

LAND TITLES ACT

APPLICATION TO REGISTER NOTICE OF AN AGREEMENT

Pursuant to Section 78 of the Land Titles Act

TO: THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF
NIAGARA SOUTH (NO. 59)

THE CORPORATION OF THE TOWN OF PELHAM being interested in the land entered as Parcels 16-1, 17-2, 17-3, 26-1, 27-1, and 28-1, in the Register for Section M-48 of which Overland Developments Limited, a Corporation incorporated under the laws of the Province of Ontario, was the registered owner, hereby applies to have entered on the register for the said parcel notice of an agreement dated the 21st day of February, A.D. 1978 made between

OVERLAND DEVELOPMENTS LIMITED

-and-

THE CORPORATION OF THE TOWN OF PELHAM

The evidence in support of this application consists of:

1. An executed copy of the said Agreement.

THIS APPLICATION IS NOT BEING MADE FOR ANY FRAUDULENT OR
IMPROPER PURPOSE

DATED at Pelham this 18th day of December, 1979.

THE CORPORATION OF THE TOWN OF PELHAM

PER:

E. S. Bergenstein
Mayor

PER:

E. C. W. [Signature]
Deputy Clerk

THIS AGREEMENT made in triplicate this 21st.
day of February, A.D. 1978.

BETWEEN:

OVERLAND DEVELOPMENTS LIMITED,

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 parties hereto entered into a certain subdivider's agreement dated the 19th. day of July, 1976 for the development of Parcel Plan-1 in the Register for Section M-48.

AND WHEREAS Schedule "K" to the said subdivider's agreement sets out a lot drainage plan which includes, inter alia, the drainage of the lots hereinafter mentioned.

AND WHEREAS pursuant to paragraph 8 of the said agreement, the owner agrees to construct and develop the land in accordance with the conditions and specifications contained in, inter alia, Schedule "K".

AND WHEREAS paragraph 20 of the said agreement contains certain provisions regarding the owner's responsibility with respect to any natural water course or drainage ditch.

AND WHEREAS the development of the lands hereinafter mentioned has required the regrading and construction of retaining walls upon those lots.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT the owner will construct the retaining walls shown in the schedules to this agreement on Lots 16, 17, 26, 27 and 28 on Plan M-48.

The parties hereto further agree that the owner will so grade the lands on the said lots as to conform with the drainage patterns as shown on the sketches of the lots, and to maintain the elevations as shown on the said sketches.

The parties hereto agree that the sketches of Lots 16, 17, 26, 27 and 28 shall be appended to and form Schedule "A" to this agreement.

In all other respects, the parties hereto confirm the provisions of the agreement of July 19, 1976, except where inconsistent with the terms of this agreement.

IN WITNESS WHEREOF, the parties have hereunto affixed their respective corporate seals duly attested by the proper officers in that behalf.

THE CORPORATION OF THE TOWN OF PELHAM

PER:

J. D. Weldon
Mayor

PER:

[Signature]
Clerk

OVERLAND DEVELOPMENTS LIMITED

PER:

[Signature]
President

PER:

[Signature]
Secretary & General Manager

OVERLAND DEVELOPMENTS LIMITED, the registered owner of the said lands, at the time the agreement was entered into, hereby concurs in this application and consents to its registration.

DATED at Welland, Ontario this 17 day of July 1979.

OVERLAND DEVELOPMENTS LIMITED

PER: [Signature]
Secretary and General Manager

BRAUN INVESTMENTS LIMITED, the registered owner of part Lot 17 of the said lands, hereby concurs in this application and consents to its registration.

DATED at Pelham this 7th day of May 1979.

BRAUN INVESTMENTS LIMITED

PER: [Signature]
PRESIDENT

GERALD M. BOUK and DOROTHY J. BOUK, as Joint Tenants and not as Tenants in Common, the registered owners of Lot 16 and 17-2 of the said lands, hereby concur in this application and consent to its registration.

DATED at Fonthill this 14th day of May 1979.

[Signature]
WITNESS

[Signature]
GERALD M. BOUK

[Signature]
WITNESS

[Signature]
DOROTHY J. BOUK

JOSEPH WILLIAM PAPP and MARY ANN PAPP, as Joint Tenants and not as Tenants in Common, the registered owners of Lot 26 of the said lands, hereby concur in this application and consent to its registration.

DATED at Pelham this 9 day of May 1979.

Betty Tunnachffe
WITNESS

Joseph Wm Papp
JOSEPH WILLIAM PAPP

Betty Tunnachffe
WITNESS

Mary Ann Papp
MARY ANN PAPP

ROGER ARTHUR HARRIS and DELYSIA HARRIS, as Joint Tenants and not as Tenants in Common, the registered owners of Lot 27 of the said lands, hereby concur in this application and consent to its registration.

DATED at Pelham this 14th day of May 1979.

Betty Tunnachffe
WITNESS

Roger A Harris
ROGER ARTHUR HARRIS

Betty Tunnachffe
WITNESS

Delysia Harris
DELYSIA HARRIS

ROGER LEWIS SEBURN and MARGARET ISABELLE SEBURN, as Joint Tenants and not as Tenants in Common, the registered owners of Lot 28 of the said lands, hereby concur in this application and consent to its registration.

DATED at Pelham this 14th day of May 1979.

Betty Tunnachffe
WITNESS

Roger Lewis Seburn
ROGER LEWIS SEBURN

Betty Tunnachffe
WITNESS

M. Isabelle Seburn
MARGARET ISABELLE SEBURN

LONDON LIFE INSURANCE COMPANY, which holds charges on the whole of the said lands, hereby concurs in this application and consents to its application.

DATED at London this twenty-second day of August 1979.

LONDON LIFE INSURANCE COMPANY

PER: [Signature]
EXECUTIVE ASSISTANT, MORTGAGES
[Signature]
ACTING SECRETARY

bas

RANDY LEE ROCCO and DARLENE LAVERNE ROCCO, as Joint Tenants and not as Tenants in Common, the registered owners of Lot 17-3 of the said lands, hereby concur in this application and consent to its registration.

DATED at Pelham this 21st day of January, 1980.

Laura J. Monte
WITNESS

Randy Lee Rocco
RANDY LEE ROCCO

Laura J. Monte
WITNESS

Darlene Laverne Rocco
DARLENE LAVERNE ROCCO

AFFIDAVIT OF SUBSCRIBING WITNESS

I, **Betty Tunnacliffe**
of the **Town of Pelham**
in the **Regional Municipality of Niagara**

make oath and say:

*See footnote I am a subscribing witness to the attached instrument and I was present and saw it executed
at **Town of Pelham** by **GERALD M. BOUK and DOROTHY J. BOUK**

*See footnote I verily believe that each person whose signature I witnessed is the party of the same name referred
to in the instrument.

SWORN before me at the **Town of Pelham, in the**
Regional Municipality of Niagara

this **14** day of **May** 19**79**

Betty Tunnacliffe

[Signature]

LLOYD J. TUNNACLIFFE
A Commissioner, etc., Judicial
District of Niagara South for the
Corporation of the Town of Pelham.
Expires June 15th 1981.

* Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add "after instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney insert "(name of attorney) as attorney for (name of party)"; and for next clause substitute "I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for (name)".

AFFIDAVIT AS TO AGE AND SPOUSAL STATUS

~~XX~~ WE **GERALD M. BOUK and DOROTHY BOUK**
of the
in the **Regional Municipality of Niagara**

* If attorney, see footnote (severally) make oath and say: When ~~XX~~ WE executed the attached instrument,

~~XXXXXXXX~~ WE WERE EACH at least eighteen years old;

and within the meaning of section 1(f) of The Family Law Reform Act, 1978,

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Strike out
inapplicable
clauses.

~~XX~~

~~XXXXXXXXXX~~

(c) We were spouses of one another.

** Not a
matrimonial
home, etc.,
see footnote.

Resident of
Canada, etc.

(SEVERALLY) SWORN before me at the
Town of Pelham, in the Regional
Municipality of Niagara

this **14** day of **May** 19**79**

LLOYD J. TUNNACLIFFE
A Commissioner, etc., Judicial
District of Niagara South for the
Corporation of the Town of Pelham.
Expires June 15th 1981.

Gerald M. Bouk
Dorothy J. Bouk

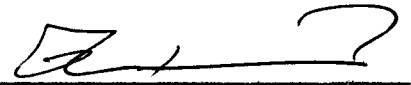
* Note: Where affidavit made by an attorney substitute: "When executed the attached instrument as attorney for (name), he/she was (spousal status, and if applicable, name of other spouse) within the meaning of section 1(f) of The Family Law Reform Act, 1978 and when he/she executed the power of attorney, he/she had attained the age of majority".

** Note: See Section 42(3) of The Family Law Reform Act, 1978 where spouse does not join in or consent; or complete a separate affidavit.

SCHEDULE

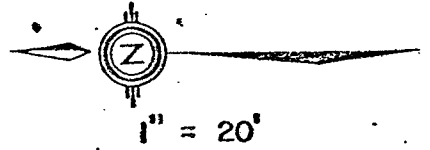
" A "

Consisting of sketches of Lots 16, 17, 26, 27 and 28

A handwritten signature in dark ink, appearing to be 'J. H. 2', written over a horizontal line.

Clerk

VINEMOUNT DRIVE



774.1

773.4

773.0

LOT
16

771.0

CEDAR DECK

771.2
768.0

770.2x

767.5

RAILROAD TIE
RETAINING WALL

765.0

765.3x

*763.4

765.4

763.6

762.0

761.7

VINEMOUNT
DETAILED GRADING

BARR ASSOCIATES

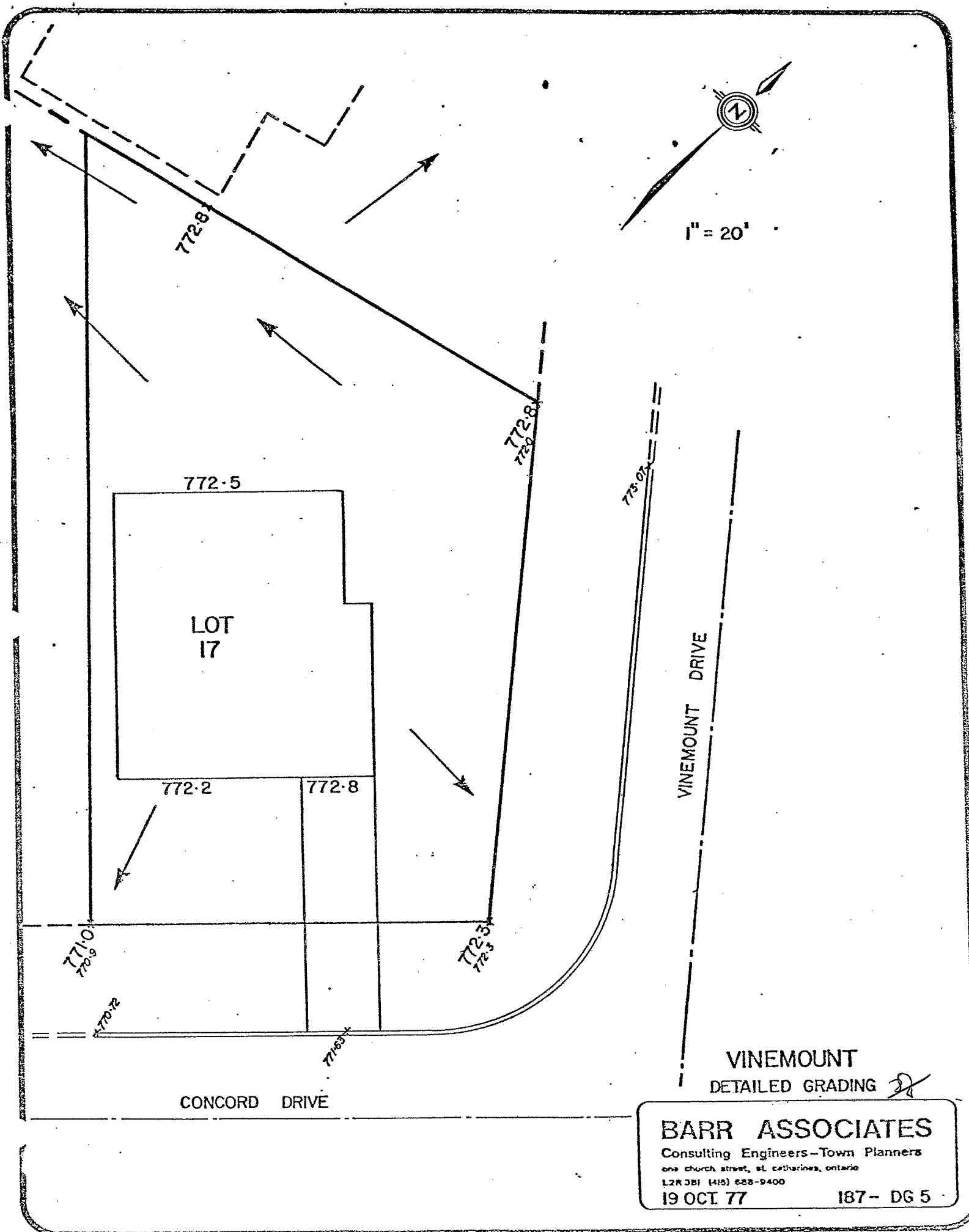
Consulting Engineers-Town Planners

one church street, st. catharines, ontario

L2R3B1 (416) 688-5400

19 OCT. 77

187- DG 1



CONCORD DRIVE



1" = 20'

LOT 26

RETAINING WALL

EXISTING ELEV. 768.0
PROPOSED ELEV. 768.0

VINEMOUNT
DETAILED GRADING

BARR ASSOCIATES

Consulting Engineers-Town Planners

100 Church Street, St. Catharines, Ontario

TEL: (416) 688-9400

19 OCT. 77.

187-DG2

Handwritten signature or initials.

CONCORD DRIVE



1" = 20'

LOT
27

RETAINING WALL

EXISTING ELEV. 769.1
PROPOSED ELEV. 769.1

VINEMOUNT
DETAILED, GRADING

BARR ASSOCIATES

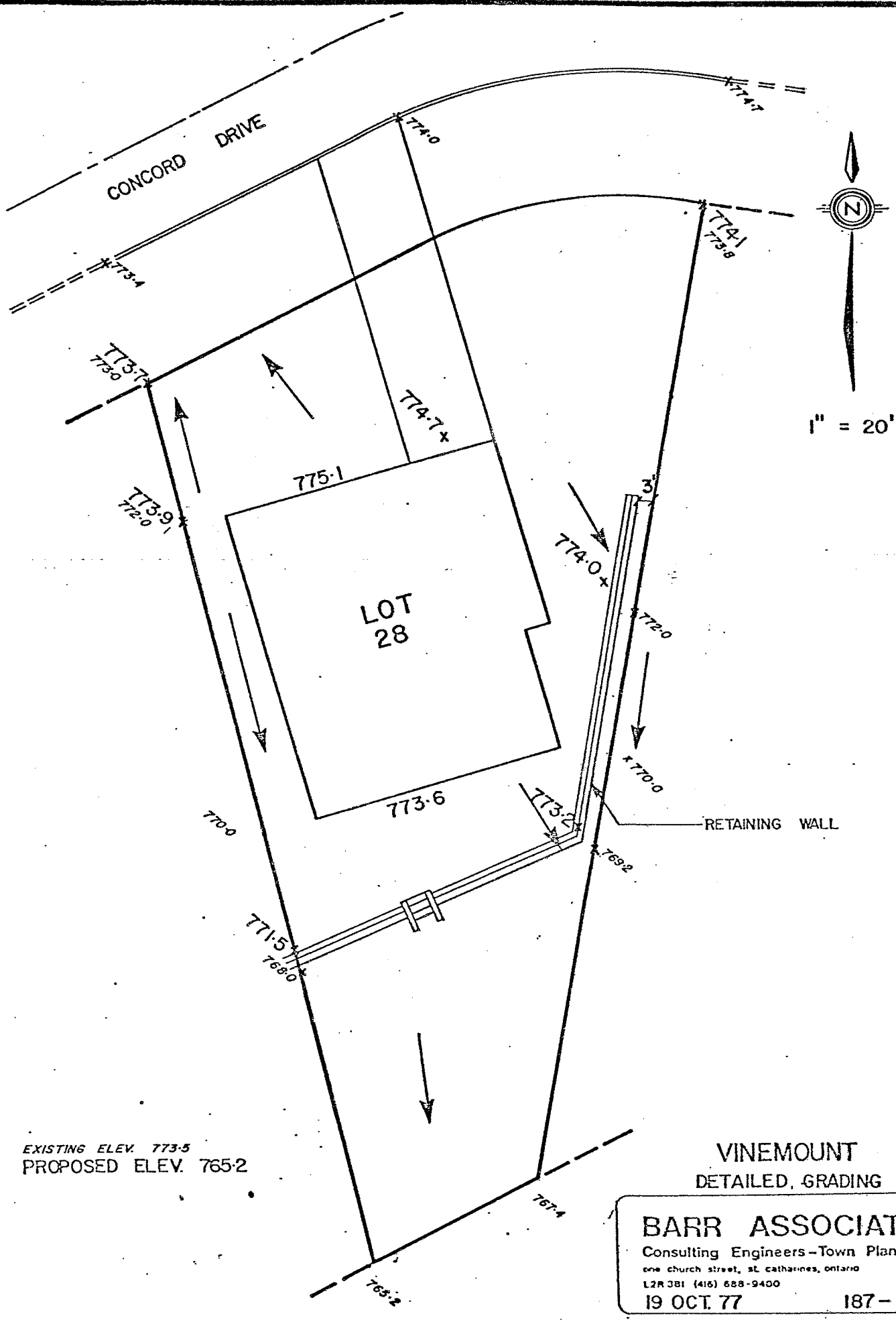
Consulting Engineers-Town Planners

one church street, st. catharines, ontario

L2R 3B1 (416) 688-9400

19 OCT. 77

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