

FORM C_V17 (Charge)

22 JUN 2012 14 49

FB457361

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LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Michael S. Krugel

Barrister & Solicitor
 102 - 835 Fitzgerald Avenue
 Courtenay BC V9N 2R4

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

ALLEN & COMPANY, BARRISTERS & SOLICITORS

LAND TITLE OFFICE CLIENT NUMBER: 12251

480 TENTH STREET, COURTENAY

TEL: 250.703.2583 BC V9N 4P6

FILE NO.: 09-283-606

70111781

11-114

Product LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

gm 6/22/2012 2:49:45 PM 2 1

Charge 1 \$74.00

STC? YES

3. NATURE OF INTEREST

Covenant over part in Plan V1P89443

CHARGE NO.

ADDITIONAL INFORMATION

s. 219 COVENANT

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

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

GERRY LARSON ASSOCIATES LTD. (INC NO. BC0210403)

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

THE CORPORATION OF THE CITY OF COURTENAY

830 CLIFFE AVENUE

COURTENAY

BRITISH COLUMBIA

V9N 2J7

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

NIL

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)

SUSAN M. KARVALICS
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH
COLUMBIA
830 CLIFFE AVENUE
COURTENAY, BC V9N 2J7
(as to both signatures)

Execution Date

Y	M	D
11	08	
18	06	07

Transferor(s) Signature(s)

THE CORPORATION OF THE
CITY OF COURTENAY, by its
authorized signatories

JOHN WARD, Manager Corporate
Administration

LARRY JANGULA, MAYOR

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.

FORM D_V17

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 OF 8 PAGES

Officer Signature(s)

**Michael S. Krugel**
Barrister & Solicitor
102 - 635 Fitzgerald Avenue
Courtenay BC V9N 2R4

Execution Date

Y	M	D
12	01	25
X1	08	

Transferor / Borrower / Party Signature(s)

GERRY LARSON ASSOCIATES LTD.
(INC. NO. BC0210403), by its
authorized signatory(ies)
GERALD M. LARSON

NAME: _____

NAME: _____

NAME: _____

NAME: _____

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.

FORM E_V17

**LAND TITLE ACT
FORM E****SCHEDULE**

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2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

NO PID NMBR LOT 1, DISTRICT LOT 230, COMOX DISTRICT, VIP 89438STC? YES ☐

[Related Plan Number]

VIP _____

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

NO PID NMBR LOT 2, DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP 89438

STC? YES

[Related Plan Number]

VIP _____

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

NO PID NMBR LOT 3, DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP 89438

STC? YES

[Related Plan Number]

VIP _____

FORM E_V17

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 4 OF 8 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

NO PID NMBR LOT 4, DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP 89138.

STC? YES

[Related Plan Number]

VIP _____.

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES ☐

EXPRESS CHARGE TERMS - PART 2

1. The Transferor, GERRY LARSON ASSOCIATES LTD. (Inc. No. BC0210043) referred to in Part 1 hereinafter referred to as the "Grantor".
2. The Transferee referred to in Part 1 is hereafter referred to as the "Grantee".

WHEREAS:

- A. The Grantor is the registered owner of property in the Courtenay Assessment District, in the Province of British Columbia, more particularly described as:

 LOT 1, DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP 89438;
 LOT 2, DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP J;
 LOT 3, DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP J; AND
 LOT 4, DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP J.
 (the "Lands")
- B. The Grantor has applied to the Grantee's Approving Officer for approval of a subdivision of the Lands in accordance with the subdivision plan attached hereto;
- C. As a condition of the subdivision and in order to satisfy the Approving Officer's subdivision requirements for the Lands, the Grantor has agreed to the registration of a Covenant under Section 219 of the *Land Title Act* of British Columbia against title to the Lands on the terms and conditions set out herein.
- D. Section 219 of the LAND TITLE ACT of British Columbia provides that there may be registered as a charge against title to any land a covenant in favour of the Grantee that the land is not to be used in a particular manner except in accordance with the covenant.

NOW THEREFORE THIS INDENTURE WITNESSES that in consideration of the premises and covenants herein contained:

1. The Grantor pursuant to Section 219 of the *Land Title Act*, for itself, its successors and assigns, hereby gives and grants unto the Grantee, A Covenant on, over, under and through the portion of the lands described as:

" All those parts of Lots 1, 2, 3, and 4, District Lot 230, Comox District, Plan VIP 89438 as shown darkly outlined on an Explanatory Plan of Statutory Right of Way prepared by Eric A. Hoerbuerger, B.C.L.S. and certified correct on the 24th day of January, 2012, a reduced copy of which is attached hereto as Schedule "A" ".

on the terms and conditions contained below.

2. The Grantor hereby covenants and agrees with the Grantee:
 - a. that there shall be no development and no building or structures shall be constructed within the Covenant Area;
 - b. The Covenant Area shall be left in its natural state and there shall be no alteration or removal of vegetation in the Covenant Area; and
 - c. that the southwest boundary of the Covenant Area must be fenced by the Grantor, to a minimum height of 1.2 meters, and the Grantor is solely responsible to maintain this fence in a reasonable state of repair, as directed by the Grantee.
3. The covenants contained in this Indenture shall be construed as covenants running with the Lands until discharged by an instrument in writing duly executed by the Grantee and filed at the Land Title Office.
4. Nothing contained or implied herein will in any way prejudice or affect the rights and powers of the Grantee in the exercise of its functions as a municipality under any public and private statutes, by-laws, orders and regulations, all of which may be fully exercised in relation to the Lands as if this Indenture had not been executed and delivered by the Grantor.
5. The Grantor covenants and agrees with the Grantee:
 - a. To indemnify and hold the Grantee harmless from any claims for damages by any person arising from the approval of the subdivision;
 - b. To do or cause to be done all acts reasonably necessary to grant priority to this Indenture over all charges, liens and interests which may be registered against title to the Lands.
6. This Indenture shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
7. The Grantor and Grantee hereby agree that this Agreement shall not be modified or discharged except in accordance with the relevant provisions of s. 219 of the Land Title Act.
8. The Grantor or any of its successors or assigns, as the case may be, shall give written notice of this Agreement to any person to whom it proposes to dispose of the Lands, which notice shall be received by that person prior to such disposition.
9. For this purposes of this Agreement, the words "dispose" shall have the meaning given to it under s. 29 of the Interpretation Act, R.S.B.C. 1996,c . 238.

10. If any action or any part of this Agreement is found to be illegal or unenforceable, then such sections or parts shall be considered to be separate and severable from this Agreement, as the case may be, shall be unaffected thereby and shall remain and be illegal or unenforceable parts or section had never been included in this Agreement.

THIS IS THE INSTRUMENT CREATING THE S.219 COVENANT ENTERED INTO UNDER SECTION 219 OF THE *LAND TITLE ACT* BY THE REGISTERED OWNER REFERRED TO HEREIN AND SHOWN ON THE PRINT OF THE PLAN ANNEXED HERETO AND INITIALED BY ME.



APPROVING OFFICER

SCHEDULE A FORMS PART OF THIS DOCUMENT

**EXPLANATORY PLAN OF COVENANT AREA OVER
PART OF LOTS 1, 2, 3 AND 4, DISTRICT
LOT 230, COMOX DISTRICT, PLAN VIP**

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT.

BCGS 92F.065

PLAN VIP 89443

DEPOSITED IN THE LAND TITLE OFFICE
AT VICTORIA, B.C., THIS

DAY OF _____, 20____

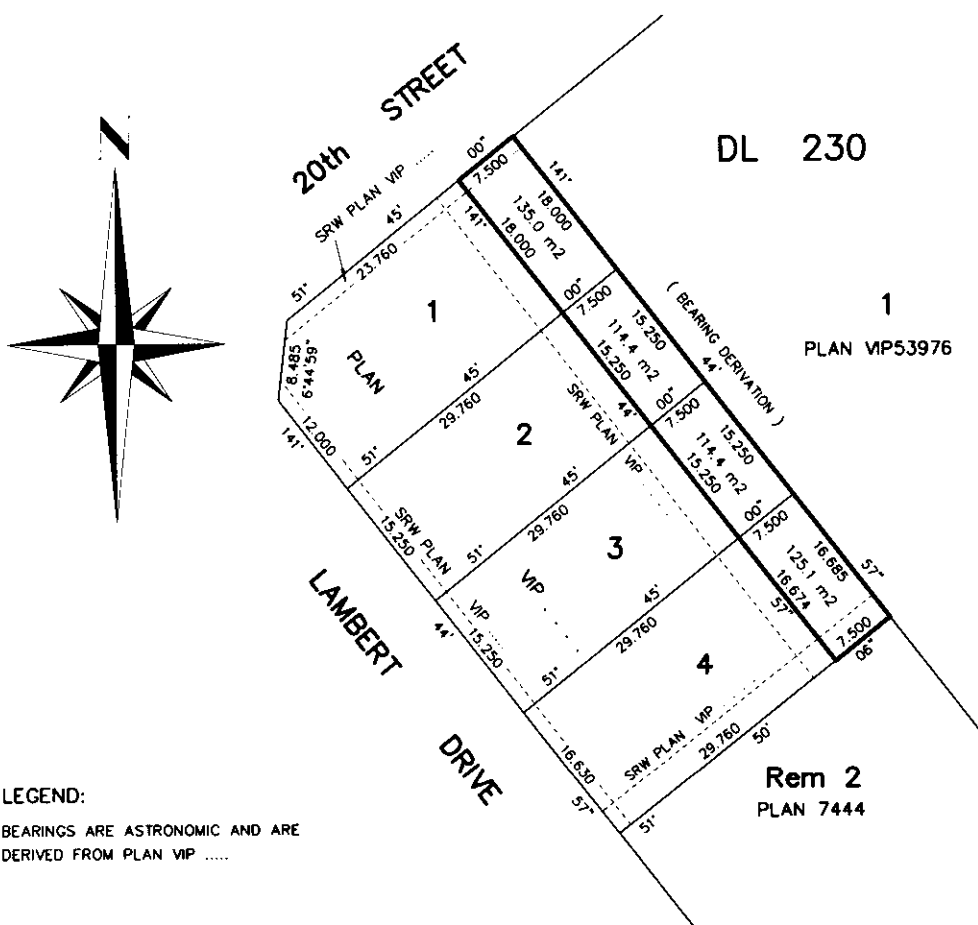
REF: _____ REGISTRAR

SCALE: 1:500 (METRIC)

0 5 10 20 30 40m

ALL DISTANCES ARE IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 280 mm IN WIDTH BY 432 mm
IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1 : 500.



LEGEND:

BEARINGS ARE ASTRONOMIC AND ARE
DERIVED FROM PLAN VIP

THIS PLAN LIES WITHIN THE CITY OF COURTENAY
AND THE COMOX VALLEY REGIONAL DISTRICT.

CERTIFIED CORRECT ACCORDING TO
LAND TITLE OFFICE RECORDS DEPOSITED

ERIC A. HOERBURGER, BCLS

DATED THIS Xth DAY OF XXXXXXXX, 2011.

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST
FILED UNDER # XXXXXX ON THE Xth DAY OF XXXXXXXX, 2011.

BOOK OF REFERENCE

LOT	DL	DISTRICT	PLAN	AREA
LOT 1	DL 230	COMOX DISTRICT	PLAN VIP....	AREA = 135.0 m²
LOT 2	DL 230	COMOX DISTRICT	PLAN VIP....	AREA = 114.4 m²
LOT 3	DL 230	COMOX DISTRICT	PLAN VIP....	AREA = 114.4 m²
LOT 4	DL 230	COMOX DISTRICT	PLAN VIP....	AREA = 125.1 m²

HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890 - 0100
FILE: C-1070COV
ORIGINAL

22 JUN 2012 14 49

FB457361

Land Title Act
FORM 11(a)

(Section 99(1)(e), (j) and (k))

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

Plan
Gerry
 I, Michael Krugel, lawyer, 102 - 635 Fitzgerald Avenue, Courtenay, B.C., V9N 2R4, on behalf of ~~Gerald~~ Larson Associates Ltd. (Inc. No. 210403) of 2226 Portside Court, Vancouver, BC V5P 4V2 herewith apply to deposit an Explanatory Plan of Covenant Areas, over Parts of LOTS 1 to 4, DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP 84438

I enclose:

gm 6/22/2012 2:49:34 PM 2 1
 Plans 1 \$80.60

1. The reference/explanatory plan. *VIP 8443*
2. The reproductions of the plan required by section 67(s) (see below).
3. Fees of \$60.60

DATED: June 19, 2012.

[Signature]
 MICHAEL KRUGEL

1/0 Best Search

NOTE: (i) Under section 67(s) the following reproductions of the plan must accompany this application:

- (a) one blue linen original (alternatively white linen or original transparencies).
- (b) one duplicate transparency.
- (c) one whiteprint is required as a worksheet for the land title office.