

NOTE TO FILE

ADDRESS FOR NOTICES:

2659
1451574 Ontario Inc.
John Young
80 Old Forest Hill Road
Toronto ON M5P 2R5

Postal code in the agreement is incorrect.

Properties

PIN 64035 - 0285 LT Estate/Qualifier Fee Simple Lt Conversion Qualified

Description PT LT 2-3 CON 7 PELHAM; PT RDAL BTN LT 2 & 3 CON 7 PELHAM (CLOSED BY BL176) AS IN RO454084; PELHAM

Address PELHAM

Source Instruments

Registration No.	Date	Type of Instrument
RO773404	2001 05 09	Charge/Mortgage

Party From(s)

Name PENFINANCIAL CREDIT UNION LIMITED

Address for Service 82 Lake Street
St. Catharines, Ontario
L2R 5X4

I, Vince Vocal and Robert H. Watson, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Party To(s)	Capacity	Share
-------------	----------	-------

Name THE CORPORATION OF THE TOWN OF PELHAM

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

Statements

The applicant postpones the rights under the selected instrument to the rights under an instrument registered as number SN73953 registered on 2005/04/26

Signed By

Robert Bruce Smith	201-247 East Main St. PO Box 67 Welland L3B 5N9	acting for Party From(s)	Signed	2005 04 26
Tel 905-735-5684				
Fax 9057353340				
Robert Bruce Smith	201-247 East Main St. PO Box 67 Welland L3B 5N9	acting for Party To(s)	Signed	2005 04 26
Tel 905-735-5684				
Fax 9057353340				

Submitted By

LANCASTER BROOKS & WELCH	201-247 East Main St. PO Box 67 Welland L3B 5N9	2005 04 26
Tel 905-735-5684		
Fax 9057353340		

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Total Paid	\$60.00

Properties

PIN64035 - 0285 LT Estate/Qualifier Fee Simple Lt Conversion Qualified

DescriptionPT LT 2-3 CON 7 PELHAM; PT RDAL BTN LT 2 & 3 CON 7 PELHAM (CLOSED BY BL176) AS IN RO454084; PELHAM

AddressFONTHILL

Consideration

Consideration\$ 1.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

NameTHE CORPORATION OF THE TOWN OF PELHAM

Address for ServiceP. O. Box 400
20 Pelham Town Square
Fonthill, Ontario
L0S 1E0

I, Ronald Leavens - Mayor and Cheryl Miclette - Clerk, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Party To(s)CapacityShare

Name1451574 ONTARIO INC.

Address for Service80 Old Forest Hill Road
Toronto, Ontario
M4V 2R3

I, John Young, President, have the authority to bind the corporation

This document is not authorized under Power of Attorney by this party.

Statements

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Robert Bruce Smith201-247 East Main St. PO Box 67 acting for Applicant(s) Signed 2005 04 26
Welland L3B 5N9

Tel905-735-5684

Fax9057353340

Submitted By

LANCASTER BROOKS & WELCH201-247 East Main St. PO Box 67 2005 04 26
Welland L3B 5N9

Tel905-735-5684

Fax9057353340

Fees/Taxes/Payment

Statutory Registration Fee\$60.00

Total Paid\$60.00

THIS AGREEMENT made in triplicate this 20TH day of APRIL, 2005 A.D.

BETWEEN:

1451574 ONTARIO INC.

Hereinafter called the "Owner"

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town"

OF THE SECOND PART

WHEREAS the Owner represents and warrants that it is the owner of the lands in the Town of Pelham described in Schedule "A" attached hereto (the "Lands");

AND WHEREAS the Town has previously entered into a site plan agreement with The Estate of Maurice Young which agreement (the "Site Plan Agreement") is dated August 19, 1996 and registered against title to the Lands as Instrument No. 713784 on October 7, 1996;

AND WHEREAS the Owner has assumed and agreed to be bound by the terms and conditions of the Site Plan Agreement;

AND WHEREAS the Owner is desirous of replacing existing gas pumps and associated canopy in accordance with Schedule "B" attached hereto and filed in the Town's offices;

AND WHEREAS the Town has agreed to permit the said construction subject to certain terms and conditions;

AND WHEREAS it is necessary to amend the Site Plan Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One Dollar (\$1.00) now paid by the Owner to the Town (the receipt whereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows: -

1. The Site Plan Agreement is hereby amended by deleting Schedule "B" attached thereto and replacing it with the Schedule "B" attached to this agreement.
2. The Site Plan Agreement is hereby further amended by adding the following clauses:

25. NOTICES

Any notice, demand, acceptance or request provided for in this agreement shall be in writing and shall be deemed to be sufficiently given if personally delivered or sent by registered mail (postage prepaid) as follows:

To the Town at:

Clerk
Town of Pelham
P. O. Box 400
20 Pelham Town Square
Fonthill ON L0S 1E0

To the Owner at:

1451574 Ontario Inc.
John Young
80 Old Forest Hill Road
Toronto ON M4V 2R3

or as such other address as the party to whom such notice is to be given shall have last notified the party giving the notice in the manner provided in this paragraph 25. Any notice delivered to the party to whom it is addressed in this paragraph 25 shall be deemed to have been given and received on the day it is so delivered at such address. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth day next following the date of its mailing.

26. SCHEDULES

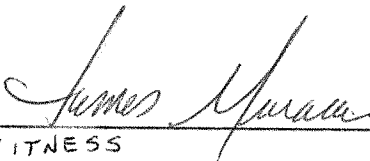
The originals of the plans set out in the attached Schedules are available at the offices of the Town at the address set out in paragraph 25.

27. BINDING EFFECT

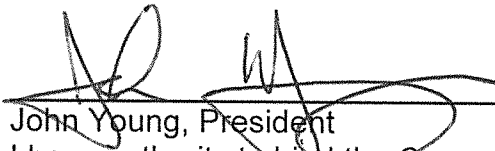
This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns.

3. All other terms and conditions of the Site Plan Agreement shall remain in full force and effect except as amended herein and shall apply to this agreement.


IN WITNESS WHEREOF the parties hereto have executed this agreement as of the date and year first above written.

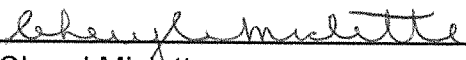

WITNESS

1451574 ONTARIO INC.


John Young, President
I have authority to bind the Corporation

THE CORPORATION OF THE TOWN OF PELHAM

PER: 
Mayor Ronald W. Leavens

PER: 
Clerk Cheryl Miclette

SCHEDULE "A"

Legal Description

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Pelham, formerly in the Township of Pelham, in the Regional Municipality of Niagara (formerly in the County of Welland) and being composed of part of the original road allowance between Lots 2 and 3 in the 7th Concession and parts of Lots 2 and 3 in the said 7th Concession, more particularly described as follows:

PREMISING that the bearings herein are astronomic and are referred to the meridian through the southeast corner of Lot 7, Concession 7, in the Township of Pelham in longitude 79 degrees 06 minutes 30 seconds west;

BEGINNING at the southwest corner of Lot 2;

THENCE North 1 degree 06 minutes 30 seconds west along the west limit of Lot 2, a distance of 26.97 feet;

THENCE North 88 degrees 49 minutes 30 seconds east, 16 feet to the Point of Commencement;

THENCE North 43 degrees 51 minutes 30 seconds east, 70.76 feet to a monument in the west limit of a public road known as Haist Road;

THENCE North 1 degree 06 minutes 30 second west along the west limit of Haist Road, 130 feet to an iron post planted;

THENCE South 80 degrees 50 minutes 30 seconds west, a distance of 210 feet to an iron post planted;

THENCE South 1 degree 06 minutes 30 seconds east, a distance of 180.06 feet to an iron bar;

THENCE North 88 degrees 49 minutes 30 seconds east along the north limit of the road allowance between Concession 7 and 8 as widened by D.H.O. Deposited Plan Number 80507, a distance of 160 feet to the Point of Commencement.

Above-mentioned road allowance closed by By-law No. 1851 for the Township of Pelham;

Said lands shown on Plan of Survey attached to registered Instrument #249077.

PIN 64035 0285 (R)

