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EN 049550

Land Title Act (Section 219.81)
FORM C

RECEIVED - VICTORIA
LAND TITLE OFFICE

Province of British Columbia
GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)
Page 1 of 6 pages

13
@ 55 chg

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

WOODS ADAIR, Barristers & Solicitors
201-4430 Chatterton Way, Victoria, BC, V8X 5J2 (479-9367)
File No. 13,356/A

BURNS SERVICES

Authorized Signatory

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:*

(PID) (Legal Description)
024-473-871 Lot 21, Section 71, South Salt Spring Island, Cowichan District,
Plan VIP68753

3. NATURE OF INTEREST:*

Description
Easement over part
shown as Easement Area on
Plan VIP69061

Document Reference
(page & paragraph)
Entire Document

Person Entitled to Interest
Transferee(s)

EM 12/014 lot 20 VIP68753

PRIORITY AND ASSIGNMENT OF RENTS GRANTING EASEMENT PRIORITY OVER EM33663 AND EM1210015 AND ASSIGNMENT OF RENTS EM33664 AND EM1210015

EM 12/06/07 11:25:18 01 VI 165089
CHARGE Transferee(s) \$110.00

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms | | D.F. Number:
- (b) Express Charge Terms | X | Annexed as Part 2
- (c) Release | | There is no part 2 of this instrument.

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):*

521901 B.C. LTD., 201-4430 Chatterton Way, Victoria, British Columbia, V8X 5J2 AND
PACIFIC COAST SAVINGS CREDIT UNION, 722 Cormorant Street, Victoria, British Columbia,
V8W 1P8

6. TRANSFEREE(S): (including occupation(s), postal address(es) and postal code(s))*

521901 B.C LTD., (Inc. 521901), 201-4430 Chatterton Way, Victoria, British Columbia,
V8X 5J2

7. ADDITIONAL OR MODIFIED TERMS: N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

EXECUTION DATE

Officer Signature(s)

DARREL WOODS
Barrister & Solicitor
#201 - 4430 Chatterton Way
Victoria BC V8X 5J2

Y	M	D
99	04	16

Transferor's Signature
521901 B.C. LTD. by its
authorized signatory


Robert David Adair

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124 to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer's Signature

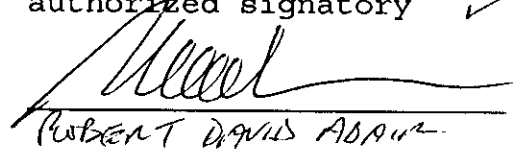


DARREL WOODS
Barrister & Solicitor
#201 - 4430 Chatterton Way
Victoria BC V8X 5J2

Execution Date
Y M D

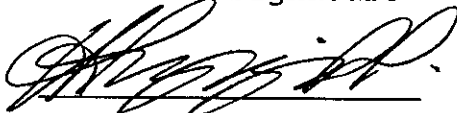
99	05	31
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Transferee's Signature
521901 B.C. LTD. by its
authorized signatory ✓



ROBERT DAVIS ADAMS

Officer's Signature



HEINZ SZCZYPIORKOWSKI
A Commissioner For Taking Affidavits
for British Columbia
722 CORMORANT STREET
VICTORIA, B.C. V8W 1P8

Execution Date
Y M D

99	06	01
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Transferor's Signature
**PACIFIC COAST SAVINGS CREDIT
UNION**
by its authorized
signatory(ies)

Name: **D.R. Drinkwater**



Name: **SHARLET POOLE**

AS TO BOTH SIGNATURES

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124 to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

Part 2 - TERMS OF INSTRUMENT

Between:

521901 B.C. LTD.
201-4430 Chatterton Way
Victoria, BC V8X 5J2

(referred to as the "Transferor")

OF THE FIRST PART

And

521901 B.C. LTD.
201-4430 Chatterton Way
Victoria, BC V8X 5J2

(referred to as the "Transferee")

OF THE SECOND PART**WHEREAS:**

A. The Transferor is the registered owner of owner of those certain parcels and tracts of land on Salt Spring Island, Province of British Columbia, set out in Schedule "A" hereto (hereinafter called the "Servient Tenement").

B. The Transferee is the registered owner of all those certain parcels and tracts of lands on Salt Spring Island, Province of British Columbia, set out in Schedule "B" (hereinafter called the "Dominant Tenement"):

C. The Transferee wishes to obtain certain rights-of-way over the Servient Tenement for the purpose of preserving and maintaining the present view of the Transferee and for that purpose only to have the right to prune or top any trees within that part of the Servient Tenement described hereinafter, which the Transferor has agreed to grant on the terms and conditions hereinafter set forth.

THIS AGREEMENT CONFIRMS THAT in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant, agree and promise with each other as follows:

1. The Transferor hereby grants to the Transferee (subject to the conditions set out in paragraph 2 hereof) the full and free right and liberty for the Transferee and its servants, agents, contractors and workmen, to enter on the area of the Servient Tenement described in Schedule "C" ("Easement Area") during the time periods,

- a. from the 1st day of May to the 31st day of May in each year and every year, and
- b. from the 1st day of October to the 31st day of October in each and every year,

for the purpose of pruning or topping trees within the Easement Area, which in the sole opinion of the owner of the Dominant Tenement, impair the view from the Dominant Tenement.

2. The grant of easement contained herein is granted subject to the conditions:
 - a. That in no case shall any tree be pruned or topped from any other portion of the Servient Tenement that is outside of the Easement Area.
 - b. That no tree may be pruned or topped that has a height of less than 9.144 meters (30 feet) measured from the highest ground elevation at the base of the tree.
 - c. The Transferee may not exercise the rights granted by this agreement on any day that is a Sunday.
 - d. The Transferee may only exercise the rights granted by this agreement between 9:00 A.M. and 4:00 P.M., Pacific Standard Time.
 - e. The Transferee will make good any damage done to the buildings, crops, flower beds, fences, culverts, lanes and other improvements and to any livestock, equipment or other chattels on the Transferor's lands by reason of the exercise or purported exercise of the rights granted by this agreement.
 - f. The Transferee (insofar as it is practicable to do) shall clear and carry away from the Transferor's lands all tops, branches and foliage cut or trimmed by the Transferee or its servants, agents, licensees, contractors and sub-contractors or other persons authorized by it in the exercise of the rights granted by this agreement.
2. The easements and covenants herein contained shall be construed as running with the lands, but no covenant herein contained shall be personally binding on any party hereto except in respect of obligations or breaches arising during their seisin or title to the land.
3. This Agreement may be varied or discharged by instrument in writing executed by the parties hereto or their successors in title, whose land is affected by such variation or discharge.
4. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

5. Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural or feminine or body corporate, and vice versa, where the context of the Agreement so requires.

Consent of Mortgagee

PACIFIC COAST SAVINGS CREDIT UNION, the holder of a Mortgage and Assignment of Rents registered in the Land Title Office, Victoria, British Columbia, under charge numbers EM33663 and EM33664, and a Mortgage and Assignment of Rents registered in the Land Title Office, Victoria, British Columbia under charge numbers EM121014 and EM121015, hereby approves of, joins in and consents to the foregoing grant of easement and to its registration in the Land Title Office aforesaid with priority over the said Mortgages and Assignments of Rents.

As evidence of their agreement to the above terms, as a contract and as a deed executed and delivered under seal, each of the parties have executed and delivered this agreement by executing the Land Title Office Forms C or D to which this agreement is attached and which forms a part thereof.

Schedule "A" (Servient Tenement)

P.I.D. 024-473-871

Lot 21, Section 71, South Salt Spring Island, Cowichan District Plan VIP68753

Schedule "B" (Dominant Tenement)

P.I.D. 024-473-863

Lot 20, Section 71, South Salt Spring Island, Cowichan District Plan VIP68753

Schedule "C"

All that part of Lot 21, Section 71, South Salt Spring Island, Cowichan District Plan VIP68753 shown in heavy outline on an Reference Plan of Easement over part of Lot 21, Section 71, South Salt Spring Island, Cowichan District Plan VIP 68753, completed on the 8th day of April, 1999, by Brian G. Wolfe-Milner, B.C.L.S., and filed in the Land Title Office in Victoria, British Columbia, which plan is registered as Plan VIP 69061 (a copy of which Plan is attached hereto).

**REFERENCE PLAN OF EASEMENT OVER PART
OF LOT 21, SECTION 71, SOUTH SALT SPRING
ISLAND, COWICHAN DISTRICT, PLAN VIP 68753.**

B.C.G.S. 92B.073

Scale - 1 : 2000



PLAN VIP

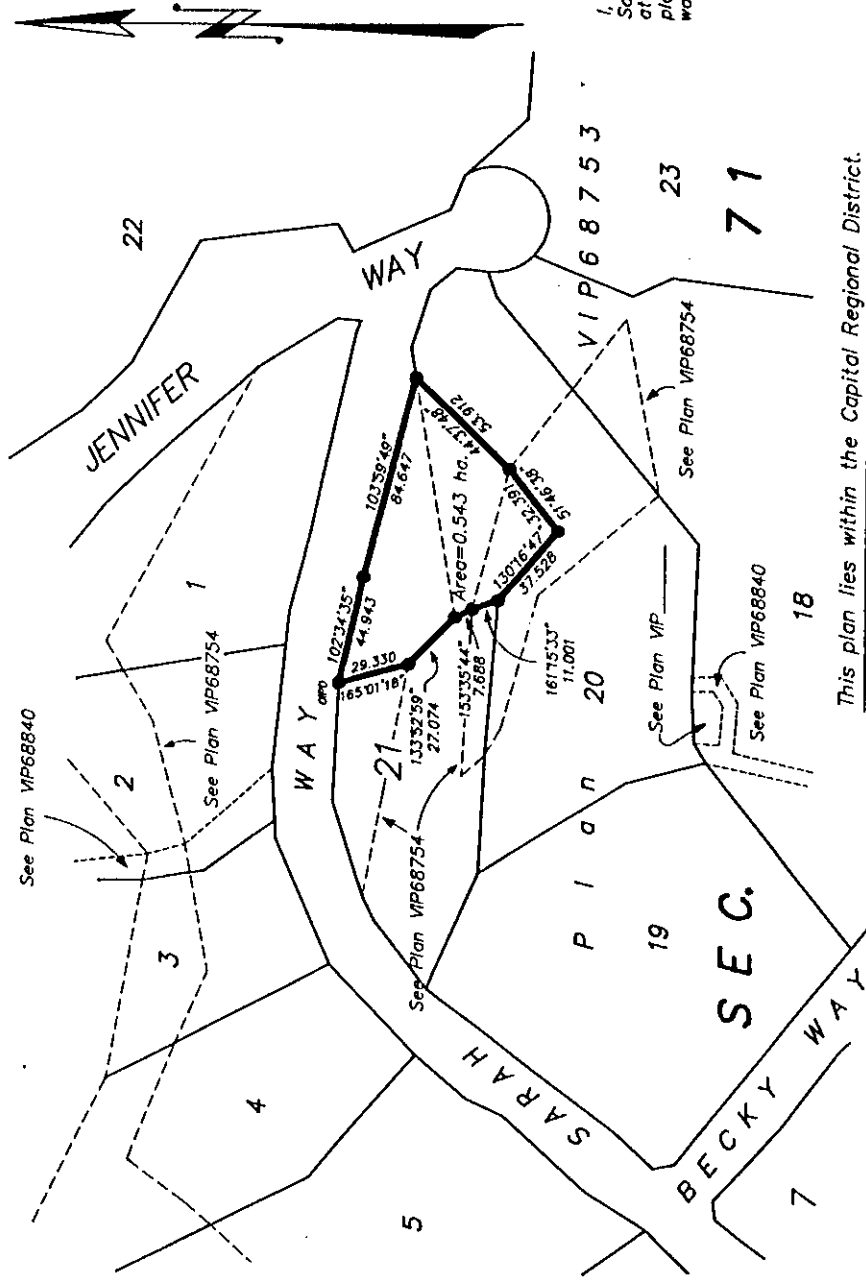
Deposited in the Land Title Office at Victoria, B.C.,
this _____ day of _____, 19____

Registrar

Deposited pursuant to Section 99(1)(e) of the
Land Title Act.

LEGEND

- Bearings are astronomic, derived from Plan VIP 68753.
- All distances are in metres and decimals thereof.
- Standard Iron Post Found.
- IOPD Iron Post Found drilled into Rock



I, Brian G. Wolfe-Milner, a British Columbia land surveyor, of
Salt Spring Island, in British Columbia, certify that I was present
at and personally superintended the survey represented by this
plan, and that the survey and plan are correct. The survey
was completed on the 8th day of April 1999

[Signature]
B.C.L.S.

Wolfe-Milner Land Surveying Inc.,
Salt Spring Island, B.C.
J 4105 MS 4143

ms.....(rncob)
cod.....(rncrc)

This plan lies within the Capital Regional District.

END OF DOCUMENT

2A

50 Plan
1#

99 JUN -7 11 25

RECEIVED - VICTORIA
AND TITLE OFFICE
LAND TITLE ACT
FORM 11(b)
(Sections 113 and 114)

~~VI 69060~~
EN 49550

~~VI 69060~~

APPLICATION FOR DEPOSIT OF
REFERENCE PLAN

VIP69061

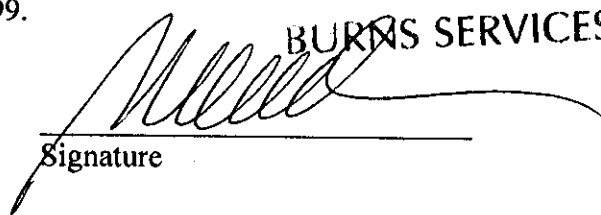
I, ROBERT ADAIR, Barrister and Solicitor, of #201-4430 Chatterton Way, Victoria, British Columbia, V8X 5J2, agent of 521901 B.C. LTD. (Inc. No. 521901), of #201-4430 Chatterton Way, Victoria, British Columbia, V8X 5J2, apply to deposit a Reference Plan of Easement over Part of Lot 21, Section 71, South Salt Spring Island, Cowichan District, Plan VIP 68753.

I enclose:

1. The Reference Plan
2. The reproductions of the Plan required by Section 67(u).
3. Fees of \$ _____.

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DATED the 3rd day of June, 1999.


Signature
BURNS SERVICES

01 99/06/07 11:25:26 01 VI 165089
PLANS \$50.00

68753
68754
68840

~~VI 69060~~

VIP69061