

FORM B4

Form Approval
No.B2641

K562341 RC

10 Apr 2008 12:44:55 Perth



REG \$ 85.00

PROD \$ 42.50

FEES \$ 127.50

DEED OF RESTRICTIVE COVENANTS

LODGED BY

ADDRESS

PAUL GARNETT'S CONVEYANCING WA

PO BOX 157

PHONE No. KARRINYUP WA 6921

FAX No. PH: 9440 0488 FAX: 9440 0477

REFERENCE No.

ISSUING BOX No. 999L

PREPARED BY

ADDRESS

IRDI LEGAL

248 OXFORD STREET
LEEDERVILLE WA 6007

PHONE No.

9443 2544

FAX No.

9444 3808

REFERENCE No.

RJ:P20080388
(087735)

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

DUP. CT PRODUCED
BOX 126A NAB

1
3

EXAMINED

TITLES, LEASES, DECLARATIONS, ETC LODGED HERewith

- | | |
|--------------------|-----------------|
| 1. 2669/975 Packed | Received items |
| 2. | Nos. |
| 3. | |
| 4. | |
| 5. | |
| 6. | Receiving Clerk |

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.



ANNEXURE 'A'

ALEXANDER PARKLANDS PRIVATE ESTATE, UTAKARRA RESTRICTIVE COVENANTS

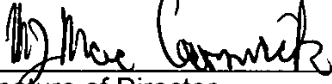
The Transferee (which expression includes the transferees, assigns and successors of the Transferee) covenants and agrees with the Transferor (which expression includes the transferors' assigns and successors of the Transferor) that the Transferee will not:

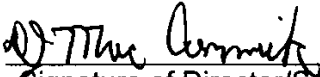
- 1.1 Except for Lots 521, 528, 529, 549, 552, 588 and 593, erect or cause to be erected on the land hereby transferred ("the Property") more than one private single residential dwelling house ("the Dwelling") which expression also includes any extensions, renovations or alterations to the Dwelling inclusive of the outer faces of the external walls but exclusive of area under soffits, porches, garages or carports.
- 1.2 Construct the external walls of the Dwelling with materials which are not clay bricks finished in face work or render or colorbond cladding and will not use materials known as zincalume metal.
- 1.3 Construct the roof of the Dwelling with materials which are not clay tiles concrete tiles or colorbond metal and will not use materials known as zincalume metal.
- 1.4 Construct carports or garages on the Property with materials other than the same materials used in the construction of the walls and roof of the Dwelling.
- 1.5 Construct on the Property any outbuildings other than with the same type of materials used in the construction of the Dwelling, or will not use materials which are not painted in a colour to integrate the outbuildings with the surroundings.
- 1.6 Construct any fences or walls:
 - (a) along the side boundary of the Property forward of the building line; or
 - (b) along the boundary of the Property fronting the roadway; or
 - (c) where the Property has a frontage to two roadways, along either front boundary adjoining those roadways, unless the fences or walls are constructed of:
 - (i) the same material used in the construction for the Dwelling; or
 - (ii) materials of a reasonable quality and standard (such as colorbond) in a colour to blend in harmoniously with the surroundings.
- 1.7 Construct a residence with a total floor area of less than 140 square metres inclusive of external walls but exclusive of porches, carports, garages, verandahs, al fresco areas and other unenclosed areas.

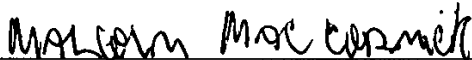
087735

EXECUTED as a deed.

EXECUTED by **MARY DONALD NOMINEES PTY LTD** (ACN 008 804 368) in accordance with section 127 of the Corporations Act


Signature of Director


Signature of Director/Secretary


Print name of Director

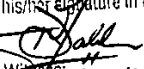
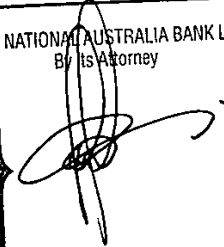

Print name of Director/Secretary

CONSENT

NATIONAL AUSTRALIA BANK LIMITED (ACN 004 044 937) being the mortgagee referred to in mortgage K140319 hereby consents to this deed and to registration of Deposited Plan 53752.

Dated the 8th day of AUGUST 2007.

Executed by National Australia Bank Limited:

Executed by NATIONAL AUSTRALIA BANK LIMITED ABN 12 004 044 937 by being signed in Western Australia by its Attorney CARL SIMON PEDROTTI Under Power of Attorney No E565042 (who declares that he/she holds the office in the Bank indicated under his/her signature in the presence of:  Witness: DANIELA FABBRÌ BANK OFFICER	NATIONAL AUSTRALIA BANK LIMITED By its Attorney  Office: MANAGER.
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- 2.2. be enforceable against the registered proprietor of a lot by the Owner and every subsequent registered proprietor of the other lots on the Plan (other than the Excluded Lots).

3. **SEPARATE AND DISTINCT COVENANT**

Each restrictive covenant is a separate and distinct restrictive covenant, and if any restrictive covenant or its application to any person or circumstance is or becomes invalid or unenforceable then the remaining restrictive covenants will not be affected and each remaining restrictive covenant will be valid and enforceable to the fullest extent permitted by law.

4. **TERM OF RESTRICTIVE COVENANTS**

The restrictive covenants will expire on 31 December 2016.

5. **DEFINITIONS**

Any terms defined in this deed shall have the same meaning when used in the restrictive covenants.

SCHEDULE

The Land:

Lot 24 on Deposited Plan 52552 and being the whole of the land comprised in Certificate of Title Volume 2649 Folio 975.

Encumbrances:

- (i) Easement D107124 to Alintagas Networks Pty Ltd.
- (ii) Notification K097295 contains factors affecting the land.
- (iii) Mortgage K140319 to National Australia Bank Limited.

THIS DEED is made the

day of

August

2007

BY:

MARY DONALD NOMINEES PTY LTD (ACN 008 804 368) of 94 Maddington Road, Maddington, Western Australia (the Owner).

ABN 61 014 878 629
WESTERN AUSTRALIA STAMP DUTY
DEC 20/07/08 12:36 002954801-001
FEE \$*****
SD \$***** PEN \$*****

BACKGROUND:

- A. The Owner is the registered proprietor of the land described in the Schedule to this deed ("the Land") subject to the encumbrances referred to in the Schedule.
- B. The Owner intends to subdivide the Land and has lodged a plan of subdivision with the Western Australian Planning Commission which has been approved and is now known as Deposited Plan 53752 ("the Plan").
- C. In accordance with Section 136D of the Transfer of Land Act the Owner requires each of the lots on the Plan ("the lots") other than lots 589, 596 and 9002 ("the Excluded Lots") to be encumbered by the restrictive covenants set out in Annexure "A" hereto ("the restrictive covenants"), so that the restrictive covenants will be noted on the Plan and on each Certificate of Title that issues for the lots (other than the Excluded Lots).

OPERATIVE PART:

This deed witnesses as follows:-

1. CERTIFICATE OF TITLE

Each Certificate of Title which issues for a lot on the Plan (other than the Excluded Lots) is to be encumbered by the restrictive covenants which will run with the land described in the Certificate of Title for the benefit of the other lots on the Plan (other than the Excluded Lots).

2. RESTRICTIVE COVENANTS

The Owner intends that the burden of the restrictive covenants is to:

- 2.1. run with each lot for the benefit of each and every other lot on the Plan (other than the Excluded Lots); and

MARY DONALD NOMINEES PTY LTD

**SECTION 136D DEED OF RESTRICTIVE COVENANTS
FINN CREST PRIVATE ESTATE, UTAKARRA
DEPOSITED PLAN 53752**

IRDI LEGAL
248 Oxford Street
LEEDERVILLE WA 6007

Telephone: 08 9443 2544
Facsimile: 08 9444 3808

Ref: RJ:P20080388
(087735)