

1. Page 2 of this document may be used:

- 1.1 If insufficient space in any section hereon;  
Appropriate headings should be shown.  
The boxed sections should only contain the words "see page ....."
- 1.2 To set forth Easements created as appurtenant to the land (commencing with the words "together with"). Reservations created encumbering the land (commencing with the words "reserving to") or any Restricted Covenant hereby created. Any Sketch contained thereon must be initialed by all parties.

2. If further space is required Additional Sheet Form B1 should be used with appropriate headings. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.
4. Duplicate Crown Lease or where issued, the Duplicate Certificate of Title is required to be produced or if held by another party then arrangements must be made for its production. *If a Duplicate Certificate of Title is not required to be re-issued, or if a Duplicate Certificate of Title has not been issued previously but is required to issue subsequent to this document, the written request of the Transferee is required by signing this panel.* Written consent of the First Mortgagee is also required if applicable.

1. **DESCRIPTION OF LAND**  
Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.  
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.  
The Volume and Folio or Crown Lease number to be stated.
2. **ESTATE AND INTEREST**  
State whether Fee Simple, Leasehold or as the case may be in the land being transferred. If share only, specify.
3. **LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS**  
In this panel show (subject to the next paragraph) those limitations, interests, encumbrances and notifications affecting the land being transferred that are recorded on the certificates(s) of title:  
(a) In the Second Schedule;  
(b) If no Second Schedule, that are encumbrances.  
(Unless to be removed by action or document before registration hereof).  
Do not show any:  
(a) Easement Benefits or Restrictive/Covenant Benefits; or  
(b) Subsidiary interests or changes affecting a limitation, etc, that is to be entered in the panel (eg, if a lease is shown, do not show any sub-lease or any document affecting either).  
The documents shown are to be identified by nature and number. The plan/diagram encumbrances shown are to be identified by nature and relevant plan/diagram. Strata/survey-strata plan encumbrances are to be described as "Interests on strata/survey-strata plan".  
If none show "nil".
4. **TRANSFEROR**  
State full name of the Transferor/Transferors (Registered Proprietor) as shown on the Certificate of Title or Crown Lease.
5. **CONSIDERATION**  
If a sum of money only, to be expressed in figures and in every other case to be concisely stated in words.
6. **TRANSFeree**  
State full name of the Transferee/Transferees (Purchaser) and the address/addresses to which future notices can be sent. If a minor, state date of birth.  
If two or more state tenancy eg:  
  - Joint Tenants, (on the death of a joint tenant, the survivor(s) become(s) the registered proprietor(s) of the deceased's interest by applying to the Registrar of Titles).
  - Tenants in Common, (on the death of a tenant in common, their share is dealt with according to their will).  
If Tenants in Common specify shares.
7. **TRANSFeree'S/TRANSFEROR'S EXECUTION**  
A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an adult person. The address and occupation of the witness must be stated.

**J 130773 T**

22 Dec, 2004 16:01:33 Perth



REG. \$ 89.00

## LODGED BY

BankWest Conveyancing  
ADDRESS  
Licensed Real Estate & Business Settlement Agent  
Level 23 BankWest Tower  
100 Norges Terrace  
FAX No. 9449 6778  
Perth Western Australia  
(08) 9449 6650  
REFERENCE No. (08) 9449 6778  
LTO Box No. 162V  
ISSUING BOX No. 9

PREPARED BY BankWest Conveyancing

ADDRESS GPO Box E237 Perth WA 6001

PHONE No. Ph. 9449-6650 FAX No.

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

TITLES, LEASES, DECLARATIONS, ETC LODGED HEREWITH

- |                     |                          |
|---------------------|--------------------------|
| 1. <u>PROXY P/A</u> | Received items           |
| 2. _____            |                          |
| 3. _____            | Vos. <u>1</u>            |
| 4. _____            |                          |
| 5. _____            |                          |
| 6. _____            | Receiving Clerk <u>/</u> |

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

DATED this

22<sup>ND</sup>

day of

DECEMBER

20 04

TRANSFEROR/S SIGN HERE (Note 7)

REQUEST FOR ISSUE/NON-ISSUE (Instruction 4)

BY SIGNING THIS PANEL, I/WE THE TRANSFEREE REQUEST THE ISSUE/NON-ISSUE (DELETE AS REQUIRED) OF A DUPLICATE CERTIFICATE(S) OF TITLE FOR THE LAND ABOVE DESCRIBED.

Signed

DUM: X [Signature]

Signed

SAM: X Kelly [Signature]

TRANSFEREE/S SIGN HERE (Note 7)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORISED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.

Signed

DUM: X [Signature]

in the presence of:

Witness:

Signature

X [Signature]

Name (print)

X GARRY O'NEALS

Address (print)

X 3 TRANSFOLIE WAY GERANDTON

Occupation (print)

X Quarry MANAGER

Contact Number

X 99233623

Signed

SAM: X Kelly [Signature]

in the presence of:

Witness:

Signature

X [Signature]

Name (print)

X GARRY O'NEALS

Address (print)

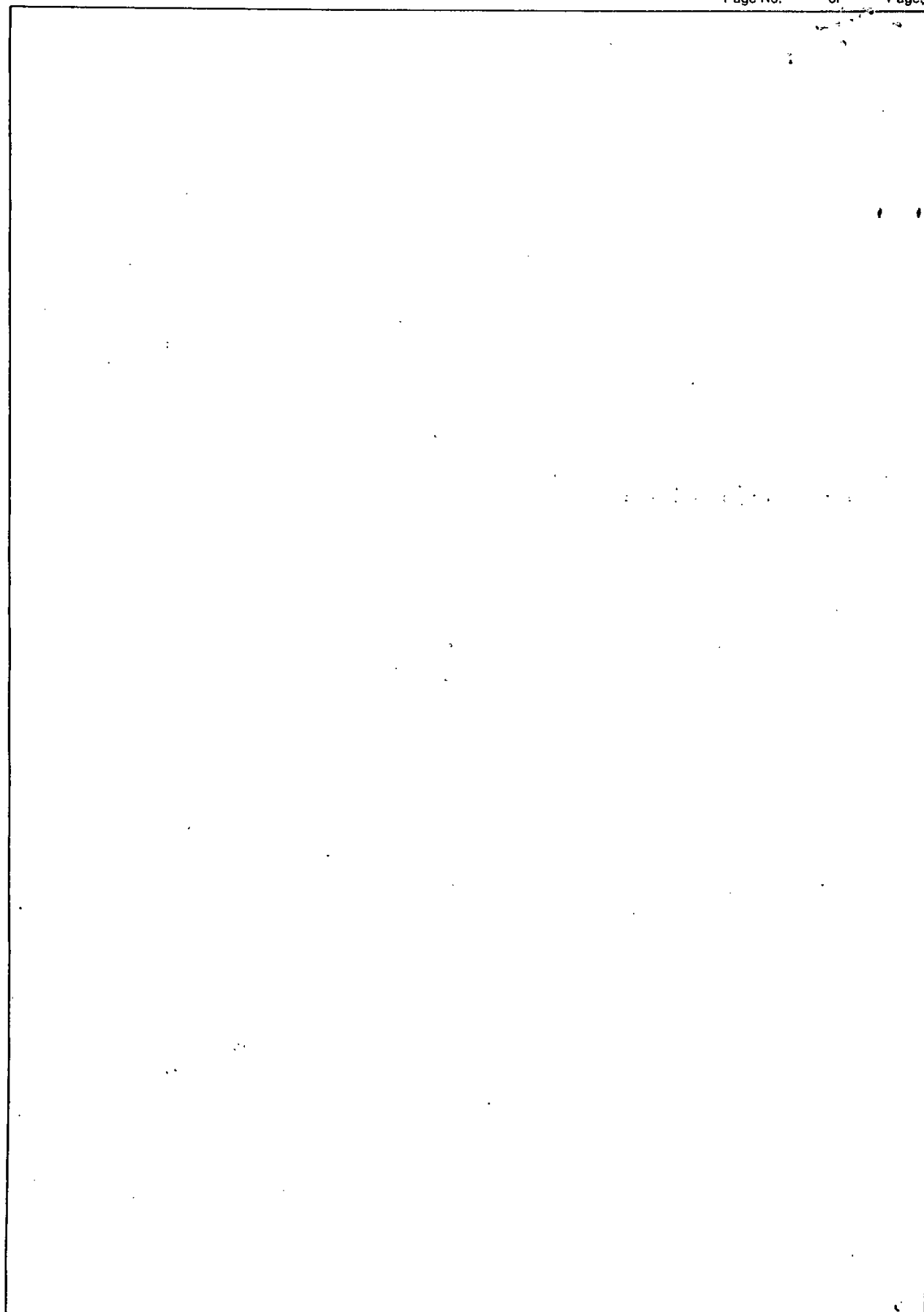
X 3 TRANSFOLIE WAY GERANDTON

Occupation (print)

X Quarry MANAGER

Contact Number

X 99233623



WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

## ADDITIONAL PAGE TO

## FORM T2 TRANSFER OF LAND

Dated


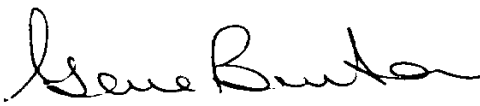
## TRANSFERORS SIGNATURE:

Peter Conyers BURTON and Gene Heather BURTON as Administrators of the Estate of Shannon Joseph BURTON, deceased




PETER CONYERS BURTON

In the presence of:

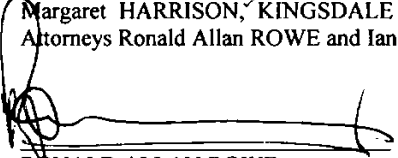
Witness:   
Address: DELYS JONES  
12 Auger Green  
Occupation: Geraldton  
CLERK

GENE HEATHER BURTON



In the presence of:

Witness:   
Address: DELYS JONES  
12 Auger Green  
Occupation: Geraldton  
CLERK


PARKFALLS INVESTMENTS PTY LTD, ACN: 078 888 856, BURROWS PTY LTD, ACN: 009 399 384, Walter SUDILOWSKI, Fay Lynette SUDILOWSKI, Ronald Allan ROWE, Dianne ROWE, John Laurence GLEGHORN, Gunther SUKIENNIK, Vicki Mae SUKIENNIK, ESSELITE HOLDINGS PTY LTD, ACN: 009 294 544, Norene Patricia MAZZUCHELLI, Robert Leslie CREEK, George Edward HARRISON, Judith Margaret HARRISON, KINGS DALE INVESTMENTS PTY LTD, ACN: 091 625 759 by their appointed Attorneys Ronald Allan ROWE and Ian Douglas WHEATLAND.

  
RONALD ALLAN ROWE  
P/A H413691

In the presence of:

Witness:   
Address: DELYS JONES  
12 Auger Green  
Occupation: Geraldton  
CLERK  
IAN DOUGLAS WHEATLAND  
P/A H413691

In the presence of:


Witness:   
Address: DELYS JONES  
12 Auger Green  
Occupation: Geraldton  
CLERK

THE TRANSFEROR for the consideration herein expressed HEREBY TRANSFERS TO THE TRANSFEREE the estate and interest herein specified in the land above described, subject to the encumbrances as shown hereon. (Instruction 2)

The Transferee covenants and agrees with the Transferor that above land described shall at all times hereafter be subject to the agreement. Stipulation and reservations set out in paragraphs 1 to 5 (inclusive) hereunder.

1. The Transferor and the transferee intend that this agreement is to;
  - (a) Run with the land for the benefit of every other lot on the plan or diagram of subdivision of which the transferor is the registered proprietor;
  - (b) Be enforceable against the Transferee and every subsequent registered proprietor of the land by the Transferor and every subsequent registered proprietor of any other lot on the plan or diagram of the subdivision.
2. The Transferee agrees not to construct, erect, install, carry out or permit on the land;
  - 2.1 a residence or other improvement without first obtaining approval from the shire of Chapman Valley and any other relevant authority.
  - 2.2 A residence with a total area of less than 150 square metres (excluding carports, garages, Verandahs and other unenclosed areas.)
  - 2.3 An outbuilding which;
    - Does not match or complement the residence, in respect of materials used, the design, the external appearance, including colour and the quality of the construction.
    - Has a flat roof
  - 2.4 Any fencing below the minimum standard. (The minimum standard of fencing shall be seven line ringlock with single strand wire on top, with pine posts at six metre separation);
  - 2.5 The use of zincalume or other roofing materials which are unpainted or uncoated and/or could cause glare from the reflection of the sun.
  - 2.6 Any building or construction which makes use of second hand materials either in part or in whole.
- X 3. The Transferee acknowledges and agrees that the land is subject to the Shire of Chapman Valley Town Planning Scheme relating to the use and management of the land and that a copy of this may be viewed at council's office.
4. The Transferor has entered into this agreement with the transferee for the purpose of creating a
  - X Prestigious development and it is hereby agreed that the Transferor shall not be obliged to enforce any of the covenants, agreements or restrictions contained hereon.
5. The benefit of the covenant and agreement herein before contained shall be appurtenant to such of the Lots and each and every part of the lots on Deposited Plan 41615 which the Transferor is the registered proprietor other than the land hereby transferred. Such covenants and agreements shall not merge in the transfer of the land and shall bind the Transferee and the assigns Transferees and other successors in the title of the Transferee.

DGM : X 

KAM : X 

**FORM T2**Form Approved  
No. B7800WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED**TRANSFER OF LAND**

DESCRIPTION OF LAND (Note 1)

LOT 78 ON DEPOSITED PLAN 41615

EXTENT

WHOLE

VOLUME

2579

FOLIO

628

ESTATE AND INTEREST (Note 2)

FEE SIMPLE

LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS (Note 3)

NIL

TRANSFEROR (Note 4)

PARKFALLS JOINT VENTURE PTY LTD

PARKFALLS INVESTMENTS PTY LTD ACN 078 888 856 BURROWS PTY LTD ACN 009 599 364  
WALTER SUDILOWSKI, FAY LYNETTE SUDILOWSKI, RONALD ALLAN ROWE, DIANNE  
ROWE, JOHN LAURENCE GLEIGHORN, GUNTHER SUKIENNIK, VICKI MAE SUKIENNIK,  
JESSELITE HOLDINGS PTY LTD ACN 009 294 544 NOREEN PATRICIA  
MAZZUCHELLI, ROBERT LESLIE CREEK, GEORGE EDWARD HARRISON, JUDITH  
MARGARET HARRISON, KINGSDALE INVESTMENTS PTY LTD ACN 011 673 157  
PETER CONVERS BURTON, GENE HEATHER BURTON as Administrators of the Estate of  
SHANNON JOSEPH BURTON who Died on 18.7.2002

CONSIDERATION (Note 5)

\$94000.00

TRANSFeree (Note 6)

DAVID GEORGE MILLER &amp; KELLY ALYSSA MILLER

BOTH OF 10 BEN LEDI WAY GERALDTON AS JOINT TENANTS

24.2.05  
Assist. Registrar of Titles

99216179

SUN CITY SETTLEMENTS

2

25 NOVEMBER 2004

Our present view is that it is not possible for us to state without qualification that in our opinion EACH covenant is a restrictive covenant

We suggest that an individual examination of each of the intended covenants reveals that:-

- 1 - is not negative in nature and merely states the obvious position with respect to the future applicability of a restrictive covenant registered on the title to the subject land (see (iii) above);
- 2 - 2.1 might be said to contain a personal covenant with the third party being the Shire of Chapman Valley (see (v) above);  
  
2.2 – 2.6 (both inclusive) we suggest can properly be characterized as restrictive covenants;
- 3 - is not negative in the content (see (iii) above) and might be said to contain a personal covenant with a third party being the Shire of Chapman Valley ( see (v) above). This covenant in any event appears to state the obvious position that the Shire of Chapman Valley's Town Planning Scheme will apply to the land;
- 4 - is not negative in nature (see (iii) above). We suggest that in any event this covenant would appear to be unnecessary;
- 5 is not negative in nature (see (iii) above). Again this covenant would appear to state the obvious position that each lot will be initially transferred subject to the restrictive covenants which will bind successive proprietors of such lots.

We trust the foregoing observations will provide some assistance.

We will be only too pleased to discuss the matter and generally to provide any further assistance which may be required.

Yours faithfully



*Accept covenant  
already registered  
for Plom 41615  
see 2/40652.  
22/2*

**ALTOFFER & STOW**

Our Ref : PJR:JS:040392PA

25 November 2004

The Manager  
Sun City Settlements  
Post Office Box 1467  
GERALDTON WA 6531

ATTENTION: WALLY SUDILOWSKI

**PC & GH BURTON & PARKFALLS INVESTMENTS PTY LTD**

We refer to your facsimile transmission by way of instructions dated 19 November 2004 with attachment.

Paragraph 7.3.4 of the Land Titles Registration Practice of Western Australia stipulates that the solicitors letter to accompany the first transfer on sub division should contain a statement which:-

- (a) may be endorsed on the transfer or included in a separate letter that clearly identifies the transfer and the covenants;
- (b) it to state without qualifications that in that solicitors opinion each covenant in the transfer is a restrictive covenant; and
- (c) will only be relevant to the land specified in the transfer as being benefited and/or burdened by the covenants.

Paragraph 7.3.1 of the same manual provides that, generally, restrictive covenants must:-

- (i) directly control the use of the land of the covenantor;
- (ii) benefit the land of the covenantee;
- (iii) be negative in their content;
- (iv) be intended by the parties creating them to run with the land; and
- (v) not contain personal covenants with third parties such as the original land developer or the local government.

...../2.

Barristers &amp; Solicitors

Peter Rock LL.B.  
Notary Public  
Duncan Armstrong LL.B.

Associate  
Carole Buckley B.A.  
H.D.E., LL.B (Hons)

4th Floor  
Town Towers  
Cathedral Avenue  
Geraldton 6530  
Western Australia

PO Box 20  
Geraldton 6531  
Western Australia

DX 60602 Geraldton

Telephone:  
(08) 9921 3366  
Facsimile:  
(08) 9921 4386





99216179

Benjamy Pty Ltd - ACN: 008 957 677, ABN NO: 84839744036 as trustee for the Wally Sudilowski Family Trust trading as

# SUN CITY SETTLEMENTS

AN INDEPENDENT SETTLEMENT AGENT  
(LICENSED REAL ESTATE SETTLEMENT AGENTS)

## FACSIMILE TRANSMISSION

**TO:** DEPT LAND INFORMATION**PAGES (Including Cover):****DATE:** 18.02.05**OUR REFERENCE:** 14/84**ATTENTION:** NEIL LANGRIDGE**YOUR REFERENCE:****PRIVACY & CONFIDENTIALITY NOTICE**

This facsimile contains information that is confidential and which may be legally privileged. If you are not the intended recipient, you must not read, distribute or copy this facsimile. If you are not the intended recipient, please notify us immediately by phone (reverse charges) and shred the facsimile received by you. Thank You.

**RE:** DOCUMENT J130773

We have been requested by BankWest to clarify point 2 on their Transfer of Land.

Transfer of Land, as you quite correctly point out should reflect all the names of the registered proprietors.

We advise that we have also today dispatched to your office the required statutory declaration from the attorney.

Yours faithfully

WALLY SUDILOWSKI

*Verified Sun City Settlements  
acting to Vendor /  
Transferor  
24/2*

228 Lester Avenue, PO Box 1467, GERALDTON WA 6531  
Telephone: 08 9921 5002 Facsimile: 08 9921 6179

99216179

Benjamy Pty Ltd - ACN: 008 957 677, ABN NO: 64839744056 as trustee for the Wally Sudilowski Family Trust trading as

# SUN CITY SETTLEMENTS

AN INDEPENDENT SETTLEMENT AGENT  
(LICENSED REAL ESTATE SETTLEMENT AGENTS)

## FACSIMILE TRANSMISSION

TO: DEPT LAND INFORMATION

PAGES (Including Cover): 12

DATE: 15.02.05

OUR REFERENCE: 14184

ATTENTION: NEIL LANGRIDGE

YOUR REFERENCE:

### PRIVACY & CONFIDENTIALITY NOTICE

This facsimile contains information that is confidential and which may be legally privileged. If you are not the intended recipient, you must not read, distribute or copy this facsimile. If you are not the intended recipient, please notify us immediately by phone (reverse charges) and shred the facsimile received by you. Thank You.

RE: DOCUMENT J1130772 & 130773

We have today been faxed a copy of requisition received by Bank West in this matter.

As no other party to settlement has received a copy of the requisition until today, we have not had sufficient time to deal with the items mentioned.

We attach copy of the power of attorney which has sufficed in every transaction that has gone through in both stages 1 & 2 of the Parkfalls Estate.

Also attached is a copy of change of company name for Burrows Petroleum Pty Ltd.

Thirdly, attached is a copy of solicitors letter pertaining to the covenants.

BankWest Conveyancing are to attend to item 2 in relation to this requisition and to pay to your office appropriate requisition fee.

Yours faithfully

WALLY SUDILOWSKI

228 Lester Avenue, PO Box 1467, GERALDTON WA 6531  
Telephone: 08 9921 5002 Facsimile: 08 9921 6179

992'6'79

P/A

DOCUMENTARY SERVICES PTY LTD  
Suite 2  
63 Shepperton Road  
VICTORIA PARK WA 6100

## Certificate of the Registration of a Company

Corporations Act 2001 Paragraph 1274 (2) (b)

This is to certify that

**SANPRINI PTY LTD**

Australian Company Number 009 399 384

is taken to be registered as a company under the  
Corporations Act 2001 in Western Australia.

On the tenth day of July 1989 the company changed its name to  
**BURROWS PETROLEUM PTY LTD**

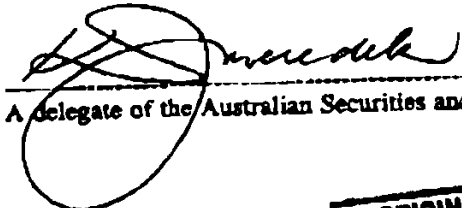
On the thirteenth day of June 2000 the company changed its name to  
**BURROWS PTY LTD**

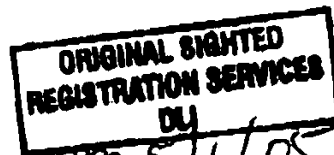
The company is limited by shares.

The company is a proprietary company.

The day of commencement of registration is  
the sixteenth day of June 1989.

Issued by the  
Australian Securities and Investments Commission  
on this fourth day of January, 2005.

  
A delegate of the Australian Securities and Investments Commission



### INSTRUCTIONS

1. If insufficient space hereon Form B2 should be used.

### NOTES

1. A person making a Declaration should ensure it is sworn under the relevant Act applying to that State or Country. The Evidence Act 1906 applies only to a Declaration declared in the State of Western Australia.
2. If more than one declarant, each signature must have a separate attestation.

### COMPETENT WITNESSES

Persons who may witness Statutory Declarations in Western Australia:-

1. The Chief Executive Officer or Deputy Chief Executive Officer of a Local Government.
2. A member of the Council of a Local Government.
3. An Electoral Registrar appointed under the Electoral Act 1907.
4. A person appointed to take charge of a Post Office in the State.
5. An Officer of the State or Commonwealth public service.
6. A teacher within the meaning of the Education Act 1928.
7. A police officer.
8. A person appointed to take charge of the head or any branch office in the State of a bank carrying on business under the Banking Act 1959 of the Commonwealth or under a written law of the State.
9. A person appointed to take charge of the head or any branch office in the State of a society within the meaning of the Building Societies Act 1976 or a credit union within the meaning of the Credit Unions Act 1979.
10. A secretary of an organization of employees or employers registered under the Industrial Relations Act 1979 or of an organization registered under the Conciliation and Arbitration Act 1904 of the Commonwealth.
11. A practitioner within the meaning of the Legal Practitioners Act 1893.
12. A medical practitioner registered under the Medical Act 1894.
13. A pharmaceutical chemist within the meaning of the Pharmacy Act 1964.
14. A member of the academic staff of an institution providing courses at post-secondary education level.
15. The holder of a licence under the Real Estate and Business Agents Act 1978 or the Settlement Agents Act 1981.
16. An Insurance broker registered under the Insurance (Agents and Brokers) Act 1984 of the Commonwealth.
17. A person registered as an auditor or a liquidator under the Corporations Act 1989.
18. A person who is accredited as a chartered accountant or a certified practicing accountant.
19. A surveyor licensed under the *Licensed Surveyors Act 1909*.
20. A patent attorney registered under the *Patents Act 1990* of the Commonwealth.
21. A Justice of the Peace:
  - (a) for the State or
  - (b) appointed for any part of the Commonwealth that is outside the State.
22. A Commissioner for Declarations:
  - (a) appointed under the Declarations and Attestations Act 1913 as amended or
  - (b) appointed under the provisions of the Statutory Declarations Act 1959 of the Commonwealth.
23. An electoral registrar, postmaster, classified officer in the State or Commonwealth public service, classified State school teacher or member of the police force.
24. A member of either House of Parliament of the State or of the Commonwealth.

**No person under eighteen years of age may be a witness.**



FORMB3

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

## STATUTORY DECLARATION

I/WE Ian Douglas Wheatland  
OF 20 Durlacher Street Geraldton

do solemnly and sincerely declare that

1. I am one of the Appointed Attorney's of Parkfalls Joint venture, registered Power of Attorney H 413691.
2. I certify that Lot 78 on Deposited Plan 41615 is part of the land referred to in the Power of Attorney.

And I/WE make this solemn declaration by virtue of Section 106 of the Evidence Act 1906 (Note 1)

Declared this 18<sup>th</sup>  
day of February Year 2007. (Note 2)  
before me

WALTER SUDILOWSKI  
COMMISSIONER FOR DECLARATIONS WA  
12 CROWTHERTON STREET  
GERALDTON WA 6530

For list of Competent Witnesses see reverse side

Benjamy Pty Ltd ACN 008 957 677 as trustee for the Wally Sudilowski Family Trust trading as

# SUN CITY SETTLEMENTS

(LICENSED REAL ESTATE SETTLEMENT AGENT)

Licensee: Benjamy Pty Ltd

ABN 84 839 744 056

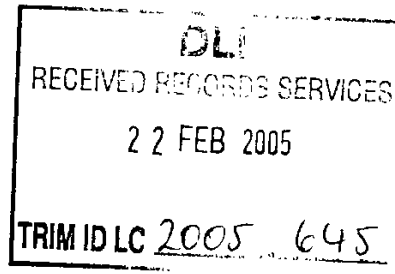
Principal: W. SUDILOWSKI  
Cert. Real Estate Management  
Commissioner for Declarations  
Associate Australian Institute of Conveyancers  
Email: suncitysetts@westnet.com.au

228 Lester Avenue  
P.O. Box 1467  
GERALDTON WA 6531

Telephone: (08) 9921 5002  
(08) 9921 5709  
Facsimile: (08) 9921 6179  
Mobile: 0418 930 998

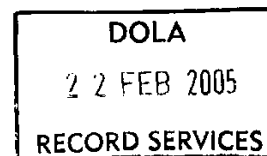
Our Ref.  
WS,FS 14184  
Your Ref.

18 February 2005



Department of Land Information  
GPO Box 2222  
MIDLAND WA 6936

ATTENTION; NEIL LANGRIDGE



RE ; DEALING J 130773

Attached herewith please find Statutory Declaration as requested.

Yours faithfully

A handwritten signature in black ink, appearing to be "Wally Sudilowski".

WALLY SUDILOWSKI



'An INDEPENDENT Settlement Agent'  
Member of WA Division Australian Institute of Conveyancers