


INSTRUCTIONS

1. This form may be used only when a "Box Type" Form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet, Form B1, should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. 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. Insert document type.
2. 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.

**F 853083** AE  
 11 Apr, 1995 15:17 Perth  
**F 853083** AE



REG. \$ 62.00

LODGED BY

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

PREPARED BY

ADDRESS

PHONE No.

**LAWEST**  
 544 HAY STREET  
 PERTH WA 6000  
 325 2222  
 BOX 183 PERTH

PO Box 183  
 Albany WA 6172  
 Tel (098) 41 3173  
 Fax (098) 41 3173

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

7

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

- |               |                 |
|---------------|-----------------|
| 1. <u>Dup</u> | Received Items  |
| 2. <u>Dup</u> | Nos.            |
| 3. _____      |                 |
| 4. _____      |                 |
| 5. _____      |                 |
| 6. _____      | Receiving Clerk |

ENDORISING INSTRUCTION

*Ruf Co AHO*

EXAMINED

*l*

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 Book.

INITIALS OF SIGNING OFFICER

*B*

**REGISTRAR OF TITLES**

dwelling unless the roof is of concrete or clay tiles or slates or other non-reflective material or unless the written approval of the Covenantee otherwise has first been obtained.

3. The restrictions covenanted for herein shall benefit the Covenantee and the Covenantee's successors in title to Lot 2 and the burden of the said restrictions shall be borne by the Covenantor and the Covenantor's successors in title to Lot 3.

SIGNED by the said )  
FRANZ JOHANNES FLEER )  
in the presence of:- )

*Franz Johannes Fleer*  
*C Earnshaw*

C EARNSHAW  
PO BOX 1352  
ALBANY WA 6330  
SETTLEMENT CLERK

SIGNED by the said )  
MARIA MAGDALENA FLEER )  
in the presence of:- )

*Maria Magdalena Fleer*  
*C Earnshaw*

SIGNED by the said )  
JOHN RICHARD KINNEAR )  
in the presence of:- )

*John Richard Kinnear*  
*C Earnshaw*

2 DEHAMEL PLACE, ALBANY, W.A.  
CLERK

SIGNED by the said )  
DELIA MARIA KINNEAR )  
in the presence of:- )

*Delia Maria Kinnear*  
*C Earnshaw*

2 DEHAMEL PLACE, ALBANY, W.A.  
CLERK

SIGNED by the said MARGARET )  
GRACE FAIRLIE KINNEAR )  
in the presence of:- )

*Margaret Grace Fairlie Kinnear*  
*C Earnshaw*

2 DEHAMEL PLACE, ALBANY, W.A.  
CLERK

On 2nd Sched C/T 1928-961 orig

Transfer F853083 contains a restrictive covenant. Registered 11.4.95 at 15.17 hrs.

On 1st sched C/T 1927-910 Orig.

Transfer F853083 ~~contains~~ <sup>THE WITHIN LAND HAS THE BENEFIT OF</sup> a restrictive covenant ~~with the land~~ as set out in the said Transfer. Registered 11.4.95 at 15.17 hrs. ✓

(ic) bring any appurtenance;

(id) grow or allow to grow any trees plants or shrubs;

upon Lot 3 which shall have the effect of exceeding the height restrictions hereinafter agreed to;

(ii) not to erect or permit the erection on Lot 3 of a residential dwelling or building or extend or renovate or permit any extension or renovation of a residential dwelling or building unless the roof is of concrete or clay tiles or slates or other non-reflective material or unless the written approval of the Covenantee otherwise has first been obtained;

(d) The Covenantor has agreed to enter into and execute this Deed of Covenant upon settlement of the sale by the Covenantee of Lot 3 to the Covenantor for the purpose of recording the terms of this restrictive covenant.

(e) The Covenantor has agreed to permit lodgment of the Deed for the purpose of registration at the Office of Titles simultaneously with the lodgment of the instrument of transfer of title of Lot 3.

NOW IT IS HEREBY AGREED that:-

1. The Covenantor will not:-

(a) erect or permit the erection of any residential dwelling or building or extend or renovate or permit any extension or renovation of any dwelling house or building upon Lot 3 having a roof apex of a height greater than 77.8 metres above the Australian Height Datum;

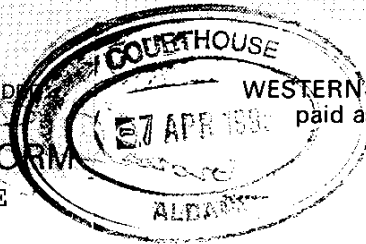
(b) erect or permit the erection of any residential dwelling or building or extend or renovate or permit any extension or renovation of any dwelling house or building upon Lot 3 having a gutter height greater than 75.40 metres above the Australian Height Datum;

(c) bring any appurtenance upon or affix any appurtenance upon Lot 3 of a height greater than 75.40 metres above the Australian Height Datum;

(d) grow or allow to grow any trees plants or shrubs upon Lot 3 to a height greater than 75.40 metres above the Australian Height Datum.

2. The Covenantor will not erect or permit the erection on Lot 3 of a residential dwelling or extend or renovate or permit any extension or renovation of the residential

## BLANK INSTRUMENT FORM

DEED OF RESTRICTIVE  
COVENANT

ALRSTD

5.00 07APR'95#002A3978/01

THIS DEED OF RESTRICTIVE COVENANT is made the <sup>7<sup>th</sup></sup> day of  
<sup>April</sup> One thousand nine hundred and ninety five

B E T W E E N :-

FRANZ JOHANNES FLEER and MARIA MAGDALENA FLEER both of 48  
Melville Street Albany Western Australia ("the Covenantor")  
of the one part

AND

JOHN RICHARD KINNEAR and DELIA MARIA KINNEAR both formerly  
of 29 Marconi Road Albany aforesaid now of 11 Burt Street  
Albany aforesaid and MARGARET GRACE FAIRLIE KINNEAR of Lot 6  
Charles Street Albany Western Australia ("the Covenantee")  
of the other part

W H E R E A S :-

- (a) The Covenantee is the registered proprietor of all  
those pieces of land being:-

Lot 2 on Diagram 82297 the whole of the land in  
Certificate of Title Volume 1927 Folio 910

("Lot 2")

Lot 3 on Diagram 82297 the whole of the land in  
Certificate of Title Volume 1928 Folio 961

("Lot 3")

- (b) The Covenantee has agreed to sell Lot 3 to the  
Covenantor and the Covenantor has agreed to purchase  
Lot 3 from the Covenantee.

- (c) The Covenantor has agreed:-

(i) not to:-

(ia) erect or permit the erection of any  
residential dwelling or building or extend or  
renovate or permit any extension or  
renovation of any dwelling house or building  
having a roof apex;

(ib) erect or permit the erection of any  
residential dwelling or building or extend or  
renovate or permit any extension or  
renovation of any dwelling house or building  
having a gutter height;