

INSTRUCTIONS

1. If insufficient space in any section, additional Sheet Form B1, should be used with appropriate headings. The boxed sections should only contain the words "see page".
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

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

Please modify Restrictive
Covenant created on DP 53752
as directed by Registrar
of Titles dated 15/6/09.

Quinty
AG. Lrg. Sup
15.6.09
Assist. Registrar of Titles

EXAMINED

K932362 AE

07 May 2009 09:23:30 Midland



REG \$ 105.00
NREG \$ 414.00
FEES \$ 519.00

APPLICATION

LODGED BY IRDI LEGAL
ADDRESS 248 OXFORD STREET
LEEDERVILLE WA 6007
PHONE No. 9443 2544
FAX No. 9444 3808
REFERENCE No. RJP20094282
151803
ISSUING BOX No. 243V

PREPARED BY IRDI LEGAL
ADDRESS
PHONE No. FAX No.

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

TITLES, LEASES, DECLARATIONS, ETC LODGED HEREWITH

1. 2686-801-873
2. 2686-874-879 Received items
3. (79 titles) Nos. 1-3
4.
5.
6. Receiving Clerk
RLO

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.



[Handwritten signature]

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED**APPLICATION**

DESCRIPTION OF LAND (Note 1)

	EXTENT	VOLUME	FOLIO
(a) Lots 516-588 (inclusive) on Deposited Plan 53752	Whole	2686	801-873 (inclusive)
(b) Lots 590-595 (inclusive) on Deposited Plan 53752	Whole	2686	874-879 (inclusive)

APPLICANT (Note 2)

MARY DONALD NOMINEES PTY LTD (ACN 008 804 368) formerly of 94 Maddington Road, Maddington now of Level 2, 200 Adelaide Terrace, East Perth

REASON FOR APPLICATION (Note 3)

THE APPLICANT HEREBY APPLIES to modify the benefit and burden of the Restrictive Covenants created under Part IVA of the Transfer of Land Act by instrument K562341 in respect of each of the above Certificates of Title by:

- (a) modifying paragraph 1.7 by deleting the paragraph and substituting a new paragraph 1.7 as follows:

"1.7 Except for Lots 521, 528, 529, 549, 552, 588 and 593, construct a residence with a total floor area of less than 120 square metres inclusive of the outer faces of the external walls and designated alfresco areas but exclusive of porches, carports, garages, verandahs and other unenclosed areas."

- (b) inserting a new paragraph 1.8 as follows:

"1.8 In respect of Lots 521, 528, 529, 549, 552, 588 and 593 only, construct a residence with a total floor area of less than 100m² inclusive of the outer faces of the external walls and designated alfresco areas but exclusive of porches, carports, garages, verandahs and other unenclosed areas."

DATED this

6TH

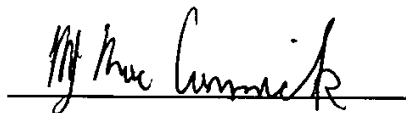
day of

MAY

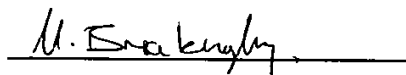
2009

SIGNATURE OF APPLICANT/S (Note 4)

SIGNED by **MALCOLM JOHN MACCORMICK**)
as Attorney for)
MARY DONALD NOMINEES PTY LTD)
(ACN 008 804 368) pursuant to Power)
of Attorney K665367 in the presence of:)



Witness: Signature



Name (please print)

MARIE BREAKINBURY.

Address (please print)

9 ETWELL ST EAST VICTORIA PARK.

Occupation (please print)

PROJECT MANAGER.

**paul garnett**

address 46 Salema Avenue, Stirling WA 6021
PO Box 157 Kaminup WA 6921
ABN 694 037 893 89
ACN 119 308 922

mobile 0400 847 017
phone +61 (0) 8 9440 0488
fax +61 (0) 8 9440 0477
email poulgarnett@bigpond.com

FACSIMILE TRANSMISSION

FROM: Paul Garnett's Conveyancing WA
DATE: 10, June 2009 **TIME :** 13:57:15 **SHEETS TO FOLLOW :**
TO: Landgate
DEPARTMENT: Legal
ATTENTION: Supervisor
FAX: 9273 7364

leg 5

Our Ref: Mary Donald Nominees
RE: DEALING K932362

MESSAGE:

Further to the above dealing, we confirm that this office acts on behalf of the Registered Proprietor for the sale of a number of the Lots contained in this transaction.

We confirm that we have three settlement pending, with the buyers requiring urgent settlements as they have to vacate their rental properties and move into the new dwellings.

Any assistance you can provide in having this dealing completed as soon as possible would be greatly appreciated.

Please feel free to contact the writer should you have any queries.

Yours faithfully
PAUL GARNETT'S CONVEYANCING WA

PAUL GARNETT
Licensee
paulgarnett@bigpond.com

J 1309

- Residential Settlements • Strata Title Settlements • Commercial Settlements
 - Land Subdivision Settlements • Title Searches
- Licensee: Longar Pty Ltd, ATF: The Garnett Family Trust, Licensed Real Estate Settlement Agent



Our Ref: RJ:P20094284

4 June 2009

Registrar of Titles
Western Australian Land Information Authority
PO Box 2222
MIDLAND WA 6936

By fax: 9273 7364

Attention: Kathleen McGrath

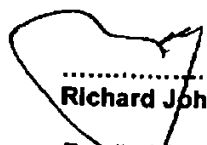
Dear Madam

DOCUMENT NO. K932362 – MARY DONALD NOMINEES PTY LTD

I confirm that you are still waiting for the original letter from WA Gas Networks to arrive. I am informed that it was posted on 2 June 2009 and hopefully it will be received today.

I have been advised by my client that there is a settlement which is now overdue in respect of one of the lots. Accordingly, I would be grateful if you would arrange for completion of registration and the issuing of the Certificates of Title back to Irdi Legal as soon as possible.

Kind regards
IRDI LEGAL


.....
Richard Johnson

Email: richard@irdi.com.au

248 Oxford Street, Leederville WA 6007 t: (08) 9443 2544 f: (08) 9444 3808 e: legal@irdi.com.au l: www.irdi.com.au
Correspondence to: PO Box 95, Leederville WA 6902
DX 63103 Leederville ABN: 90 328 750 842

158409 1



Our Ref: RJ:P20094284

20 May 2009

Registrar of Titles
Western Australian Land Information Authority
PO Box 2222
MIDLAND WA 6936

Dear Sir

DOCUMENT NO. K932362

I confirm that I act for the Applicant. My client has advised me that one of the lots which is the subject of the Application is due for settlement on 29 May 2009.

If possible, please complete registration of the Application in time so that settlement is not delayed.

Kind regards
IRDI LEGAL

A handwritten signature in black ink, appearing to read "Richard Johnson", written over a dotted line.

Richard Johnson

Email: richard@irdi.com.au

248 Oxford Street, Leederville WA 6007 | ph: (08) 9443 2544 | fax: (08) 9444 3808 | www.irdi.com.au

correspondence to: PO Box 95, Leederville WA 6902

DX 63103 Leederville | ABN: 90 398 750 842

154799 1



26 May 2009

Registrar of Titles
Landgate
PO Box 2222
MIDLAND WA 6936

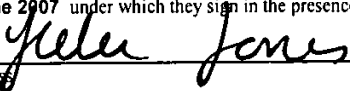
Dear Sir / Madam

629 Newcastle Street
Leederville 6007
Western Australia
PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

DOCUMENT K932362 – MODIFICATION OF RESTRICTIVE COVENANT

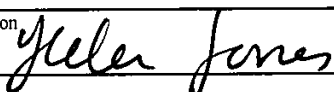
Water Corporation, being entitled to the benefit of an easement under Section 167 of the Planning and Development Act which is noted as an encumbrance on Lot 588 on Deposited Plan 53752 and being the whole of the land comprised in Certificate of Title Volume 2686 Folio 873 hereby consents to the modification of the restrictive covenant pursuant to the above Application.

SIGNED by Josephus Johannes Henricus Mensink the Manager, Corporate Real Estate Branch of Water Corporation (a Group E Attorney) and by Phillip Robert Bland the Manager, Acquisitions of Water Corporation (a Group F Attorney) as the attorneys for Water Corporation who state that they have no notice of revocation of the Power of Attorney No K232301 dated 5 June 2007 under which they sign in the presence of:

Witness

HELEN JONES
Name (please print)

Address
629 Newcastle Street
LEEDERVILLE WA 6902

Address (continued)
BUSINESS ASSISTANT

Occupation

Witness

HELEN JONES
Name (please print)

Address
629 Newcastle Street
LEEDERVILLE WA 6902

Address (continued)
BUSINESS ASSISTANT
Occupation


Attorney
Josephus Johannes Henricus Mensink
Name (please print)

Manager, Corporate Real Estate of Water Corporation
Designated Post


Attorney

Phillip Robert Bland
Name (please print)

Manager, Acquisitions of Water Corporation
Designated Post



Complex



Our Ref: RJ:P20094284

28 May 2009

COMMUNICATION
OPTIONAL MAIL

Registrar of Titles
Western Australian Land Information Authority
PO Box 2222
MIDLAND WA 6936

By post & fax: 9273 7364

Attention: Kathleen McGrath

Dear Madam

DOCUMENT NO. K932362 – MARY DONALD NOMINEES PTY LTD

I refer to your Requisition Notice dated 26 May 2009. I now **enclose** the letter of authority from Water Corporation. I hope to have the other letter in hand by tomorrow.

Kind regards
IRDI LEGAL

.....
Richard Johnson
Email: richard@irdi.com.au



Encl. (1)

248 Oxford Street, Leederville WA 6007 | ph: (08) 9443 2544 | fax: (08) 9444 3808 | www.irdi.com.au

correspondence to: PO Box 95, Leederville WA 6902

DX 63103 Leederville | ABN: 90 398 750 842

155763 1



WA Gas Networks Pty Ltd
ABN 90 089 531 975

12-14 The Esplanade
Perth WA 6000

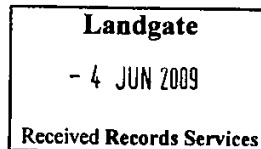
GPO Box W2030
Perth WA 6846

p. 08 6213 7000
f. 08 6213 7001

www.wagn.com.au

2 June, 2009

Kathleen McGrath / *complete*
LANDGATE
P.O Box 2222
Midland 6936 WA



Dear Kathleen,

RE : REQUISITION – DOC K932362

We wish to advise that WA Gas Networks (formerly Alinta Gas Networks) have no objection to the modification of Restrictive Covenant K562341 by document K932362.

Should you have any queries regarding this matter, please do not hesitate to contact me.

Yours sincerely,

Chris Pemberton
Senior Land Management Coordinator – WestNet Energy
Representing WA Gas Networks



21.02.08

Tudor PRESSEAL
Prod. Code 114319



GPO Box W2030
Perth WA 6846

PRIDT PERTH 02 JUN 08

POSTAGE
PAID
AUSTRALIA

LANDGATE
ATTN: KATHLEEN McGRATH
PO BOX 2222
MIDLAND WA 6936

File Copy Do Not Destroy.

Stopped Document Disposal Instructions

Fees to be Refunded	Document Type	Fee \$

Form 10 No.:

Date:

To:

Address:

Parties:

Reference:

Document Numbers:

Computer Records Adjusted:
SMR – WFR or REJECT
Crown – SMP/CAL/RES

Documents to be Rejected:

Documents to be Withdrawn:

Documents for Registration: K932362

Caveats to be made Null & Void:

Authorised by: [Signature]

Examiner's notes:

Stopped Case:932362

Original Cs/T:

2686-801, 2686-802, 2686-803, 2686-804, 2686-805, 2686-806, 2686-807, 2686-808, 2686-809, 2686-810, 2686-811, 2686-812, 2686-813, 2686-814, 2686-815, 2686-816, 2686-817, 2686-818, 2686-819, 2686-820, 2686-821, 2686-822, 2686-823, 2686-824, 2686-825, 2686-826, 2686-827, 2686-828, 2686-829, 2686-830, 2686-831, 2686-832, 2686-833, 2686-834, 2686-835, 2686-836, 2686-837, 2686-838, 2686-839, 2686-840, 2686-841, 2686-842, 2686-843, 2686-844, 2686-845, 2686-846, 2686-847, 2686-848, 2686-849, 2686-850, 2686-851, 2686-852, 2686-853, 2686-854, 2686-855, 2686-856, 2686-857, 2686-858, 2686-859, 2686-860, 2686-861, 2686-862, 2686-863, 2686-864, 2686-865, 2686-866, 2686-867, 2686-868, 2686-869, 2686-870, 2686-871, 2686-872, 2686-873, 2686-874, 2686-875, 2686-876, 2686-877, 2686-878, 2686-879

Notice Sent: 26/5/09

Action:

26/5 - Richard - l-d, Legal called.
Confirming that only one lot is affected
26 - Letter received from Water Corp
Waiting on orig letter from WA Gas.

Examination Instructions

Allocate New C/T

Complete Nom. Index

Examiner: KJM, LEGE3

Supervisor: Steve, Legal Supervisor



Requisition Notice

Section 192 of the Transfer of Land Act

Western Australian Land Information Authority ABN 86 574 793 858

Document Nos: K932362

Section 192

Your Ref: RJP 20094282 151803

Our Ref: Kathleen McGrath Ph: 9273 7363 Fax: 9273 7364

Date: 26 May 2009

Lodging Party:
IRDI LEGAL

Other Parties Contacted:

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

Requisitions

Doc. No	Description	Req. Fee
K932362	The written consent of the following person(s) or corporation(s) is required to this Application for modification of restrictive covenant K562341 (See paragraph 7.5.5 of the Land Titles Registration Practice Manual and Customer Information Bulletin 155).	0.00

Lot 588 on Deposited Plan 53752

- The Water Corporation - Easement created under Section 167 of the P & D Act.
- Alinta Gas Networks Pty Ltd - Easement created under Section 167 of the P & D Act.

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

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

Deduct \$
Reduced Total Fee \$

Bruce Roberts
Registrar of Titles

Requisitions may be attended to by;

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

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

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

Unless these requisitions are complied with, the documents will be rejected. Upon notification of such rejection 75% of the registration fees paid are forfeitable. Documents may be withdrawn from registration, for which a withdrawal fee of \$52.50 per document is payable. Registration fees returnable in full or in part will be set-off against requisition and withdrawal fees. See payment options on page 2.

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

DIRECTION UNDER SECTION 136J

REGISTRAR OF TITLES

APPLICATION K932362 – MARY DONALD NOMINEES PTY LTD

As it appears to me, the undersigned Deputy Commissioner of Titles, that written consent to the Modification of the Restrictive Covenant created on Deposited Plan 53752 under Section 136D of the Transfer of Land Act 1893 in the manner provided in Application K932362 has been received from all persons required under section 136J of *Transfer of Land Act 1893*, to provide that consent;

TAKE NOTE THAT, in pursuance of the powers conferred on me by section 136J of the *Transfer of Land Act 1893* and delegated to me pursuant to section 15(1)(c) of the said Act and of every power in me in this behalf enabling, I **HEREBY DIRECT** that the Restrictive Covenant created on Deposited Plan 53752 be Modified in the manner set out in Application K932362.

S. Nelson

SHANE NELSON
DELEGATE OF COMMISSIONER OF TITLES

15 June 2009

NOTE: The Registrar shall enter a memorandum of the Modification on Certificate of Title, Volume 2686 Folio 801 to Volume 2686 Folio 873 inclusive and Certificate of Title, Volume 2686 Folio 874 to Volume 2686 Folio 879 inclusive.

X:\Valerie\Legal Decisions Made\Commissioners Directions\136J Application to Modify Restrictive Covenant\K932362 - Mary Donald Nominees Pty Ltd.doc