

# This Indenture

made in duplicate the 16th day of October  
one thousand nine hundred and seventy-eight.

In Pursuance of the Short Forms of Conveyances Act:

Between

PATRICIA DUNCAN, of the Town of  
Pelham, in the Regional  
Municipality of Niagara,  
Married Woman,

hereinafter called the Grantor of the FIRST PART

- and -

THE CORPORATION OF THE TOWN OF  
PELHAM, a municipal corporation,

hereinafter called the Grantee of the SECOND PART

~~Spouse of the Grantor, of the THIRD PART~~

Witnesseth that in consideration of other good and valuable considera-

tion and the sum of ONE -----(\$1.00)----- dollar of  
lawful money of Canada now paid by the said grantee to the said grantor (the receipt  
whereof is hereby by her acknowledged) she the said grantor DO TH  
GRANT AND CONVEY unto the said grantee in fee simple

ALL and Singular that certain parcel or tract of land and premises, situate, lying and  
being in the Town of Pelham, in the Regional Municipality of  
Niagara, formerly in the Village of Fonthill, in the County  
of Welland, and being composed of parts of Lots 26, 32 and 33  
according to Plan 25 for the said Village of Fonthill, now  
known as Plan 717 and being more particularly described in  
Schedule "A" attached hereto.///

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Pelham, in the Regional Municipality of Niagara, formerly in the Village of Fonthill, in the County of Welland, and being composed of parts of Lots 26, 32 and 33 according to plan registered in the Registry Office for the Registry Division of Niagara South as number 25 for the said Village of Fonthill, now known as Plan 717, and being more particularly described as follows:

COMMENCING at an iron bar planted at the north easterly corner of said Lot 26;

THENCE South 0degrees 31 minutes 30 seconds East along the easterly limit of said lot, 60 feet to a standard iron bar;

THENCE South 87 degrees 37 minutes West, 272.7 feet to a standard iron bar;

THENCE North 15 degrees 18 minutes West, 60 feet to a standard iron bar planted in the northerly limit of said Lot 33;

THENCE easterly along the northerly limits of Lot 33 and Lot 26 288 feet more or less to the point of commencement.

AND CONTAINING by admeasurement an area of 0.378 Acres be the same more or less.

BEARINGS herein are astronomic and are referred to the easterly limit of said Lot 26, according to Plan 25 on a course of North 0 degrees 31 minutes 30 seconds West.

TO HAVE AND TO HOLD unto the said grantee <sup>SUCCESSORS</sup> ~~its~~ ~~HEIR~~ and assigns to and for  
its and their sole and only use forever,

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions  
expressed in the original grant thereof from the Crown.

The said grantor COVENANTS with the said grantee THAT she has the  
right to convey the said lands to the said grantee notwithstanding any act of the said  
grantor .

AND that the said grantee shall have quiet possession of the said lands free from all  
encumbrances.

AND the said grantor COVENANTS with the said grantee that she will execute  
such further assurances of the said lands as may be requisite.

AND the said grantor COVENANTS with the said grantee that she has done no  
act to encumber the said lands.

AND the said grantor RELEASES to the said grantee ALL her claims upon  
the said lands.

~~AND the said spouse of the said Grantor hereby consents to the transaction evidenced by this~~  
~~Indenture~~

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered  
IN THE PRESENCE OF



IN THE MATTER OF THE PLANNING ACT (as amended)

AND IN THE MATTER OF THE TITLE TO part Lots 26, 32 and 33, according to Plan 25, for the Village of Fonthill, now Town of Pelham, Regional Municipality of Niagara, now known as Plan 717

AND IN THE MATTER OF A DEED

THEREOF, FROM PATRICIA DUNCAN

TO THE CORPORATION OF THE TOWN OF PELHAM

DATED October 16th 1978

I, PATRICIA DUNCAN

of the Town of Pelham in the Regional Municipality of Niagara

MAKE OATH AND SAY AS FOLLOWS:

1. I am the grantor named in the above mentioned Instrument, and have knowledge of the matters hereinafter sworn.
2. The said Instrument, and the conveyance or other dealing with land affected thereby, do not contravene the provisions of The Planning Act, as amended, because
  - (a) The present registered owner does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to any land abutting the land affected by the deed.

XBY

SWORN before me

at the City of Welland  
in the Regional Municipality of  
this 3rd  
day of January 1978.

Patricia Duncan

I, GLYNN R. GREEN,  
of the Town of Pelham,  
in the Regional Municipality of Niagara,  
Solicitor, make oath and say:  
I am a subscribing witness to the attached instrument and I was present and saw it executed  
at the City of Welland by Patricia Duncan.

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 City of Welland, in  
the Regional Municipality of Niagara,  
this 30 day of January, 1978.  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

\*Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add  
"after the 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)".

THE LAND TRANSFER TAX ACT, 1974 - AFFIDAVIT OF VALUE OF THE CONSIDERATION

IN THE MATTER OF THE CONVEYANCE made  
by: PATRICIA DUNCAN  
to: THE CORPORATION OF THE TOWN OF PELHAM  
on the 16th day of October, 19 78.  
I, PATRICIA DUNCAN,  
of the Town of Pelham,  
in the Regional Municipality of Niagara,

MAKE OATH AND SAY THAT:

1. I am the grantor  
named in the within (or annexed) conveyance.
2. I have a personal knowledge of the facts stated in this affidavit.
3. (1) The total consideration for this transaction has been allocated as follows:
- |   |             |
|---|-------------|
| (a) Land, buildings, fixtures and goodwill                      | \$43,000.00 |
| (b) Chattels — items of tangible personal property - (see note) | \$ nil      |
| TOTAL CONSIDERATION   | \$43,000.00 |
- (2) The true consideration for the transfer or conveyance for  
Land Transfer Tax purposes is as follows:
- |   |             |
|---|-------------|
| (a) Monies paid in cash   | \$ nil      |
| (b) Property transferred in exchange (Detail below)                                 | \$43,000.00 |
| (c) Securities transferred to the value of (Detail below)                           | \$ nil      |
| (d) Balances of existing encumbrances with interest owing at date of transfer       | \$ nil      |
| (e) Monies secured by mortgage under this transaction                               | \$ nil      |
| (f) Liens, legacies, annuities and maintenance charges to which transfer is subject | \$ nil      |
| (g) Other (Detail below)  | \$ nil      |
| TOTAL CONSIDERATION (should agree with 3(1) (a) above)                              | \$43,000.00 |
4. If consideration is nominal, is the transfer for natural love and affection? n/a
5. If so, what is the relationship between Grantor and Grantee? n/a
6. Other remarks and explanations, if necessary Property is transferred in exchange  
by a municipality to 383632 Ontario Limited.

SWORN before me at the City  
of Welland,  
in the Regional Municipality  
of Niagara,  
this 30 day of January, 19 78.  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

This affidavit  
may be made  
by the pur-  
chaser or  
vendor or by  
any one acting  
for them under  
power of  
attorney or by  
an agent  
accredited in  
writing by the  
purchaser or  
vendor or by  
the solicitor of  
either of them  
or by some  
other person  
approved by  
the Minister  
of Revenue.

All  
blanks  
must  
be  
filled  
in.

NOTE TO PARAGRAPH 3(1)(b): Chattels: Retail sales tax is payable on the valuation of items shown in 3(1)(b) unless otherwise exempted under the provisions of  
The Retail Sales Tax Act R.S.O. 1970 C415 as amended. For the purpose of this affidavit insert above only the value of chattels, the total value of which in the opinion  
of the deponent exceeds \$100.00. This does not exonerate a purchaser from the payment of Retail Sales Tax on any tangible personal property as part of this transaction.  
When chattels are purchased as part of this transaction, with value of less than \$100.00, the applicable tax should be paid by the purchaser to the Treasurer of Ontario  
and remitted to the Minister of Revenue.

# Affidavit of Residence

IN THE MATTER OF THE CONVEYANCE OF part Lots 26, 32 and 33, Plan 25 for the  
former Village of Fonthill, in the County of Welland, now Plan 717,  
(insert brief description of land)  
in the Town of Pelham, in the Regional Municipality of Niagara

TO THE CORPORATION OF THE TOWN OF PELHAM  
(insert names of all transferees)

I, LEONARD C. HUNT of the Town of Pelham, in the  
(print name and address)  
Regional Municipality of Niagara

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):

(a) A person to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed; ☐

(b) One of the trustees named in the above-described conveyance to whom the land is being conveyed; ☐

~~(c) A transferee named in the above-described conveyance;~~ ☒

(c) The Clerk of the above named transferee in this conveyance ☐

(d) An agent authorized in writing to act for \_\_\_\_\_ who is a person ☐

(insert name of principal)

described in paragraph \_\_\_\_\_ above (insert only one of paragraph (a), (b), or (c) above);

(e) The solicitor acting in this matter for \_\_\_\_\_ who is a person ☐

(insert name of client)

described in paragraph \_\_\_\_\_ above (insert only one of paragraph (a), (b) or (c) above);

and as such, I have personal knowledge of the facts herein deposed to.

2. None of the transferees to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed is, within the meaning of the Act, a non-resident person (strike out this paragraph if inapplicable).

~~3. The following persons to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed are non-resident persons within the meaning of the Act.~~

(insert the name and place of residence – or in the case of a corporation, the place of incorporation – of any transferee who is a non-resident person. If space is insufficient, attach a list of those transferees who are non-resident persons.)

4. I have read over and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clause f and g of subsection 1 of section 1 of the Act.

Sworn before me at the ~~City~~ Town

of ~~Welland~~ PELHAM.

in the Regional Municipality of

ofx Niagara

this 25th

day of APRIL, 19 72

A Commissioner, etc. [Signature]

