or channel - - - - -</p>		THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES COMPILED: Date 29/08/06 VERIFIED: A. DALLAS <i>Assistant Registrar of Titles</i>  <b>COLOUR CODE</b> BL=BLUE G=GREEN BR=BROWN P=PURPLE Y=YELLOW R=RED			
<b>ENCUMBRANCES</b> As to the land coloured blue - <u>THE RESPECTIVE EASEMENTS</u> and right of entry in connection therewith - reserved by Transfer 1584413 -					
<b>FOR DIAGRAM SEE SHEET 2</b>					
<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <th style="padding: 5px;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td style="padding: 5px;"> <small>WARNING Where multiple parcels are referred to or shown on the Title Plan this does Not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</small> </td> </tr> <tr> <td style="padding: 5px;">                     LOT 1 = LOT 37 (PT) ON LP 4537                      LOT 2 = LOT 51 (PT) ON LP 4537                      LOT 3 = LOT 52 (PT) ON LP 4537                      LOT 4 = LOT 53 (PT) ON LP 4537                      LOT 5 = LOT 54 (PT) ON LP 4537                      LOT 6 = LOT 55 (PT) ON LP 4537                      LOT 7 = LOT 58 (PT) ON LP 4537                 </td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS	<small>WARNING Where multiple parcels are referred to or shown on the Title Plan this does Not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</small>	LOT 1 = LOT 37 (PT) ON LP 4537 LOT 2 = LOT 51 (PT) ON LP 4537 LOT 3 = LOT 52 (PT) ON LP 4537 LOT 4 = LOT 53 (PT) ON LP 4537 LOT 5 = LOT 54 (PT) ON LP 4537 LOT 6 = LOT 55 (PT) ON LP 4537 LOT 7 = LOT 58 (PT) ON LP 4537
TABLE OF PARCEL IDENTIFIERS					
<small>WARNING Where multiple parcels are referred to or shown on the Title Plan this does Not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</small>					
LOT 1 = LOT 37 (PT) ON LP 4537 LOT 2 = LOT 51 (PT) ON LP 4537 LOT 3 = LOT 52 (PT) ON LP 4537 LOT 4 = LOT 53 (PT) ON LP 4537 LOT 5 = LOT 54 (PT) ON LP 4537 LOT 6 = LOT 55 (PT) ON LP 4537 LOT 7 = LOT 58 (PT) ON LP 4537					
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 2 Sheets			

# TITLE PLAN

TP 674712N



TOTAL AREA = 790<sup>A</sup>. 0<sup>R</sup>. 32<sup>P</sup>

LENGTHS ARE IN  
LINKS

Metres = 0.3048 x Feet  
Metres = 0.201168 x Links

Sheet 2 of 2 Sheets

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RC - 19  
- 23  
- 37

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08397 FOLIO 544

Security no : 124059405663F

Produced 07/03/2016 03:14 pm

LAND DESCRIPTION

Lots 1,2 and 3 on Title Plan 333255U (formerly known as part of Lot 37 on Plan  
of Subdivision 004537, part of Lot 52 on Plan of Subdivision 004537, part of  
Lot 53 on Plan of Subdivision 004537).

PARENT TITLE Volume 06013 Folio 589

Created by instrument B483538 15/08/1962

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

MICHAEL JOHN MCNAMARA of R S D 'TULI' HEXHAM  
P386505X 22/08/1989

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK481326X 24/07/2013

COMMONWEALTH BANK OF AUSTRALIA

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP333255U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

TITLE PLAN		EDITION 1	TP 333255U					
Location of Land  Parish: YAMBUK Township: Section: Crown Allotment: Crown Portion:  Last Plan Reference: LP 4537 Derived From: VOL 8397 FOL 544 Depth Limitation: NIL		Notations      ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN						
Description of Land / Easement Information  All THAT piece of land delineated and coloured red on the map in the margin --  containing Two hundred and sixty one acres and Twenty Three perches or -- --  therabouts being part of Lots 37 52 and 53 on Plan of Subdivision No. 4537 -- --  Parish of Yambuk Together with a right of carriageway over the roads coloured  brown on the said map -- -- -- -- --		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 25/02/2000 VERIFIED: AK						
		COLOUR CODE BR = BROWN R = RED						
TOTAL AREA = 261A OR 23P		<table border="1"> <tr> <th>TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td>WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td>PARCEL 1 = LOT 37 (PT) ON LP 4537</td> </tr> <tr> <td>PARCEL 2 = LOT 52 (PT) ON LP 4537</td> </tr> <tr> <td>PARCEL 3 = LOT 53 (PT) ON LP 4537</td> </tr> </table>		TABLE OF PARCEL IDENTIFIERS	WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	PARCEL 1 = LOT 37 (PT) ON LP 4537	PARCEL 2 = LOT 52 (PT) ON LP 4537	PARCEL 3 = LOT 53 (PT) ON LP 4537
TABLE OF PARCEL IDENTIFIERS								
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962								
PARCEL 1 = LOT 37 (PT) ON LP 4537								
PARCEL 2 = LOT 52 (PT) ON LP 4537								
PARCEL 3 = LOT 53 (PT) ON LP 4537								
LENGTHS ARE IN LINKS		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets					





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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10585 FOLIO 324

Security no : 124059405671W  
Produced 07/03/2016 03:14 pm

LAND DESCRIPTION

Lot 4 on Title Plan 020873M.  
PARENT TITLE Volume 06013 Folio 590  
Created by instrument X426367K 19/04/2001

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
HOGAN PASTORAL CO PTY LTD of 194 HIGH STREET BELMONT VIC 3216  
AJ929039S 25/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK801884H 23/12/2013  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP020873M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

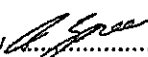
NIL

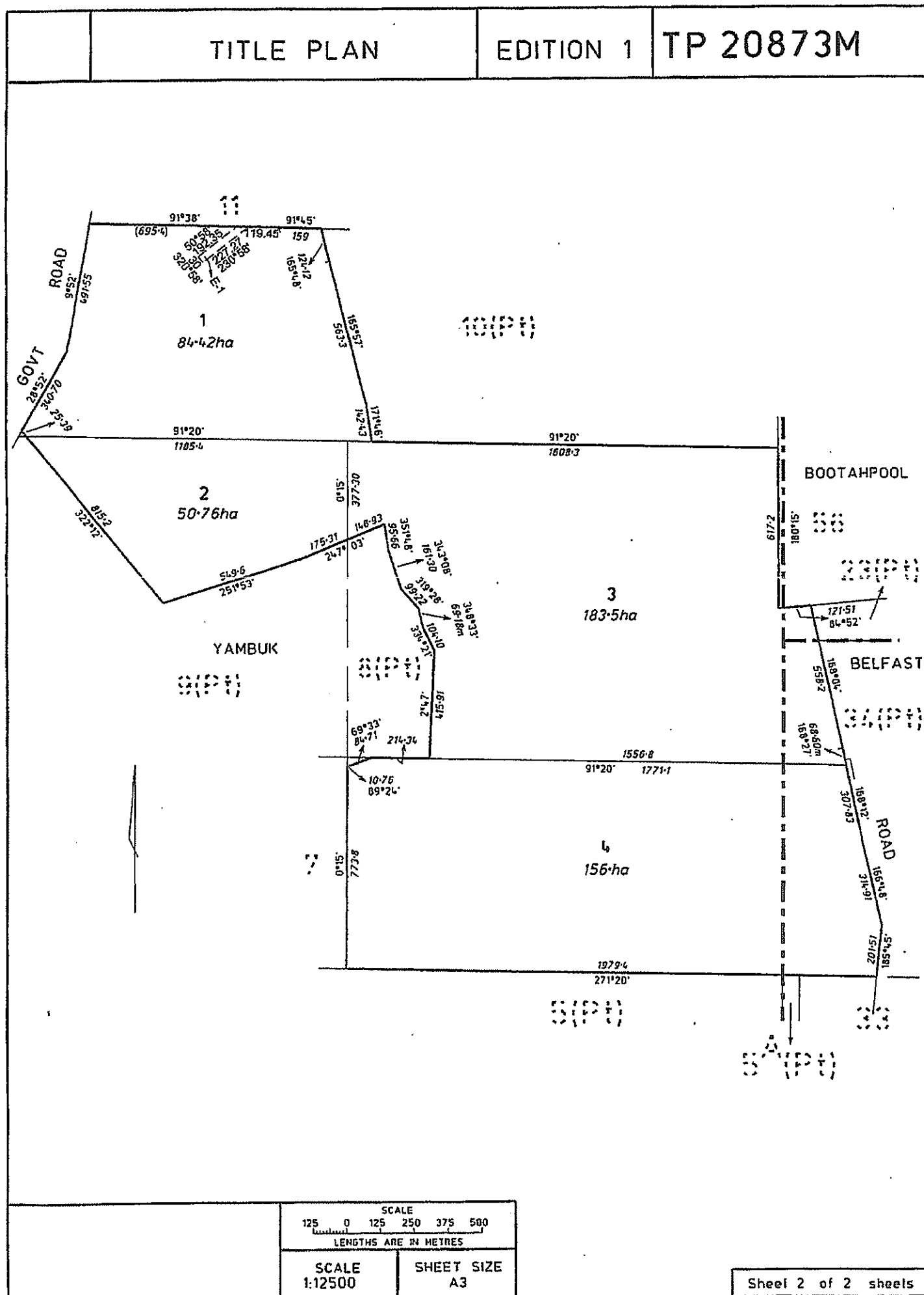
-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

TITLE PLAN		EDITION 2		TP20873M	
<b>Location of Land</b> Parish: Yambuk C.A.'s 5(Pt), 5A(Pt), 8(Pt), 9(Pt) & 10(Pt) Section B Parish: Belfast C.A. 34(Pt) Parish: Bootahpool C.A. 23(Pt) Last Plan Reference: LP4537 Part of lots 53, 54, 55 & 58 Title Reference: Vol. 6013 Fol. 590 Vol.8738 Fol.308 Depth Limitation: NIL			<b>Notations</b> <b>APPURTENANCY</b> The whole of the land in this plan has a right of carriageway over the roads coloured brown on C/T Vol. 8738 Fol. 308 & Vol. 6013 Fol. 590 and together with a right to allow all storm flood or other water which may fall or be on or pass through or over the land in this plan to flow through and pass over or along any drains and/or channels now existing or which may hereafter exist in upon or under the land coloured yellow on C/T Vol. 8738 Fol. 308 & Vol. 6013 Fol. 590 and together with a right to enter upon the said land coloured yellow with or without horses carts and/or other vehicles and to dig cut excavate and make any drain or channel therein or thereon and to repair or alter any drain or channel		
<b>Easement Information</b>					THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES
<b>Easement Reference</b> E-1	<b>Purpose / Authority</b> TRANSMISSION OF ELECTRICITY	<b>Width (Metres)</b> SEE DIAG.	<b>Origin</b> AK616877L	<b>Land benefited / In favour of</b> VOL.10244 FOL.080	Checked by  Date 14 / 6 / 2001 Assistant Registrar of Titles
<h2>SEE DIAGRAM ON SHEET 2</h2>					
<b>LENGTHS ARE IN METRES</b>		<b>SCALE</b>	<b>SHEET SIZE</b> A3	<b>FILE NO: X426358L</b>	
LAND VICTORIA 283 Queen Street Melbourne		Drawn By: M.Briffa	<b>DEALING CODE: 45</b>		Sheet 1 of 2





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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10585 FOLIO 323

Security no : 124059405679N  
Produced 07/03/2016 03:14 pm

LAND DESCRIPTION

Lot 38 on Plan of Subdivision 004537.  
PARENT TITLE Volume 06013 Folio 590  
Created by instrument X426366N 19/04/2001

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

HOGAN PASTORAL CO PTY LTD of 194 HIGH STREET BELMONT VIC 3216  
AJ929039S 25/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK801884H 23/12/2013  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP482365C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: HAMILTON-PORT FAIRY ROAD PORT FAIRY VIC 3284

DOCUMENT END

<b>TITLE PLAN</b>		<b>EDITION 1</b>		<b>TP 482365C</b>		
<b>Location of Land</b> Parish : YAMBUK Township : - Crown Portion : - Section : - Portion : - Base record : DCMB Last Plan Reference : LOT 38 ON LP 4537 Derived From : VOL. 10585 FOL. 323  Depth Limitation : NIL				<b>Notations</b>      ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN		
<b>Description of Land/ Easement Information</b>  all that piece of land in the Parish of Yambuk being Lot 38 on Plan of Subdivision No 4537 which land is shown enclosed by continuous lines on the map hereon Together with a right of carriage way over the roads coloured brown on C/T Volume 6013 Folio 590 and together with a right to allow all storm flood or other water which may fall or be on or pass through or over the land on the map hereon to flow through and pass over or along any drains and/or channels now existing or which may hereafter exist in upon or under the land coloured yellow on C/T Volume 6013 Folio 590 and together with a right to enter upon the said land coloured yellow with or without horses carts and/or other vehicles and to dig cut excavate and make any drain or channel therein or thereon and to repair or alter any drain channel						THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  COMPILED: Date 24/06/05 VERIFIED: A. DALLAS <i>Assistant Registrar of Titles</i>
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 Sheets		

AC.25

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09340 FOLIO 475

Security no : 124059405692Y

Produced 07/03/2016 03:15 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 129285.  
PARENT TITLES :  
Volume 06243 Folio 458      Volume 09271 Folio 041  
Created by instrument H571277 22/06/1979

REGISTERED PROPRIETOR

Estate Fee Simple  
TENANTS IN COMMON  
As to 1 of a total of 2 equal undivided shares  
Sole Proprietor  
KIERON JAMES MOORE of "ARINGA WEST" YAMBUK 3285  
As to 1 of a total of 2 equal undivided shares  
Sole Proprietor  
SCOTT DAVID MOORE of "ARINGA WEST" YAMBUK 3285  
T133372Y 08/06/1994

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP129285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

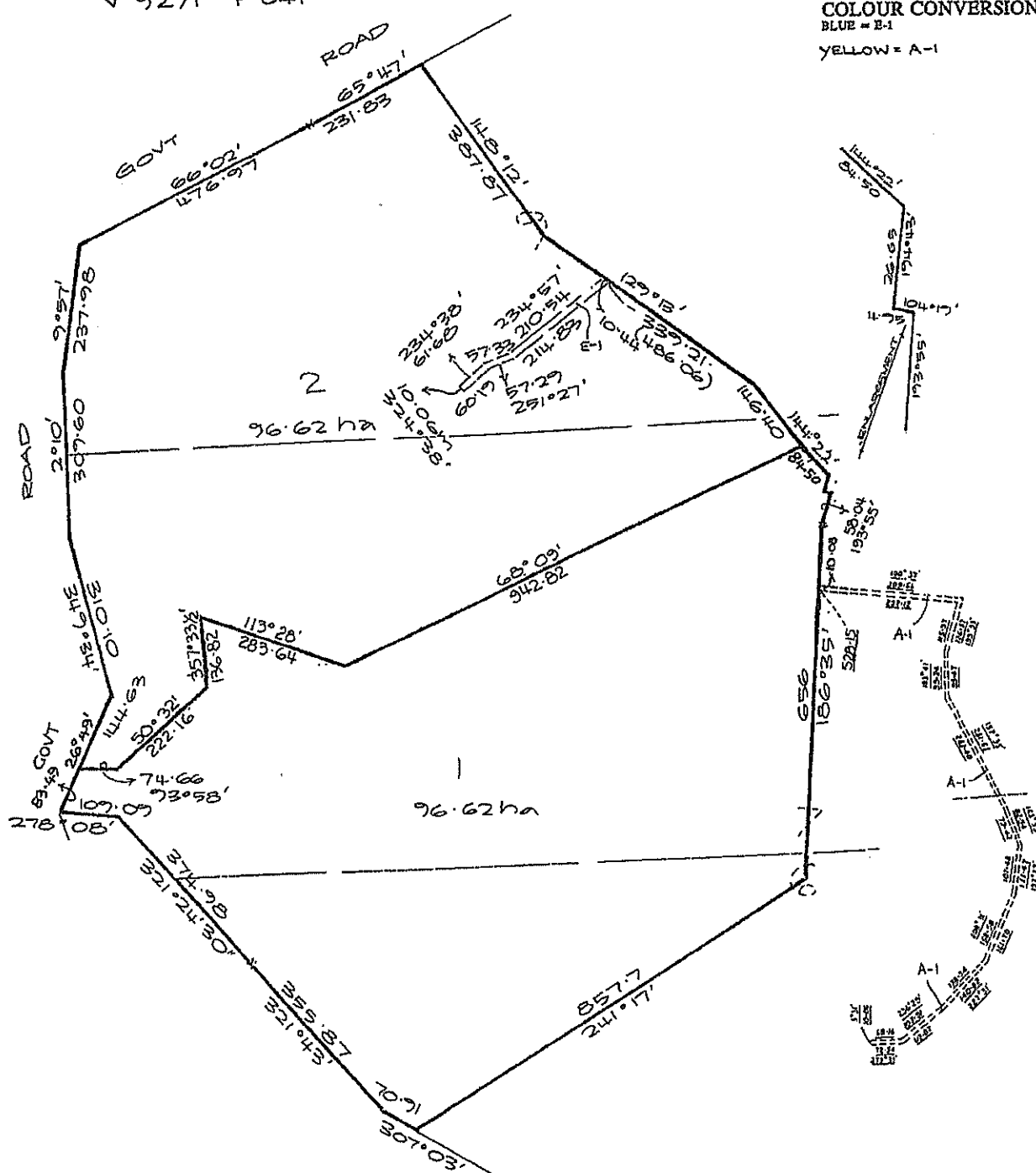
Street Address: RIVERSIDE ROAD YAMBUK VIC 3285

DOCUMENT END

APPROVED 9/2/79

✓ 6243 F 458  
✓ 9271 F 041

PARISH  
COLOUR CONVERSION  
BLUE = E-1  
YELLOW = A-1





pc-26

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09340 FOLIO 476

Security no : 124059405705K

Produced 07/03/2016 03:15 pm

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 129285.

PARENT TITLES :

Volume 06243 Folio 458      Volume 09271 Folio 041

Created by instrument H571278 22/06/1979

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

JOHN WINSTON HOMAN

SUSAN MEREDITH JENKIN-HOMAN both of "RIVERSIDE" 32 RIVERSIDE ROAD ORFORD VIA  
PORT FAIRY VIC 3284

AF461934E 12/11/2007

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AF461935C 12/11/2007

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP129285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

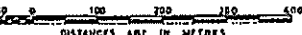
Street Address: RIVERSIDE ROAD YAMBUK VIC 3285

DOCUMENT END

LP 129285

EDITION 1

APPROVED 9/2/79

<p>PLAN OF SUBDIVISION OF PART OF CROWN ALLOTMENTS 6,7 &amp; 9 SECTION B PARISH OF YAMBUK COUNTY OF VILLIERS</p> <p>SCALE  DISTANCES ARE IN METRES</p>	<p>APPROPRIATIONS</p>	<p>ENCUMBRANCES AND OTHER NOTATIONS</p> <p>BLUE: DRAINAGE EASEMENT Vide Instrument of transfer No. 1584413</p> <p>YELLOW: APPURTENANT EASEMENT VIDE 1/4 VOL. 6243 FOL. 458</p>
---	-----------------------	--

V 6243 F 458

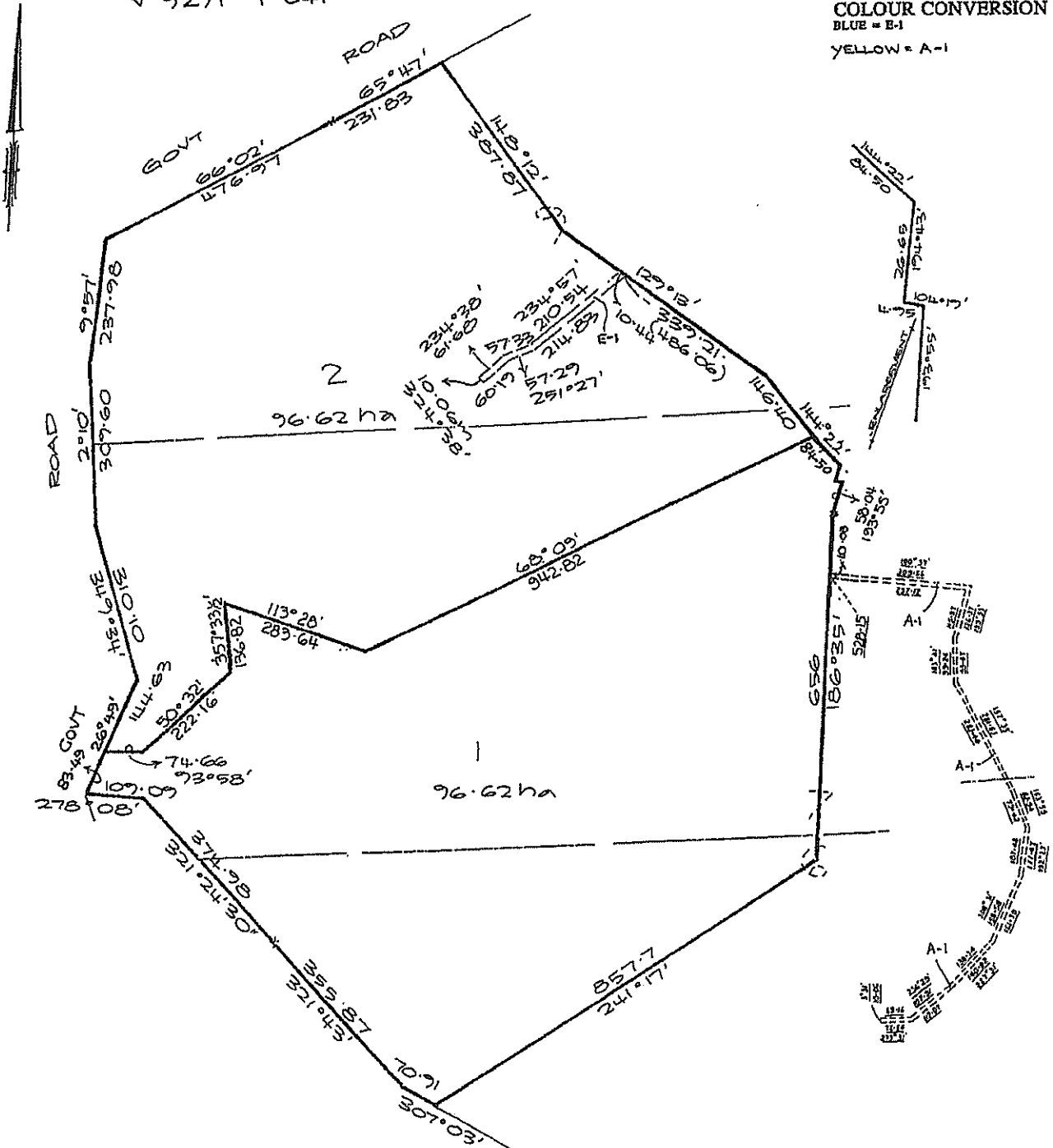
V 9271 F 041

PARISH

COLOUR CONVERSION

BLUE = E-1

YELLOW = A-1



PC-27

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10586 FOLIO 664

Security no : 124059405723Q  
Produced 07/03/2016 03:15 pm

LAND DESCRIPTION

Crown Allotment 15 Section E Parish of Yambuk.  
Created by Application No. 097672A 30/05/2001

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

MARION LORRAINE WRIGHT of 44 LAKE ROAD YAMBUK VIC 3285  
AJ948348V 04/10/2012

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out  
under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP022114Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: YOULS ROAD YAMBUK VIC 3285

DOCUMENT END

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EDITION 1		TITLE PLAN			TP22114Y'	
Location of Land Parish: YAMBUK Township: Crown Allotment: 15 Section: E Crown Portion: -  LTO base record: SDMB-C (RURAL) Last plan Reference: Title Reference: Depth Limitation: NIL					Notations	
Easement Information  E - Encumbering Easement R - Encumbering Easement (ROAD) A - Appurtenant Easement					THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  Checked by <i>[Signature]</i>  Date 7-6-2001  Assistant Registrar of Titles	
Easement Reference	Purpose/Authority	Width	Origin	Land benefitted/in favour of		
NIL						
LENGTHS ARE IN METRES	NOT TO SCALE	SHEET SIZE A3	DEALING No: AP97672A DEALING CODE: 14			

(General Law Search Library)

Search of general law title

Section 26F Transfer of Land Act 1958

AP 97673

## LAND SEARCHED

Whole/Part

Crown Allotment of 16

Portion

at

Section E

at

Town

Parish YAMBUK

County VILLIERS

and being the land sketched on page \*\* 6 attached, and being whole  
~~or part~~ of the land described in Book ~~\_\_\_\_\_~~ No. ~~\_\_\_\_\_~~ or Crown Grant No 46290  
 from which this search starts.

1. I certify that I have made searches against the names on the index sheets (pages \*\* 2 to 4), and that extracts of all memorials disclosed by my search which affect the above land are set out on pages \*\* 8 to 11 attached.
2. I also certify that I have searched in the Registers of Executions, Lis Pendens, Crown Debtors and Settlements and Arrangements against the names of all persons who appear from the memorials to have had a beneficial interest in the land during the past 30 years, with the following RESULT:

NIL ~~or~~ \*see page ~~\_\_\_\_\_~~ attached search.

## Additional Searches (Adverse Possession)

3. I also certify that I have searched the name of the last registered owner and the register of Councils, the Public Trustee (and Curator of Intestate Estates) and the Registrar of the County Court as set out on index sheet number(s) ~~\_\_\_\_\_~~ with the result set out on page(s) ~~\_\_\_\_\_~~.

Date: 5/5/99

Signed:

*Andrew C. Tooren*  
 (signature of searcher)

\* Delete where not applicable

\*\* Attached pages must be numbered consecutively and each must be signed by the searcher.

PEIGL & NEWELL  
 TITLE SEARCHERS  
 BOX 2343V, G.P.O.  
 MELB 3001 (DX 301)  
 Ph 9602 1436

*Anthony A. Newell*  
*A. Newell*

TITLE PLAN AVAILABLE

<b>TITLE PLAN</b>		<b>EDITION 1</b>	<b>TP</b>
<b>LOCATION OF LAND</b> PARISH: YAMBUK TOWNSHIP: SECTION: E CROWN ALLOTMENT: 16 CROWN PORTION: LAST PLAN REFERENCE: DERIVED FROM: DEPTH LIMITATION: NIL		<b>NOTATIONS</b>	
<b>EASEMENT INFORMATION</b> E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD), A - APPURTENANT EASEMENT			THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES
Easement Reference	Purpose / Authority	Width (Metres)	Land benefited / In favour of
			Checked by:  Date: Assistant Registrar of Titles

LENGTHS ARE IN METRES	SCALE —	DEALING / FILE No: AP97673	DEALING CODE: 14
		GOVERNMENT GAZETTE No:	SHEET 1 OF 1

General Law Search Library  
Memorials Extracted

List of Dealings Affecting Land on Sketch of Land Searched

Extract No.			Book	No.	LAND	Dep. Deed No./Office Use
	S/L	F/E				
1		✓	CROWN GRANT	46290	Parish of Yarmouth Allot 16 Sec E	
2	✓		146	787	" (r.A)	
3	✓		197	928	" "	
4	✓		197	929	" "	
5	✓		222	765	" "	
6	✓		256	26	" "	
7		✓	341	139	" —	
8		✓	490	341	" (r.A)	
9	✓		497	515	" "	
10	✓		558	290	" "	
11	✓		558	291	" "	
12	✓		558	292	" —	
13		✓	602	142	"	
14		✓	875	315	"	
15						
16						
17						
18						
19						
20						

9 5  
TOTALS

S/L = Single line extraction  
F/E = Full extraction

C:\DATA\SP\MEMOEX\B.DOC

Page No.

1

SEARCHER  
INITIALS

*[Signature]*

# PARISH OF YAMBUK

General Law Search Library  
INDEX SHEET

LAND SEARCHED: ALLOTMENT 16  
SECTION E

NAME	Old Series	New Series	Dealings
GEORGE ROBERTS /	14/292 ✓	14/358 /	146/787 ✓ 197/929 ✓ 256/26 ✓
WILLIAM EDWARD WHEELER /		24/82 ✓	197/928 ✓
JOHN BROWNE /		2/35 ✓ 31/183 ✓ 31/395 ✓	222/765 ✓
HENRY HATHEREN /		NO INDEX	NIL.
CATHERINE ADAMS /		183/99 ✓	341/139 ✓
JANE ROWBOTHAM /		183/100 ✓	341/139 ✓
EDWARD ROBERTS /		14/342 ✓	341/139 ✓
FRANCIS ROBERTS		174/171 ✓	NIL ✓

Memorials extracted to be ticked  
Memorials not applicable to be marked "N.A."

Page No.

2

SEARCHER  
INITIALS

*[Handwritten Signature]*



General Law Search Library  
INDEX SHEET

LAND SEARCHED: SAME

NAME	Old Series	New Series	Dealings
JAMES ROBERTS ✓		33/81 ✓ 174/86 ✓	341/139 ✓
JOHN ROBERTS ✓		14/343 ✓ 83/304 ✓	341/139 ✓
THOMAS ROBERTS ✓		107/48 ✓	341/139 ✓
DENIS LANIGAN ✓		154/307 ✓	490/341 ✓
MICHAEL CARROLL ✓		21/247 ✓	490/341 ✓
JAMES DENIS CARROLL ✓ JAMES DENNIS CARROLL ✓		153/167 ✓	497/515 ✓ 558/291 ✓ 558/292 ✓ 566/25 N.A.
MARY ANN CARROLL ✓		200/233 ✓	497/515 ✓ 558/292 ✓
ERNEST WILLIAM POWLING ✓		53/409 ✓	558/290 ✓

Memorials extracted to be ticked  
Memorials not applicable to be marked "N.A."

Page No.

3

SEARCHER  
INITIALS

*[Handwritten signature/initials]*

General Law Search Library  
INDEX SHEET

LAND SEARCHED: SAME

NAME	Old Series	New Series	Dealings
DANIEL CARROLL		120/272 ✓	558/291 ✓
PATRICK DRYSDALE TENNANT - WILLIAM HOUSTON TENNANT		195/362 ✓	602/142 ✓
CLIVE MERVILLE WATTS - NORMAN WILLIAM WATTS - IDA ROSS WATTS TREVOR IVAN WATTS		24/92 ✓	875/315 ✓
NO FURTHER REGISTERED DEALINGS 5/5/99			

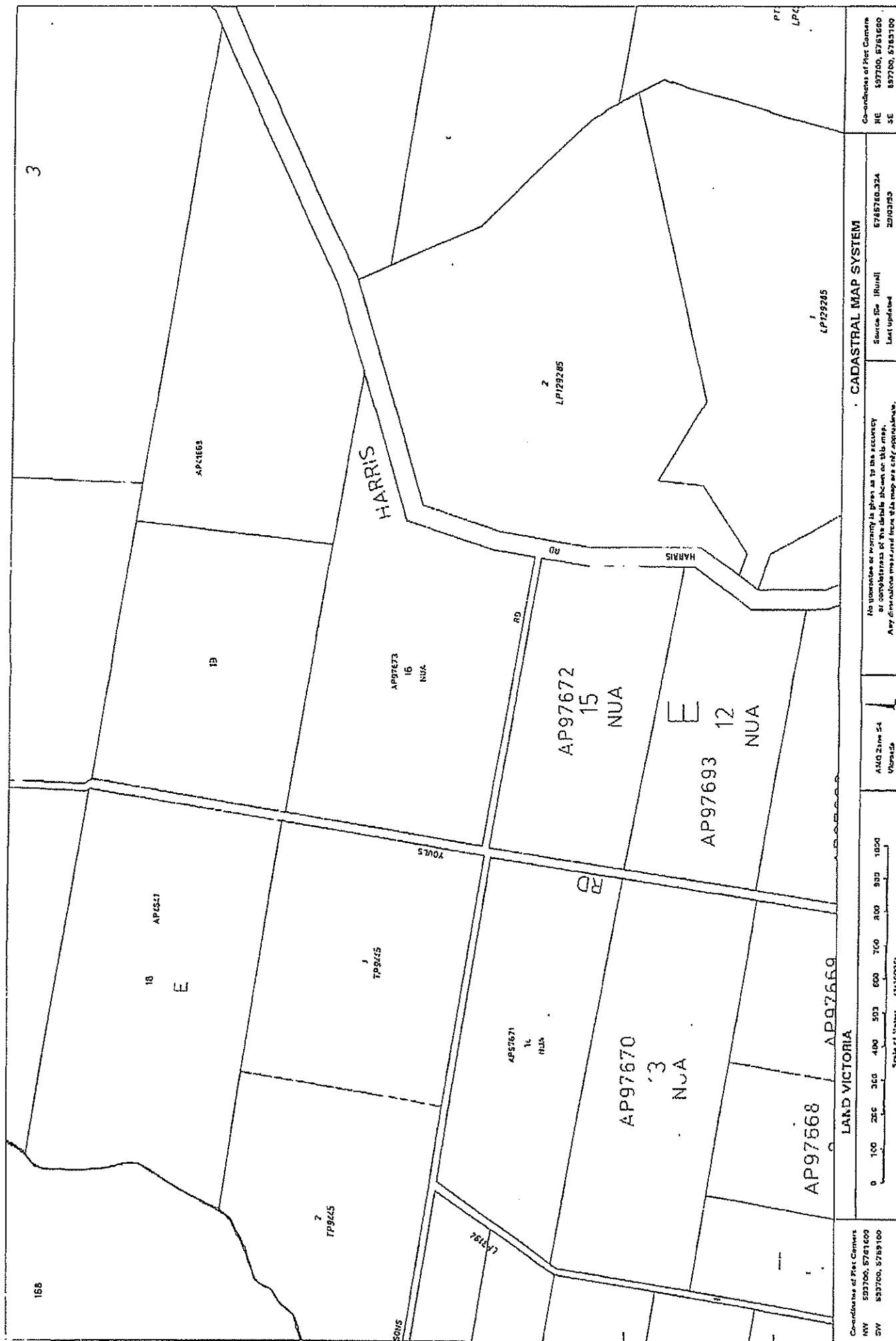
Memorials extracted to be ticked  
Memorials not applicable to be marked "N.A."

Page No.

4

SEARCHER  
INITIALS

*[Handwritten signature/initials]*



# SKETCH OF LAND SEARCHED

AP 97673

<b>Land Searched</b> Parish: <u>YAMBUK</u> Town: _____ Section: <u>E</u> Crown Allotment: Whole / Part <u>16</u>  Crown Portion: Whole / Part _____ LTO base record: _____ Plan Reference: _____		<b>Last Registered Owners</b> Book <u>875</u> No. <u>315</u>  <b>Encumbrances (other than easements)</b> Mortgage Book _____ No. _____ Mortgage Book _____ No. _____ Mortgage Book _____ No. _____ Covenant Book _____ No. _____ Charge Book _____ No. _____ Notices Book _____ No. _____ Other Book _____ No. _____		
Easements (Encumbering or Appurtenant)				
Easement Reference eg (E-1, A-1)	Purpose/Authority	Width	Origin Book No.	Land benefited/in favour of (If apparent from search)
<div style="border: 1px solid black; width: 100%; height: 100%; position: relative;"> <div style="position: absolute; top: 0; left: 0; right: 0; border-bottom: 1px solid black;"></div> </div>				

LENGTHS ARE IN LINKS

Dimensions are from Crown Grant / Book \_\_\_\_\_ No. 46290

Connection is from Book \_\_\_\_\_ No. \_\_\_\_\_ / Other \_\_\_\_\_

## Note to Legal Practitioners

(Taken from Schedule 5A Transfer of Land Act) Where the land description includes rights of appurtenancy, abuttal, etc. justified in any deed which forms part of a separate chain of title, a photocopy of the deed, certified by the Legal Practitioner making the certificate, must be produced. That chain of title must also be produced, except those parts which have been accepted by the Registrar under a prior conversion.

VICTORIA.

LAND PURCHASE.

A.P. 97673

GRANTED *George Roberts*  
DATE *18<sup>th</sup> Nov 1857*  
COUNTY *Wickham*  
A. 146 R. 2 P. 22

Victoria, by the Grace of God of the United Kingdom  
of Great Britain and Ireland, Queen, Defender of  
the Faith, and so forth.

To All to whom these Presents shall come, Greeting:—

46290

Whereas in conformity with the Laws now in force for the Sale of Crown Lands in Our Colony of Victoria,  
and Our Royal Instructions under Our Signet and Sign Manual issued in pursuance thereof,

*George Roberts of Lymington, Belfast*  
has become the Purchaser of the Land hereinafter described, for the Sum of *One hundred and forty six pounds twelve shillings and nine pence*  
Sterling, Now Know Ye, THAT for and in consideration of the said Sum for and on Our behalf, well and truly paid  
into the Treasury of Our said Colony, before these Presents are issued, And in further consideration of the Quit-  
Rent hereinafter reserved, WE HAVE GRANTED, and for Us, Our Heirs and Successors, DO HEREBY GRANT unto the  
said *George Roberts*

respective Reservations hereinafter mentioned, ALL THAT Piece or Parcel of Land in Our said Colony, containing  
by Admeasurement *One hundred and forty six acres two roods*  
and twenty two perches be the same more or less,  
situated in the Colony of *Wickham* Parish of *Lymington*

*Allotment sixteen of Section 12 bounded on the*  
*West by a road one chain fifty links wide*  
*bearing North thirty chains on the North by*  
*Allotment nineteen bearing East sixty seven chains*  
*on the East by a road three chains wide bearing*  
*South sixty five degrees West twenty two chains*  
*thence South nine degrees and the half of a*  
*degree west sixteen chains thence South five*  
*chains and on the South by a road one chain*  
*wide bearing West forty three chains eighty*  
*links*

being the Land put up to Sale by Auction as Lot No. 28<sup>th</sup> in pursuance of the Proclamation of the *second*

day of *February* One thousand eight hundred and fifty-five

and subsequently selected by the said *George Roberts*

under the Regulations of the *twenty fourth* day of *October* One thousand eight hundred

and *fifty six* with all the Rights and Appurtenances whatsoever thereto belonging; *Do We* unto the said

*George Roberts*  
for ever, *Reserving* and paying therefor yearly unto Us, Our Heirs and Successors, the Quit-Rent of one Peppercorn for  
over, if demanded: *Provided* Nevertheless, And We do HEREBY Reserve unto Us, Our Heirs and Successors, all  
such parts and so much of the said Land as may hereafter be required for making Public Ways, Canals, or Railroads,  
in, over, and through the same, to be set out by Our Governor for the time being of Our said Colony, or some Person  
by Him authorised in that respect; And Also, all Sand, Clay, Stone, Gravel, and Indigenous Timber, and all other  
Materials, the natural produce of the said Land, which may be required at any time or times hereafter for the construction  
and repair of any Public Ways, Bridges, Canals, and Railroads, or any Fences, Embankments, Dams, Sewers, or Drains,  
necessary for the same, together with the right of taking and removing all such Materials; And We do HEREBY FORBID  
Reserve unto Us, Our Heirs and Successors, the right of full and free ingress, egress, and regress into, out of, and  
upon the said Land, for the several purposes aforesaid; In Testimony Whereof, We have caused this Our Grant to  
be sealed with the Seal of Our said Colony.

WITNESS Our Trusty and Well-beloved SIR HENRY BARKLY, Knight Commander of the Most Honorable  
Order of the Bath, Captain-General and Governor-in-Chief of Our said Colony, and Vice-Admiral  
of the same, at Melbourne, Victoria, aforesaid, this *Eighteenth* day of  
*November* in the *twenty first* Year of Our Reign, and in the Year of Our  
Lord One thousand eight hundred and fifty-seven

L.S. (Signed)

*Henry Barkly*

ENTERED on Record by me, in Register of Land Purchases, No. *147* Page *5*, this *Eighteenth*  
day of *November* One thousand eight hundred and fifty-seven

(7)

*William Haines*

CHIEF SECRETARY AND REGISTRAR

General Law Search Library  
EXTRACTION SHEET

Book	No.	Deed Type	PARTIES	LAND
—	46290	CROWN GRANT	GEORGE ROBERTS	Parish of Yambuk Allot 16 Sec E
146	787	MGE.	WILLIAM EDWARD WHEELER	" (1.A)
197	928	RECON.	GEORGE ROBERTS	" (1.A)
197	929	MGE.	JOHN BROWNE	" (1.A)
222	765	RECON.	GEORGE ROBERTS	" (1.A)
256	26	LEASE (10 YR TERM from 11.8.1875)	HENRY HATHERELL	" (1.A)
341	139	see next page..		

Page No

B

SEARCHER INITIALS

General Law Search Library  
EXTRACTION SHEET

Book	No.	Deed Type	PARTIES	LAND
341	139	CON.	<p>CATHERINE ADAMS, JANE ROWBOTHAM, EDWARD ROBERTS, JAMES ROBERTS, JOHN ROBERTS, FRANCIS ROBERTS THOMAS ROBERTS (EXEC'S OF GEORGE ROBERTS?)</p> <p>(1)</p> <p>-AND-</p> <p>DENIS LANIGAN (2)</p>	<p>SAME</p> <p>(NOT 1-A)</p>
490	341	CON.	<p>MICHAEL CARROLL Surviving executor of the will of DENIS LANIGAN, dec'd. (1)</p> <p>-AND-</p> <p>JAMES DENNIS CARROLL executor of the will of MARY ANN CARROLL, dec'd (2)</p>	<p>"</p> <p>(1-A)</p>

Page No.

9

SEARCHER INITIALS

General Law Search Library  
EXTRACTION SHEET

Book	No.	Deed Type	PARTIES	LAND
497	575	MGE.	ERNEST WILLIAM POWLING	SAME (1.A)
558	290	TRANSFER OF MGE.	DANIEL CARROLL	" (1.A)
558	291	RECON.	JAMES DENIS CARROLL	" (1.A)
558	292	CON.	PATRICK DRYSDALE TENNANT # WILLIAM HOUSTON TENNANT	" (NOT 1.A)
602	142	CON.	PATRICK DRYSDALE TENNANT # WILLIAM HOUSTON TENNANT  (1) -AND-  NORMAN WILLIAM WATTS  (2)	"


Page No

10

SEARCHER INITIALS



General Law Search Library  
EXTRACTION SHEET

Book	No.	Deed Type	PARTIES	LAND
875	315	CON.	IDA ROSS WATTS <div style="text-align: center;">&amp;</div> CLIVE MERVILLE WATTS <div style="text-align: center;">(1)</div> <div style="text-align: center;">-AND-</div> TREVOR IVAN WATTS <div style="text-align: center;">(2)</div>	SAME
			No further REGISTERED DEALINGS 5/5/99 	

D. 4.8.1989

R. 11.10.1989

& / RECITALS:

SEE COPY MEM.

Page No.

11

SEARCHER INITIALS



224 24/92 X

AD97673

404 12

10 imp

MEMORIAL BOOK 875 NO. 35

1. ELIZABETH JANE LAIDLAW of 199 Kerioit  
Robert Cunningham Solicitor certify  
that this memorial contains a just and true account of the several particulars hereunder set forth of an instrument  
to be registered in the Office of the Registrar-General.

PARTICULARS REFERRED TO

1. DATE OF INSTRUMENT:- 4 1 8 1989
2. NATURE OF INSTRUMENT:- CONVEYANCE
3. NAME, ADDRESS AND DESCRIPTION OF EACH PARTY:-  
IDA ROSS WATTS of Yambuk in the State of Victoria Widow and CLIVE MERVILLE WATTS of Yambuk aforesaid Farmer (hereinafter called "the Executors") of the one part and TREVOR IVAN WATTS of High Street, Yambuk aforesaid Farmer (hereinafter called "the Devisee") of the other part
4. NAMES OF WITNESSES:-  
ELIZABETH JANE LAIDLAW
5. PECUNIARY OR OTHER CONSIDERATION:-  
In pursuance of the said devise the Executors as personal representatives of the Testator HEREBY CONVEY to the Devisee
6. RECITALS AND ANY OTHER PARTICULARS THAT THE CASE MAY REQUIRE:-  
WHEREAS:
  1. By his last will NORMAN WILLIAM WATTS late of High Street, Yambuk aforesaid Retired Farmer (hereinafter called "the Testator") appointed the Executors executors of his said will and devised to the Devisee the hereditaments hereby conveyed.
  2. The Testator died on the 30th day of December, 1988 and Probate of the said will was granted to the Executors by the Supreme Court of Victoria in its Probate Jurisdiction on the 21st day of June, 1989.

Received into the Office  
of the Registrar General  
of the State of Victoria  
this 14th day of Oct  
1989 at the hour of  
11:36 in the am noon  
A memorial of the within  
deed

Ida Ross Watts.

Clive M. Watt

[Signature]

Prepared by J. W. Powling & Co. Solicitors, 6-8 Princes Street, Port Fairy

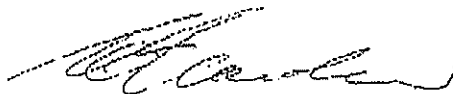
The reverse side of this sheet must be used before a further sheet is added. If further sheets are added each must be of the same size and quality as this sheet, and have the same margins, and all sheets must be numbered and signed by both the parties and beneath the number of the sheet by the person certifying.

7. DESCRIPTION OF THE PROPERTY INTENDED TO BE AFFECTED:-

ALL THAT piece or parcel of land being the whole of the land described in Deed of Conveyance registered in the Office of the Registrar General of the State of Victoria at Melbourne by Memorial No. 142 of Book 602. TO HOLD the same UNTO and TO THE USE of the Devisee in fee simple.

Ida Ross Watts

Charles M. Watts



(13)



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EC - 29  
- 36  
30

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 04599 FOLIO 711

Security no : 124059405734D  
Produced 07/03/2016 03:16 pm

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 404726M (formerly known as part of Crown Allotment  
19 Section E, part of Crown Allotment 1 Section F Parish of Yambuk).  
PARENT TITLE Volume 03955 Folio 864  
Created by instrument 1058311 02/08/1922

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
JAMES ANDREW FORREST of 60 ST HELENS RD YAMBUK 3285  
X515540L 04/06/2001

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP404726M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

<b>TITLE PLAN</b>		<b>EDITION 1</b>	<b>TP 404726M</b>				
<b>Location of Land</b>  Parish: YAMBUK Township: Section: E F Crown Allotment: 19 (PT) 1 (PT) Crown Portion:  Last Plan Reference. Derived From: VOL 4599 FOL 711 Depth Limitation: NIL		<b>Notations</b>      ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN					
<b>Description of Land / Easement Information</b>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 15/04/2000 VERIFIED: P.C					
<div style="position: relative; height: 200px;"> <span style="position: absolute; top: 0; left: 10%; font-size: 2em;">2</span> </div>							
TOTAL AREA = 144A OR OP							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td style="padding: 5px;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td style="padding: 5px;">PARCEL 1 = CA 19 (PT)</td> </tr> <tr> <td style="padding: 5px;">PARCEL 2 = CA 1 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS	WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	PARCEL 1 = CA 19 (PT)	PARCEL 2 = CA 1 (PT)
TABLE OF PARCEL IDENTIFIERS							
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962							
PARCEL 1 = CA 19 (PT)							
PARCEL 2 = CA 1 (PT)							
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets					

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RC - 31

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08914 FOLIO 782

Security no : 124059405755F  
Produced 07/03/2016 03:16 pm

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 093264.  
PARENT TITLE Volume 06694 Folio 791  
Created by instrument LP093264 15/02/1972

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

JOHN WILLIAM WINTER of "ELLENGOWAN" TYRENDARRA 3285

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

ROSALIE DAWN WINTER of "ELLENGOWAN" TYRENDARRA 3285  
P257842Y 19/06/1989

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP093264 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 414 YOULS ROAD YAMBUK VIC 3285

DOCUMENT END

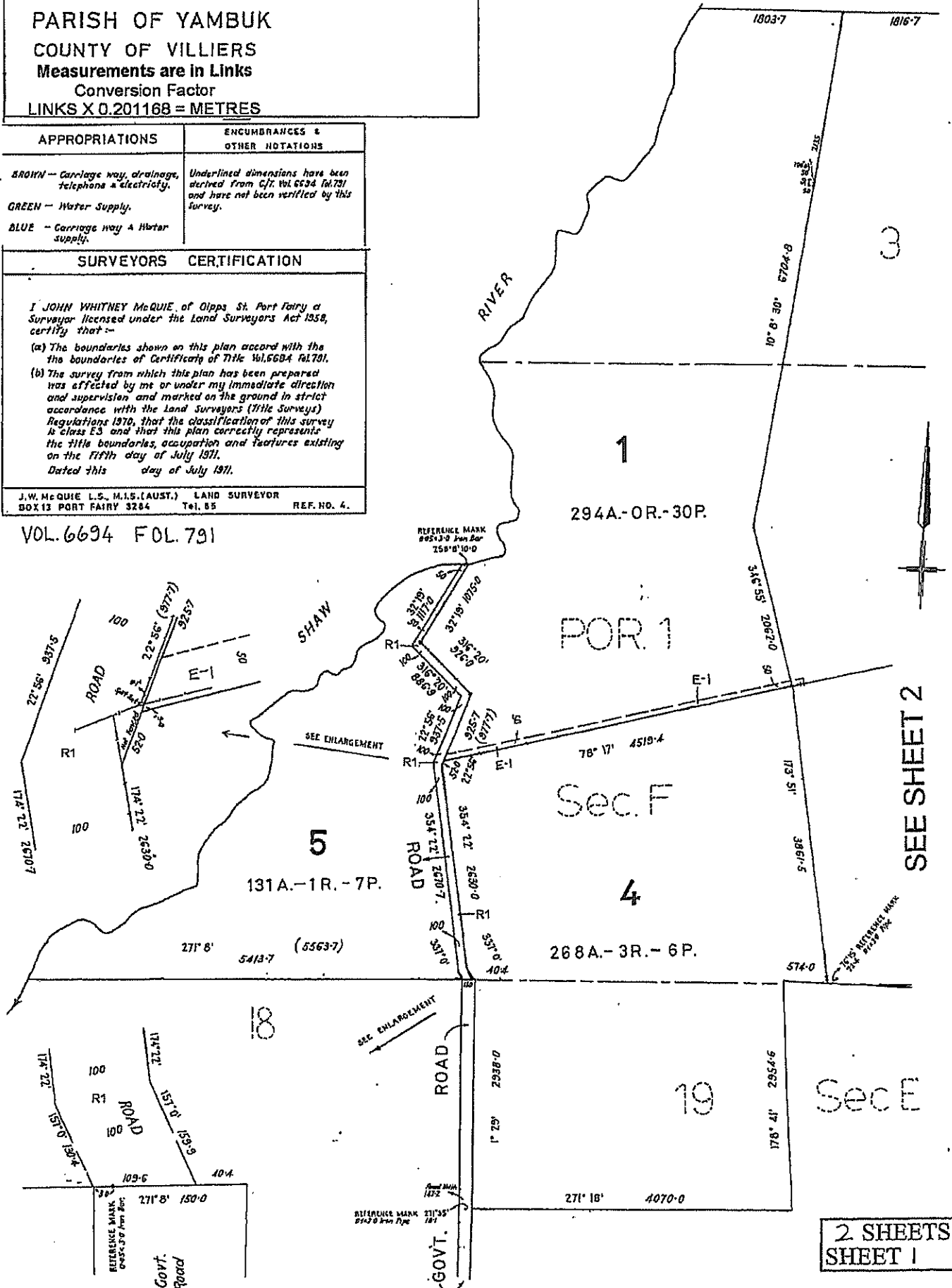
PLAN OF SUBDIVISION OF  
PART OF C.A.19 SEC.E & C.A.<sup>S</sup> 2 & 3 AND  
PART OF CROWN PORTION 1 SECTION F.  
PARISH OF YAMBUK  
COUNTY OF VILLIERS  
Measurements are in Links  
Conversion Factor  
LINKS X 0.201168 = METRES

COLOUR CONVERSION  
E-1 = BLUE  
R1 = BROWN  
E-3 = GREEN

LP93264  
EDITION 1  
APPROVED 7/12/71

APPROPRIATIONS	ENCUMBRANCES & OTHER NOTATIONS
BROWN - Carriage way, drainage, telephone & electricity. GREEN - Water Supply. BLUE - Carriage way & Water Supply.	Underlined dimensions have been derived from C/T. Vol.6694 Fol.791 and have not been verified by this survey.
SURVEYORS CERTIFICATION	
I JOHN WHITNEY McQUIE, of Olipps St. Port Fairy a Surveyor licensed under the Land Surveyors Act 1958, certify that:- (a) The boundaries shown on this plan accord with the boundaries of Certificate of Title Vol.6684 Fol.791. (b) The survey from which this plan has been prepared was effected by me or under my immediate direction and supervision and marked on the ground in strict accordance with the Land Surveyors (Title Surveys) Regulations 1970, that the classification of this survey is class E3 and that this plan correctly represents the title boundaries, occupation and features existing on the fifth day of July 1971. Dated this      day of July 1971.	
J.W. McQUIE L.S., M.L.S. (AUST.) LAND SURVEYOR BOX 13 PORT FAIRY 3204 Tel. 85	REF. NO. 4.

VOL.6694 FOL.791

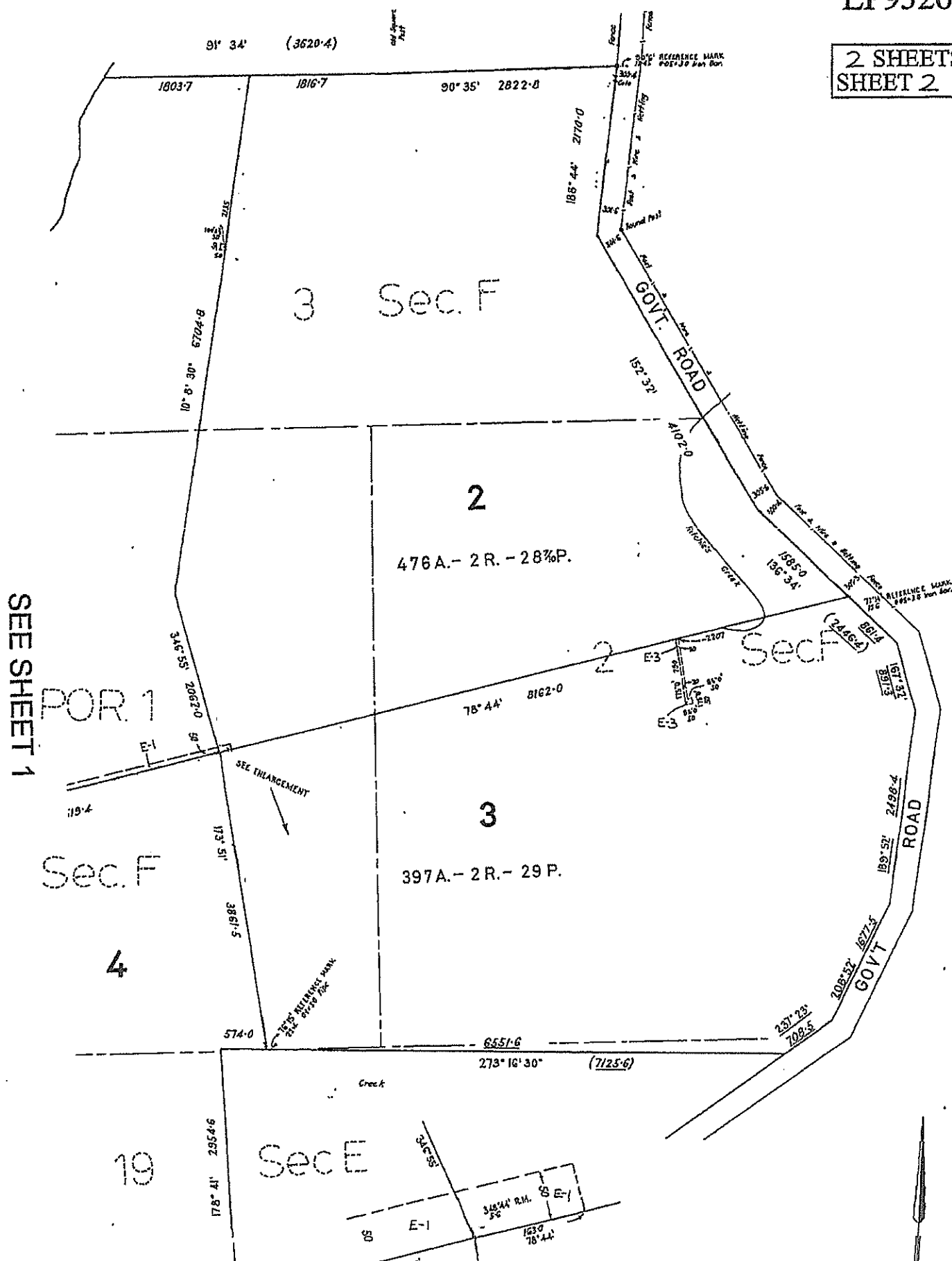


2 SHEETS  
SHEET 1



LP93264

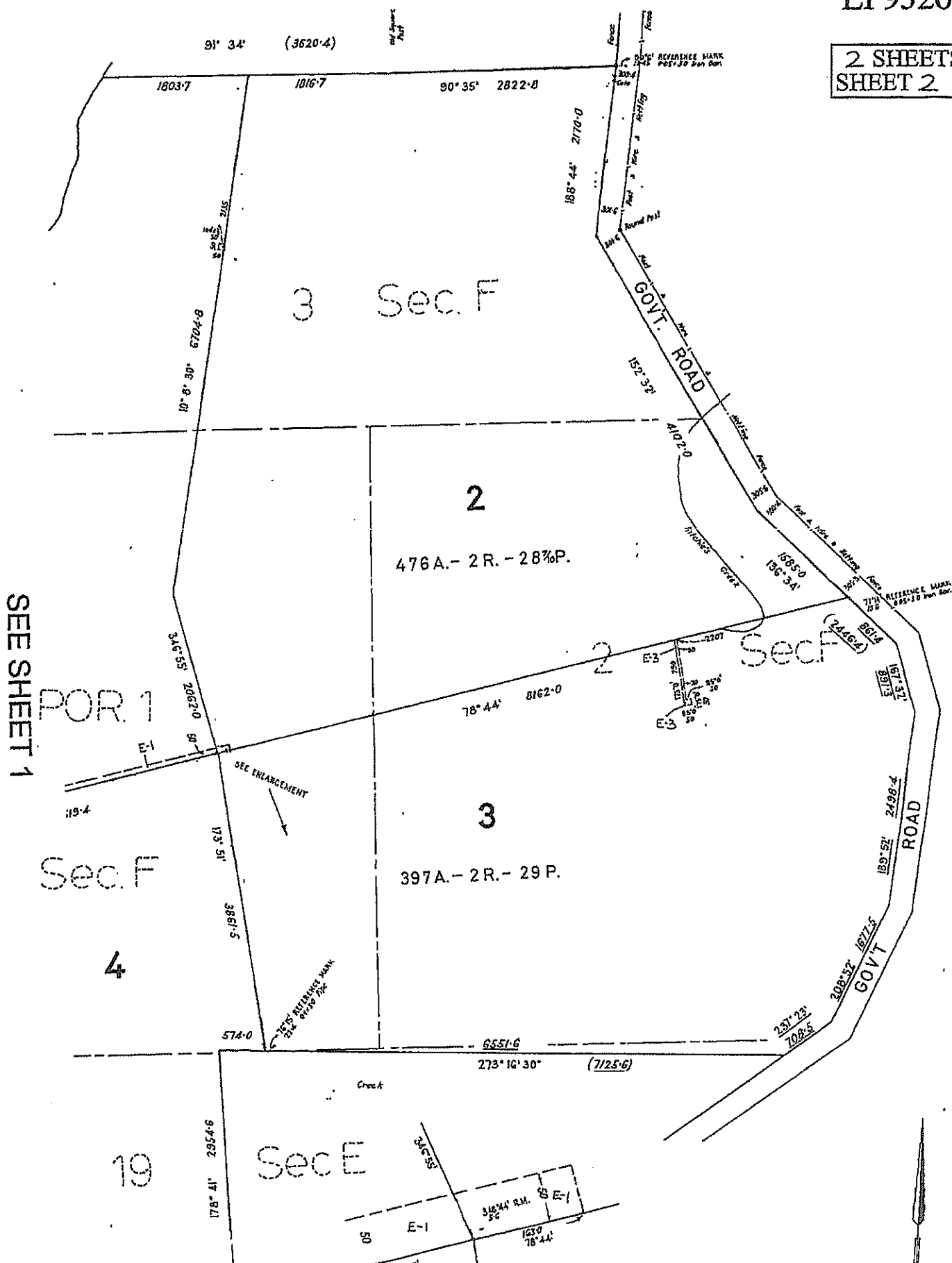
2 SHEETS  
SHEET 2





LP93264

2 SHEETS  
SHEET 2



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PC-32

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08914 FOLIO 781

Security no : 124059405762X  
Produced 07/03/2016 03:17 pm

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 093264.  
PARENT TITLE Volume 06694 Folio 791  
Created by instrument LP093264 15/02/1972

REGISTERED PROPRIETOR

Estate Fee Simple  
TENANTS IN COMMON  
As to 1 of a total of 2 equal undivided shares  
Sole Proprietor  
ROSALIE DAWN WINTER of "ELLENGOWAN" TYRENDARRA 3285  
As to 1 of a total of 2 equal undivided shares  
Sole Proprietor  
JOHN WILLAIM WINTER of "ELLENGOWAN" TYRENDARRA 3285  
P257840F 19/06/1989

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP093264 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 414 YOUNG ROAD YAMBUK VIC 3285

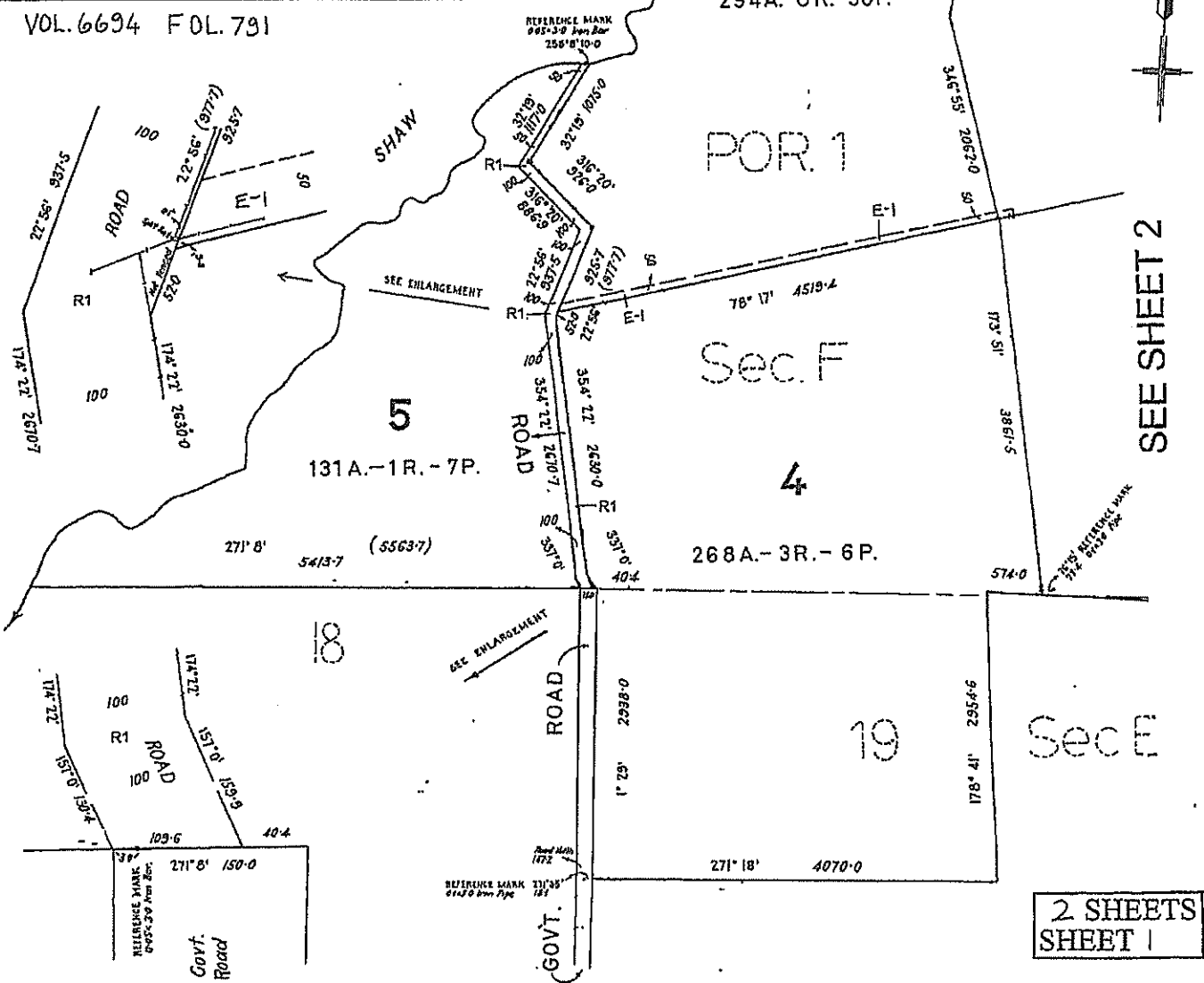
DOCUMENT END

PLAN OF SUBDIVISION OF  
PART OF C.A.19 SEC.E & C.A.<sup>s</sup> 2 & 3 AND  
PART OF CROWN PORTION 1 SECTION F.  
PARISH OF YAMBUK  
COUNTY OF VILLIERS  
Measurements are in Links  
Conversion Factor  
LINKS X 0.201168 = METRES

COLOUR CONVERSION  
B-I = BLUE  
R-I = BROWN  
E-3 = GREEN

LP93264  
EDITION 1  
APPROVED 7/12/71

APPROPRIATIONS	ENCUMBRANCES & OTHER NOTATIONS
BROWN - Carriage way, drainage, telephone & electricity. GREEN - Water Supply. BLUE - Carriage way & Water supply.	Underlined dimensions have been derived from C/L 161 6694 (61.791) and have not been verified by this Survey.
SURVEYORS CERTIFICATION	
I JOHN WHITNEY McGUIE of Olpps St. Port Fairy a Surveyor licensed under the Land Surveyors Act 1958, certify that:- (a) The boundaries shown on this plan accord with the boundaries of Certificate of Title 161 6694 (61.791). (b) The survey from which this plan has been prepared was effected by me or under my immediate direction and supervision and marked on the ground in strict accordance with the Land Surveyors (Title Surveys) Regulations 1970, that the classification of this survey is Class E3 and that this plan correctly represents the title boundaries, occupation and features existing on the fifth day of July 1971. Dated this       day of July 1971.	
J.W. McGUIE L.S. M.I.S.(AUST.) LAND SURVEYOR BOX 13 PORT FAIRY 3264 Tel. 85 REF. NO. 4.	





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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08914 FOLIO 779

Security no : 124059405788U

Produced 07/03/2016 03:17 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 093264.  
 PARENT TITLE Volume 06694 Folio 791  
 Created by instrument LP093264 15/02/1972

REGISTERED PROPRIETOR

Estate Fee Simple  
 TENANTS IN COMMON  
 As to 1 of a total of 2 equal undivided shares  
 Sole Proprietor  
 GEOFFREY ARCHIBALD YOUL of YAMBUK  
 As to 1 of a total of 2 equal undivided shares  
 Sole Proprietor  
 ELIZABETH ALICE YOUL of YAMBUK  
 E873674 27/06/1973

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE M906786M 25/06/1987  
 AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
 24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
 plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP093264 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: YOULS ROAD YAMBUK VIC 3285

DOCUMENT END

PLAN OF SUBDIVISION OF  
 PART OF C.A.19 SEC.E & C.A.'S 2 & 3 AND  
 PART OF CROWN PORTION 1 SECTION F.  
 PARISH OF YAMBUK  
 COUNTY OF VILLIERS  
 Measurements are in Links  
 Conversion Factor  
 LINKS X 0.201168 = METRES

COLOUR CONVERSION  
 E-1 = BLUE  
 R1 = BROWN  
 E-3 = GREEN

LP93264  
 EDITION 1  
 APPROVED 7/1/2/71

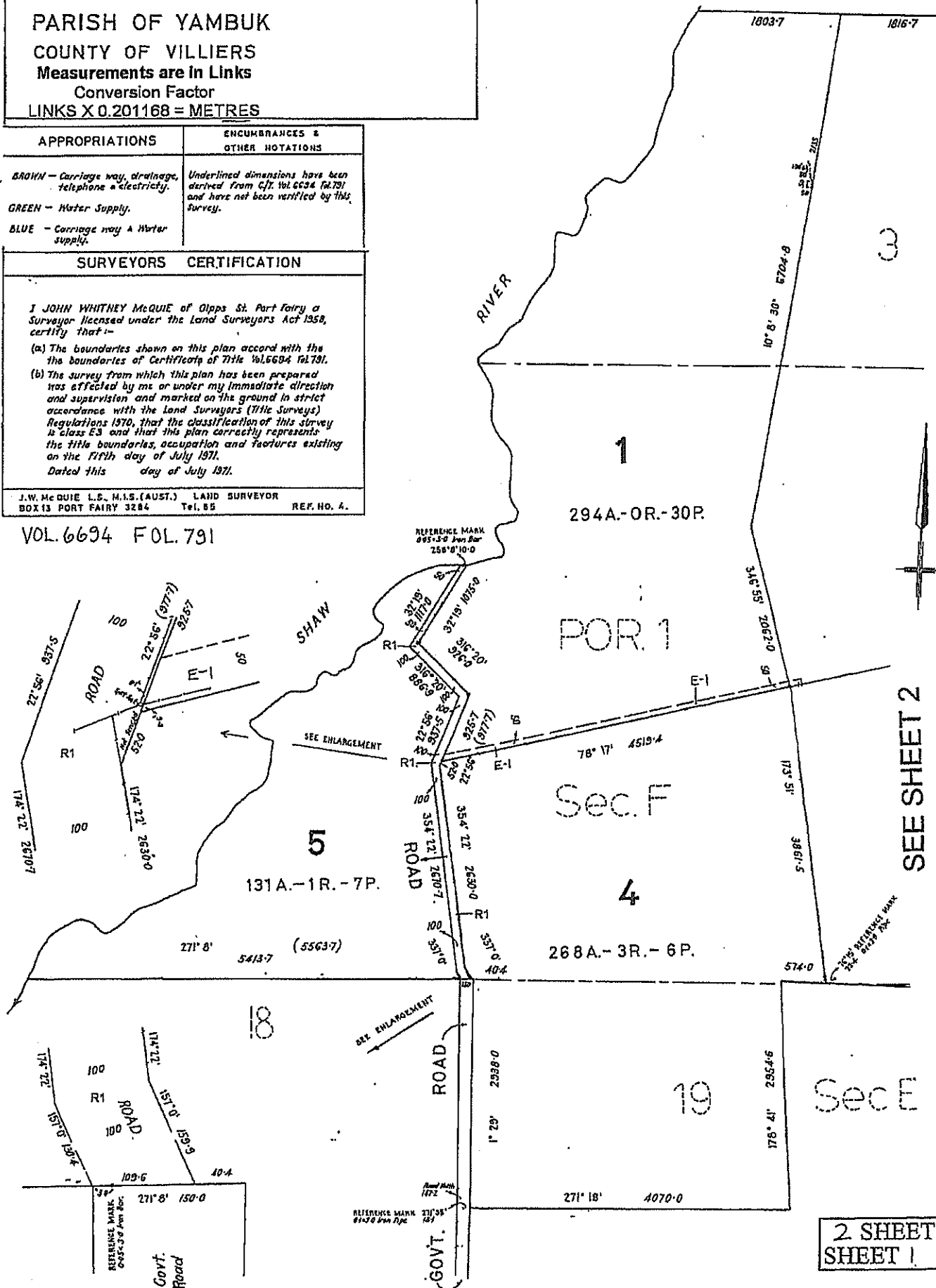
APPROPRIATIONS	ENCUMBRANCES & OTHER NOTATIONS
BROWN - Carriage way, drainage, telephone & electricity.	Underlined dimensions have been derived from Cft. Vol. 6694 fol. 791 and have not been verified by this survey.
GREEN - Water Supply.	
BLUE - Carriage way & Water supply.	

SURVEYORS CERTIFICATION

I JOHN WHITNEY McQUIE of Olpps St. Port Fairy a Surveyor licensed under the Land Surveyors Act 1958, certify that:-  
 (a) The boundaries shown on this plan accord with the boundaries of Certificate of Title Vol. 6694 fol. 791.  
 (b) The survey from which this plan has been prepared was effected by me or under my immediate direction and supervision and marked on the ground in strict accordance with the Land Surveyors (Title Surveys) Regulations 1970, that the classification of this survey is class E3 and that this plan correctly represents the title boundaries, occupation and features existing on the Fifth day of July 1971.  
 Dated this day of July 1971.

J.W. McQUIE L.S., M.I.S. (AUST.) LAND SURVEYOR  
 BOX 13 PORT FAIRY 3284 Tel. 86 REF. NO. A.

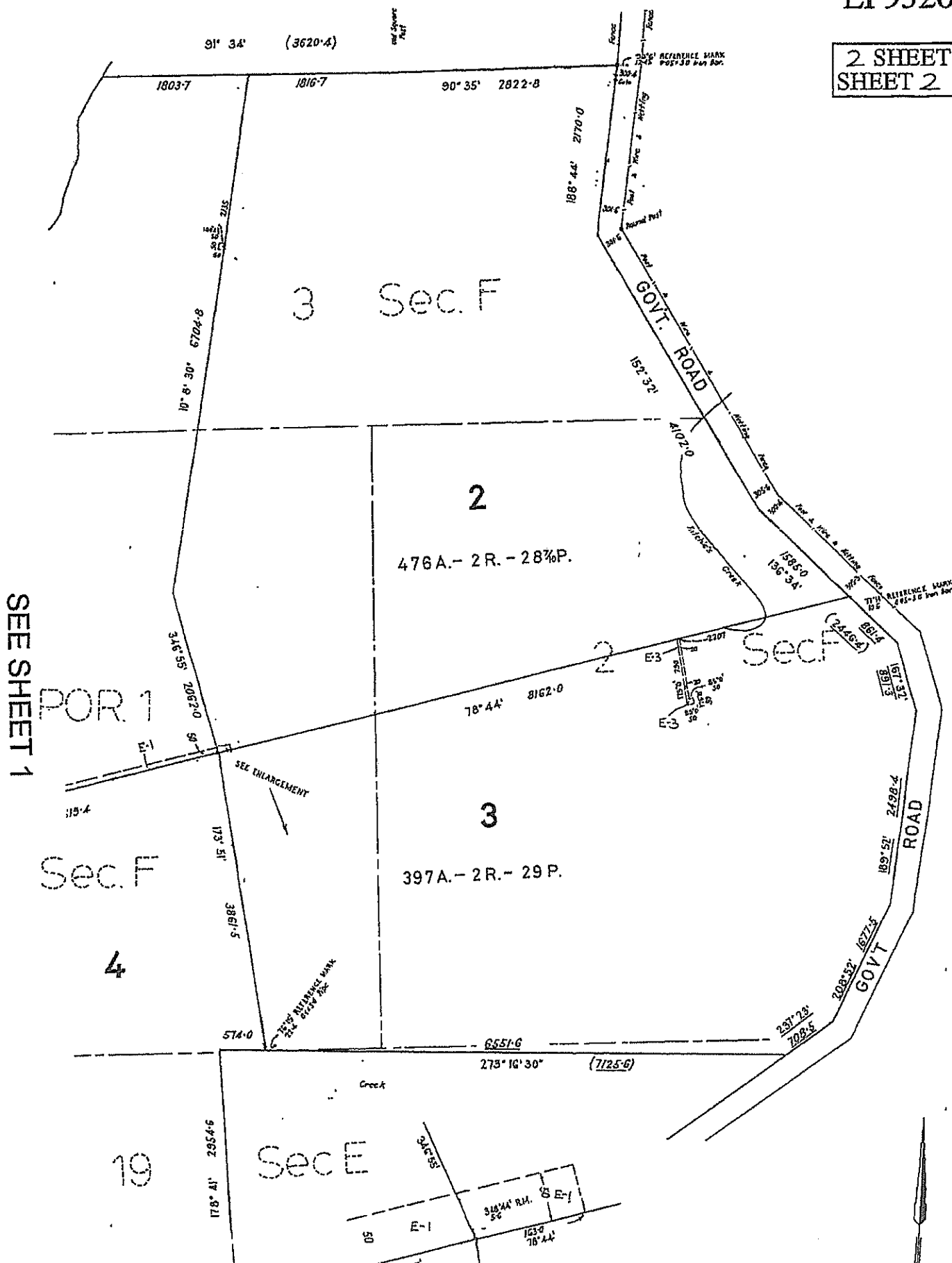
VOL. 6694 FOL. 791





LP93264

2 SHEETS  
SHEET 2





PC - 24

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08914 FOLIO 780

Security no : 124059405798J

Produced 07/03/2016 03:17 pm

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 093264.  
PARENT TITLE Volume 06694 Folio 791  
Created by instrument LP093264 15/02/1972

REGISTERED PROPRIETOR

Estate Fee Simple  
TENANTS IN COMMON  
As to 1 of a total of 2 equal undivided shares  
Sole Proprietor  
ELIZABETH ALICE YOUL of YAMBUK  
As to 1 of a total of 2 equal undivided shares  
Sole Proprietor  
GEOFFREY ARCHIBALD YOUL of YAMBUK  
L878347A 09/09/1985

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE P446141M 26/09/1989  
BENDIGO AND ADELAIDE BANK LTD  
TRANSFER OF MORTGAGE AL236355C 17/07/2014

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP093264 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

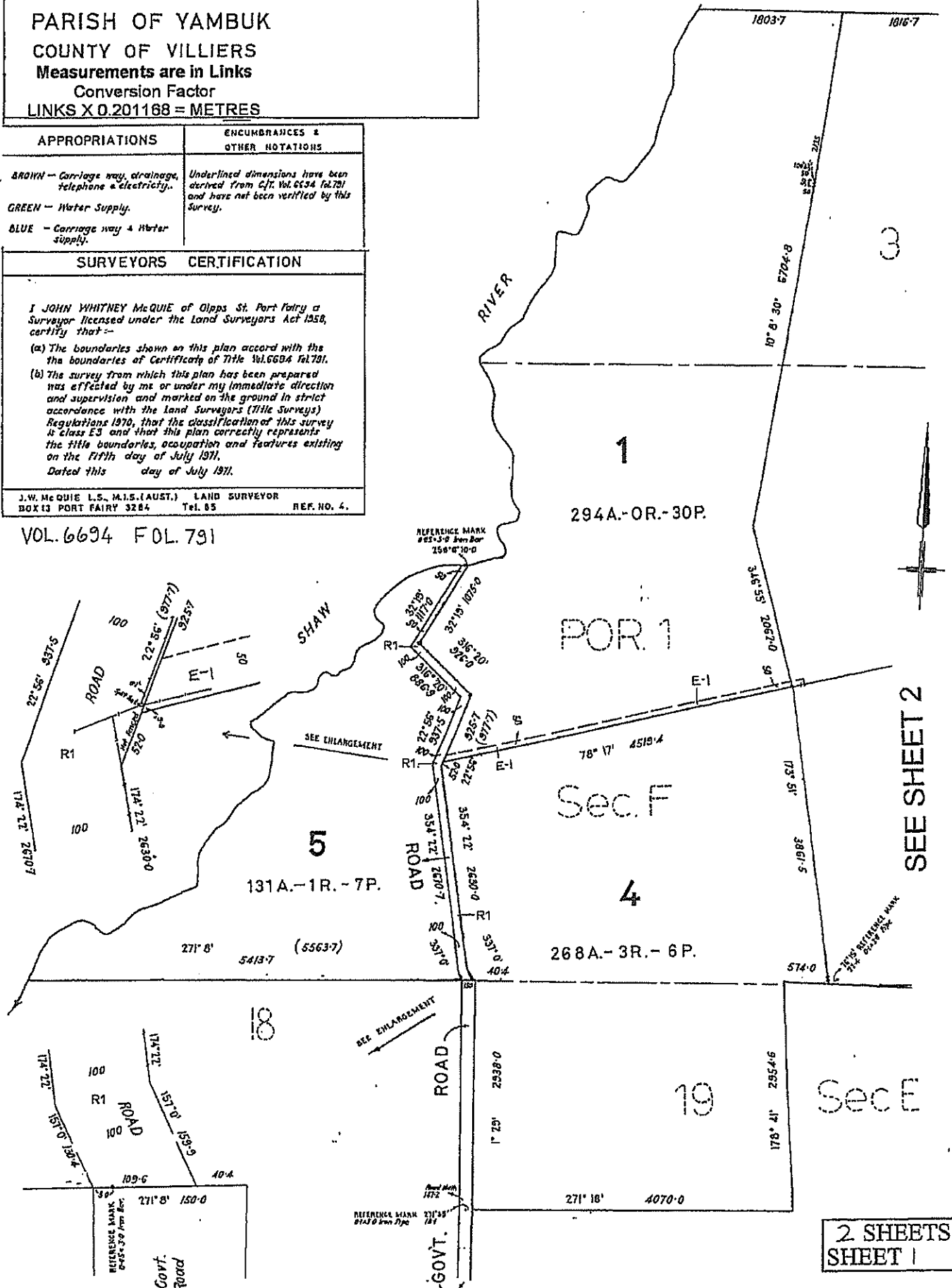
Street Address: YOULS ROAD YAMBUK VIC 3285

DOCUMENT END

**COLOUR CONVERSION**  
E-1 = BLUE  
R1 = BROWN  
E-3 = GREEN

LP93264  
EDITION 1  
APPROVED 7/12/71

VOL. 6694 FOL. 791



2 SHEETS  
SHEET 1





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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10842 FOLIO 693

Security no : 124059405811U  
Produced 07/03/2016 03:18 pm

LAND DESCRIPTION

Crown Allotment 4 Section F Parish of Yambuk.  
PARENT TITLE Volume 09338 Folio 527  
Created by instrument AD241475G 15/11/2004

REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors

JOHN HEDLEY SAUNDERS PORTER  
MARY ANNE PORTER both of "CLOVEN HILLS" CASTERTON 3311  
AD241475G 15/11/2004

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out  
under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP849646B FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

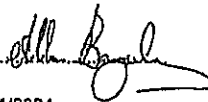
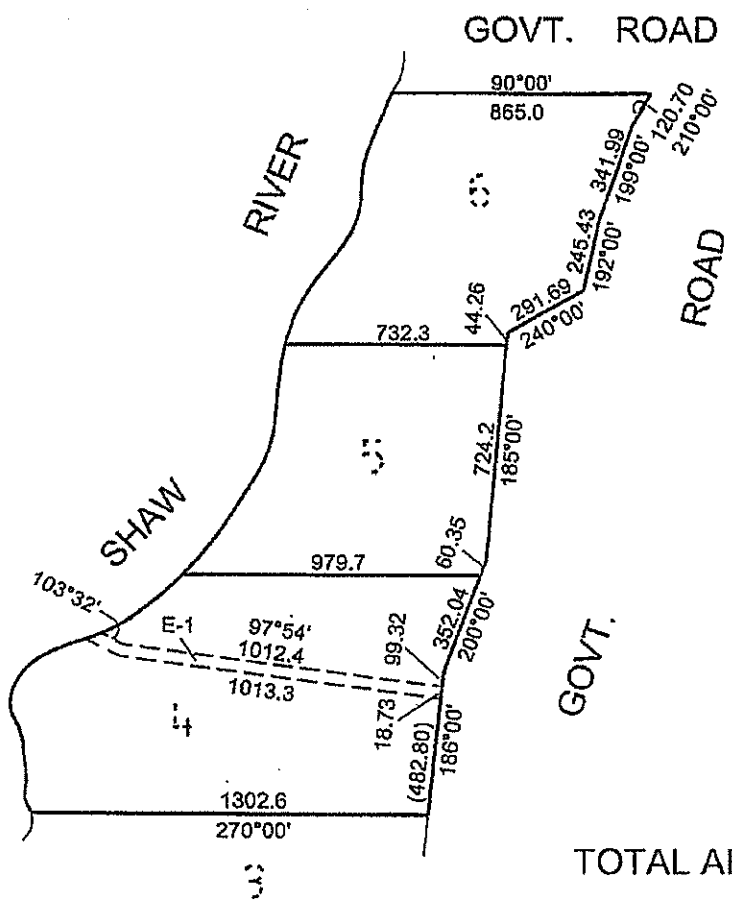
NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: RIVERSIDE ROAD ORFORD VIC 3284

DOCUMENT END

TITLE PLAN				EDITION 1	TP849646B	
LOCATION OF LAND PARISH: YAMBUK TOWNSHIP: SECTION: F CROWN ALLOTMENT: 4, 5 & 6 CROWN PORTION: LAST PLAN REFERENCE: DERIVED FROM: VOL 9338 FOL 527 DEPTH LIMITATION:				NOTATIONS		
EASEMENT INFORMATION E-Encumbering Easement R-Encumbering Easement (Road) A-Appurtenant Easement					THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES	
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of		
E-1	TRANSMISSION OF ELECTRICITY	SEE DIAG.	C/E A691258	STATE ELECTRICITY COMMISSION OF VICTORIA		
					Checked by:  Date: 19/11/2004 Assistant Registrar of Titles	
 <p>GOVT. ROAD</p> <p>RIVER</p> <p>SHAW ROAD</p> <p>GOVT. ROAD</p> <p>TOTAL AREA = 227ha</p>						
LENGTHS ARE IN METRES		SCALE	DEALING / FILE No: AD241475G		DEALING CODE: 45N	
					SHEET 1 OF 1	