

01 MAR 28 10 48
LAND TITLE OFFICE
VICTORIA
and Title Act

ES022546
(priority)

01 MAR 28 10 48
LAND TITLE OFFICE
VICTORIA

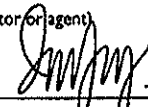
ES022545
(Easement)

Form C (Section 219.1)

Province of British Columbia

GENERAL INSTRUMENT - PART I (This area for Land Title Office use) Page 1 of 8 Pages

36
@
2@55
chg

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
(c/o Deb Fielden, Agent) JAWL &
BUNDON, Barristers & Solicitors, 5331
Cordova Bay Road, Victoria, BC V8Y 2L3
Tel: 658-4700

Signature of Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:
(PID) 024-980-536 (LEGAL DESCRIPTION) LOT 1, SECTION 4, VICTORIA DISTRICT, PLAN VIP 72115
Title: ES22542

Easement
Priority

3. NATURE OF INTEREST:

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
SEE SCHEDULE	SEE SCHEDULE	SEE SCHEDULE

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

<input type="checkbox"/>	(a) Filed Standard Charge Terms	D.F. No.	01 01/03/28 10:47:41 01 VI	295440
<input checked="" type="checkbox"/>	(b) Express Charge Terms	Annexed as Part 2	CHARGE	\$110.00
<input type="checkbox"/>	(c) Release	There is no Part 2 of this instrument		

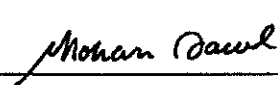
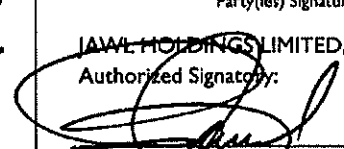
A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):*
JAWL HOLDINGS LIMITED (Inc # 411,629), 5331 Cordova Bay Road, Victoria, BC V8Y 2L3;
ROYAL BANK OF CANADA, 2nd Floor, 707 Fort Street, Victoria, BC V8W 3G3

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*
JAWL HOLDINGS LIMITED (Inc # 411,629), 5331 Cordova Bay Road, Victoria, BC V8Y 2L3

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.

Officer Signature(s)	Execution Date	Party(ies) Signature(s)						
	<table border="1"> <tr> <th>Y</th> <th>M</th> <th>D</th> </tr> <tr> <td>2001</td> <td>03</td> <td>16</td> </tr> </table>	Y	M	D	2001	03	16	 <u>JAWL HOLDINGS LIMITED</u> , by its Authorized Signatory: ROBERT JAWL, Director
Y	M	D						
2001	03	16						
MOHAN S. JAWL Barrister & Solicitor FOURTH FLOOR - 1007 FORT STREET VICTORIA, B.C.								

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. 1979, c. 116, 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. * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

Land Title Act
FORM D
Province of British Columbia
EXECUTIONS CONTINUED

Officers Signature

Mohan Jawl

MOHAN S. JAWL
Barrister & Solicitor
FOURTH FLOOR - 1007 FORT STREET
VICTORIA, B.C.

Y	M	D
2001	03	16

Party(ies) Signature(s)

ROYAL BANK OF CANADA, by its
Authorized Signatories:

Patricia Daisley

Name and Title: Patricia Jeanette Daisley
Assistant Manager

Kulwant Sidhu

Name and Title: KULWANT SIDHU
ACCOUNT
MANAGER

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. 1979, c. 116, 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. * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

Land Title Act

FORM E

Province of British Columbia

ES22545
46.

SCHEDULE

3. NATURE OF INTEREST:

DESCRIPTION

DOCUMENT
REFERENCE

PERSON ENTITLED TO
INTEREST

EASEMENT Over That
Part of Lot 1 Outlined in
Heavy Black Ink and Marked
EASEMENT On an Explanatory Plan
For Easement Purposes of Part of
Lot 1, Section 4, Victoria
District, Plan VIP 72115;
Pursuant to Section 99(1)(e) of the
Land Title Act, prepared by
Brent Alan Taylor, B.C.L.S., and
certified correct on the 14th day
of March, 2001.

Pages 4-8

Registered Owners of
Lot A, Sections 4 and 5,
Victoria District, Plan VIP70925,
except part in Plan VIP 72115

PN: 024-801-607

title: ES 22543

PRIORITY AGREEMENT over
Mortgages EE132740 and EJ102062
and EG 123883

granting ES22545 priority
Page 7

Transferee

~~ES22542~~
title
ES22542

Easement
Plan
VIP 72116

DVE

Terms of Instrument – Part 2

DRIVEWAY ACCESS EASEMENT

THIS INDENTURE made this 21st day of March, 2001.

BETWEEN:

JAWL HOLDINGS LIMITED, (Incorporation Number
411,629), 5331 Cordova Bay Road, Victoria, BC, V8Y 2L3
("Transferor")

OF THE FIRST PART

AND:

JAWL HOLDINGS LIMITED, (Incorporation Number
411,629), 5331 Cordova Bay Road, Victoria, BC V8Y 2L3
("Transferee")

OF THE SECOND PART

AND:

**THE CORPORATION OF THE CITY OF
VICTORIA**, #1 Centennial Square, Victoria, BC V8W 1P6
("City")

OF THE THIRD PART

WHEREAS:

A. The Transferor is the registered owner of those certain lands and premises situate in the City of Victoria, Province of British Columbia, more particularly described as:

PID: 024-980-536

Lot 1, Section 4, Victoria District, Plan VIP 72115

("Servient Tenement");

B. The Transferee is the registered owner of those certain lands and premises situate in the City of Victoria, Province of British Columbia, more particularly described as:

PID: 024-801-607

Lot A, Sections 4 and 5, Victoria District, Plan VIP70925, except part in

Plan VIP 72115;

("Dominant Tenement");

C. The Transferor wishes to grant to the Transferee an easement for a mutual right of passage over a roadway to be constructed over portion of the Servient Tenement as hereinafter appears;

D. The City issued a Development Permit to the Transferee allowing construction of a development on the Dominant Tenement on the understanding that this easement would be granted and not released without its approval:

NOW THEREFORE this indenture witnesses that in consideration of the mutual grants herein contained and in pursuance of the premises, the parties agree as follows:

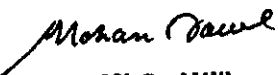
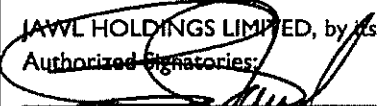
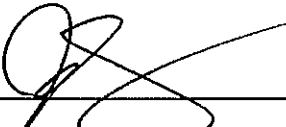
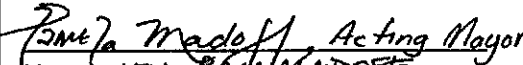
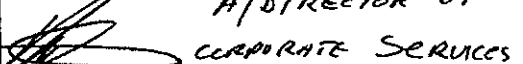
1. The Transferor as owner of the Servient Tenement, hereby grants to the Transferee as owner of the Dominant Tenement, a free and uninterrupted right of way unto the Transferee, its successors and assigns, and its servants, agents and all other persons authorized in that behalf by it for its will and pleasure for the right of way purposes connected with the use and enjoyment of the Dominant Tenement to pass and to repass along, over and through that portion of the Servient Tenement more particularly described in the Explanatory Plan attached hereto as Schedule "A".

VIP 72116

2. The easement hereby granted over the Servient Tenement shall run with and be binding upon the lands to the intent that it shall be annexed to and run with the other.

3. The cost of maintaining the roadway over the easement hereby granted in a reasonable state of repair according to its use shall be shared on a fair and equitable basis between the owners for the time being of the Dominant Tenement and the Servient Tenement, and any dispute as to the amount of maintenance necessary or the cost thereof, or the manner in which it should be carried out, shall be settled by a single arbitrator in accordance with the provisions of the Commercial Arbitration Act of British Columbia.
4. The Covenants herein contained shall be covenants running with the land and shall be perpetual and the easement hereby granted shall be perpetual.
5. The Transferor and Transferee covenant and agree with the City that they will not grant a release of the easement without the approval of the City.
6. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, but only during their respective seisions of the said land or either of them.
7. Wherever the singular or masculine is used in this indenture, the same shall be construed to mean the plural or the feminine or the body corporate where the context or the parties may require.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed.

<p>Officers Signature</p>  <p>MOHAN S. JAWL <i>Barrister & Solicitor</i> FOURTH FLOOR - 1007 FORT STREET VICTORIA, B.C.</p>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr> <td style="padding: 5px;">Y</td> <td style="padding: 5px;">M</td> <td style="padding: 5px;">D</td> </tr> <tr> <td style="padding: 5px;">2001</td> <td style="padding: 5px;">03</td> <td style="padding: 5px;">16</td> </tr> </table>	Y	M	D	2001	03	16	<p>Party(ies) Signature(s)</p> <p>JAWL HOLDINGS LIMITED, by its Authorized Signatories:</p>  <p>ROBERT JAWL, Director</p>
Y	M	D						
2001	03	16						
<p>Officers Signature</p>  <p>JOHN R. BASEY, Q.C. <i>Esq. and Solicitor</i> #1 Centennial Square Victoria, B.C. V8W 1P8</p>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr> <td style="padding: 5px;">Y</td> <td style="padding: 5px;">M</td> <td style="padding: 5px;">D</td> </tr> <tr> <td style="padding: 5px;">2001</td> <td style="padding: 5px;">03</td> <td style="padding: 5px;">21</td> </tr> </table>	Y	M	D	2001	03	21	<p>Party(ies) Signature(s)</p> <p>THE CORPORATION OF THE CITY OF VICTORIA, by its Authorized Signatories:</p> <p> <i>Pamela Madoff, Acting Mayor</i> Name and Title: PAM MADOFF A/DIRECTOR OF  <i>CORPORATE SERVICES</i> Name and Title: MIKE MCCULLIGOTT</p>
Y	M	D						
2001	03	21						

CONSENT OF MORTGAGEE

ROYAL BANK OF CANADA, holder of mortgages charging the ~~Bank~~ Servient Tenement hereinbefore described and registered in the Victoria Land Title Office under numbers EE132740, EG123883, and EJ102062 hereby consent to the easement granted by this instrument, and grants to that easement priority over the said Mortgages as though this instrument had been executed, delivered and registered prior to execution, delivery and registration of the said Mortgages.

Officers Signature

Mohan Jawl

MOHAN S. JAWL
Barrister & Solicitor
FOURTH FLOOR - 1007 FORT STREET
VICTORIA, B.C.

Y	M	D
2001	03	16

Party(ies) Signature(s)

ROYAL BANK OF CANADA,
by its lawful attorneys:

Patricia Daisley

Name and Title: Patricia Jeanette Daisley
Assistant Manager

Kulwant Sidhu

Name and Title: KULWANT SIDHU
ACCOUNT MANAGER

EXPANATORY PLAN FOR EASEMENT PURPOSES OF PART OF LOT 1, SECTION 4, VICTORIA DISTRICT, PLAN VIP 72116

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

B.C.G.S. 928,044
Scale = 1:1000



Distances are in metres and decimals thereof unless otherwise noted.

LEGEND
Bearings are derived from Land Title Office records as defined by Plan VP70925.

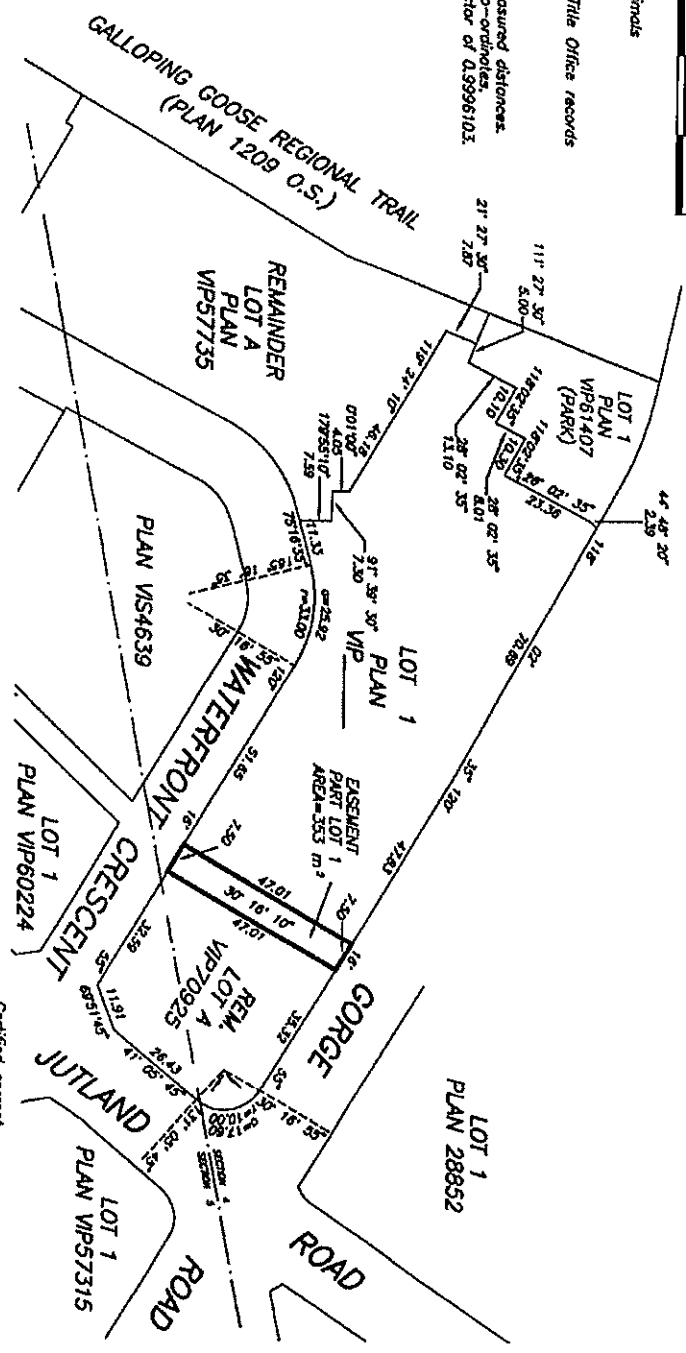
This plan shows ground level measured distances. Prior to completion of U.T.M. co-ordinates multiply by a combined scale factor of 0.9996103.

SCHEDULE "A"



This plan lies within the Capital Regional District.

SCHEDULE



PLAN VIP 72116

Deposited in the Land Title Office of Victoria, B.C. this day of . 2001.

Deputy Registrar

Certified correct this 14th day of March, 2001
[Signature]
Brent Alan Toyler
B.C.L.S.

74-A COURT ROAD VICTORIA, B.C. V8V 2T2

MAR 14 2001

DRAWN BY: STEPH DWD FILE: 070086AC

01 MAR 28 10 47

ES022545

LAND TITLE OFFICE
LAND VOTED ACT

Form 11(a)
[Section 99 (1) (e), (j) and (k)]

VIP72116

3a) @ \$50 plan.

**APPLICATION FOR DEPOSIT OF REFERENCE
OR EXPLANATORY PLAN (CHARGE)**

I, **MOHAN SINGH JAWL**, of 5331 Cordova Bay Road, in the City of Victoria, Province of British Columbia, apply on behalf of **Jawl Holdings Limited** (Inc. No. 411,629), to deposit explanatory plan for easement purposes over:

PID: 024-980-536

PART OF LOT 1, SECTION 4, VICTORIA DISTRICT, PLAN VIP 72115.

I enclose:

01 01/03/28 10:47:26 01 VI 295440
PLANS \$50.00

1. The explanatory plan of easement.
2. The reproductions of the explanatory plan of easement as required by section 67(u) (see below); and
3. Fees of \$_____.

DATED the _____ day of March, 2001.

VIP72116

Mohan Singh Jawl

Mohan Singh Jawl

- NOTE: (1) Under section 67(u), the following reproductions of the plan must accompany this application:
- (a) One blue linen original (alternatively white linen or original transparency).
 - (b) One duplicate transparency.
 - (c) One whiteprint is required as a worksheet for the land title office.