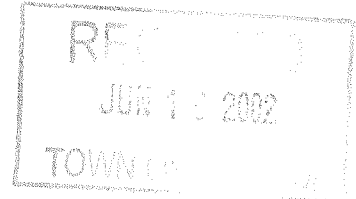


**DANIEL, BLACK, HILL, TIIDUS, DeLORENZO,  
SHEDDEN, DONOHUE & SHEPPARD LLP**

Barristers & Solicitors

The Dominion Building, 39 Queen St., St. Catharines, Ontario  
Telephone: 905 688-9411 Fax: 905 688-5725



Mailing Address:

P.O. Box No. 24022  
St. Catharines, Ontario  
Canada L2R 7P7

REPLY TO: Callum Shedden Ext. 3269  
E-mail: sheddenc@nlagaralaw.ca

June 12, 2002

Town of Pelham  
Box 400  
Fonthill, Ontario  
L0S 1E0

ATTENTION: CHERYL MICLETTE, AMCT

Dear Ms. Miclette:


RE: HADLEY EASEMENT - 828 FOSS ROAD

Further to our correspondence, enclosed please find the duplicate original easement registered as Instrument No. 775450 on June 12, 2002.

We trust the above is satisfactory.

Yours very truly,

\_\_\_\_ DANIEL, BLACK, HILL

*for*   
Callum Shedden  
CS/ag  
Enclosure



## Transfer/Deed of Land

Form 1 — Land Registration Reform Act

A

FOR OFFICE USE ONLY

775450

New Property Identifiers

CERTIFICATE OF REGISTRATION  
CERTIFICATE OF REGISTRATION  
CERTIFICATE OF REGISTRATION  
NIAGARA SOUTH/SUD(50)WELLAND

12 38

02 06 12

Additional:  
See  
Schedule☐

Executions

Additional:  
See  
Schedule☐(1) Registry ☒Land Titles ☐

(2) Page 1 of 3 pages

(3) Property  
Identifier(s)

Block

Property

Part of 64029 - 0048 (R)

Additional:  
See  
Schedule☐

(4) Consideration

Transfer of Easement to Municipality

TWO Dollars \$ 2.00

(5) Description

This is a: Property

Division ☒

Property

Consolidation ☐Part of Lot 16, Concession 11  
Formerly Township of Pelham, County of Welland  
Town of Pelham  
Regional Municipality of Niagara

Designated as Parts 1, 3 and 6 on Plan 59R- 11685.

(6) This  
Document  
Contains

(a) Redescription

New Easement

Plan/Sketch ☒

(b) Schedule for:

Description ☐

Additional

Parties ☐Other ☒

(7) Interest/Estate Transferred

Easement

Easement

(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that

We are spouses of one another.

Name(s)

HADLEY, Brian

HADLEY, Margaret

as joint tenants

Signature(s)

Date of Signature

Y M D

2002 09 30

2002 09 30

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)

Signature(s)

Date of Signature

Y M D

(10) Transferor(s) Address  
for Service

660 Foss Road, Fenwick, Ontario L0S 1C0

(11) Transferee(s)

THE CORPORATION OF  
THE TOWN OF PELHAM

Date of Birth

Y M D

(12) Transferee(s) Address  
for Service

20 Pelham Town Square, P.O. Box 400, Fonthill, Ontario L0S 1E0

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 50 of the Planning Act.

Date of Signature

Y M D

Date of Signature

Y M D

Signature

Signature

Solicitor for Transferor(s) I have explained the effect of section 50 of the Planning Act to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.

Name and  
Address of  
Solicitor

Date of Signature

Y M D

Signature

I-OPTIONAL

**Additional Property Identifier(s) and/or Other Information**

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Two Dollars (\$2.00) of lawful money of Canada now paid by the Transferee to the Transferor, receipt whereof is hereby acknowledged:

The Transferor hereby grants to The Corporation of the Town of Pelham, its licensees, employees, agents, successors and assigns, the following rights:

1. An easement in, over and upon the lands described in Box (5) hereof for the free, uninterrupted and unobstructed right at any time or times for the maintenance and protection of the Swayze Drain, including the right to bring onto the said lands such machinery and equipment as may be required for these purposes.
2. The Transferor covenants with the Transferee to keep the lands free and clear of all buildings, foundations, structures and obstructions.
3. The aforesaid rights and easements are hereby granted, conveyed and transferred by the Transferor unto The Corporation of the Town of Pelham on the following terms and conditions, which are hereby covenanted and agreed to by and between The Corporation of the Town of Pelham and the Transferor:
  - (a) the rights, liberties, privileges and easements herein granted, conveyed and transferred are declared to be appurtenant to and for the benefit of the property of The Corporation of the Town of Pelham;
  - (b) the rights and easements herein granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land and this grant including all the covenants and conditions herein contained shall extend to and shall be binding upon and enure to the benefit of the respective parties, their licensees, successors and assigns.
4. The Corporation of the Town of Pelham shall have quiet possession of the said rights and easements.
5. This easement and everything contained herein shall enure to and be binding upon the parties hereto and their respective heirs, administrators, trustees, successors and assigns and anyone else acquiring an interest in the lands.
6. The Corporation of the Town of Pelham hereby agrees that it shall indemnify and save harmless the the Transferor, its successors and assigns, from any and all claims, actions, costs, losses or damages of every nature arising from the use of the Easement for the maintenance an protection of the Swayze Drain by the Corporation of the Town of Pelham or its licensees, successors and assigns and from the exercise of all other rights of the Town of Pelham or its licensees, successors and assigns.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their hands and seals.

  
Brian Hadley

Date: April 30, 2002

  
Margaret Hadley

Date: April 30, 2002

THE CORPORATION OF THE  
TOWN OF PELHAM

Per:   
~~Mayor Ralph Beamer~~ Brian Walker, Acting Mayor

MAY  
Date: April 31, 2002

Affidavit of Residence and of Value of the Consideration  
Form 1 – Land Transfer Tax Act

Refer to all instructions on reverse side.

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Part Lot 16, Concession 11, formerly Township of Pelham, County of Welland, designated as Parts 1, 3 and 6 on 59R-11685, now Town of Pelham, Regional Municipality of NiagaraBY (print names of all transferors in full) BRIAN HADLEY AND MARGARET HADLEYTO (see instruction 1 and print names of all transferees in full) THE CORPORATION OF THE TOWN OF PELHAMI, (see instruction 2 and print name(s) in full) BRANDON BOONE

## MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- ☐ (c) A transferee named in the above-described conveyance;
- ☒ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) Brian Hadley and Margaret Hadley

described in paragraph(s) (X), (X), (c) above; (strike out references to inapplicable paragraphs)

- ☐ (e) The President, Vice-President, Manager, Secretary, Director or Treasurer authorized to act for (insert name(s) of corporation(s)) \_\_\_\_\_

described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)

- ☐ (f) A transferee described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) \_\_\_\_\_ who is my spouse described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. (To be completed where the value of the consideration for the conveyance exceeds \$400,000).

I have read and considered the definition of "single family residence" set out in clause 1(1)(ja) of the Act. The land conveyed in the above-described conveyance

- ☐ contains at least one and not more than two single family residences.
- ☐ does not contain a single family residence.
- ☐ contains more than two single family residences. (see instruction 3)

Note: Clause 2(1)(d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$400,000 where the conveyance contains at least one and not more than two single family residences.

3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5)

## 4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

(a) Monies paid or to be paid in cash	\$	2.00
(b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)	\$	Nil
(ii) Given back to vendor	\$	Nil
(c) Property transferred in exchange (detail below)	\$	Nil
(d) Securities transferred to the value of (detail below)	\$	Nil
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$	Nil
(f) Other valuable consideration subject to land transfer tax (detail below)	\$	Nil
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f))	\$	2.00 \$ 2.00
(h) VALUE OF ALL CHATTELS – Items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended)	\$	Nil
(i) Other consideration for transaction not included in (g) or (h) above	\$	Nil
(j) TOTAL CONSIDERATION	\$	2.00

All Blanks  
Must Be  
Filled In.  
Insert "Nil"  
Where  
Applicable

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6)

6. If the consideration is nominal, is the land subject to any encumbrance?

7. Other remarks and explanations, if necessary. Transfer of easementSworn before me at the City of St.Catharines  
in the Regional Municipality of Niagarathis 11th day of June 2002

Patricia Foote  
A Commissioner for taking Affidavits, etc.

PATRICIA DAWN FOOTE, a Commissioner, etc.,  
Regional Municipality of Niagara, for Daniel, Black, Hill,  
Tidus, DeLorenzo, Shadden, Donohue and Sheppard LLP,  
Barristers and Solicitors.  
Expires January 14, 2004.

Brandon Boone  
signature(s)

Property Information Record

A. Describe nature of instrument. Transfer/Deed of Land easement

For Land Registry Office Use Only

Registration No.