

This Indenture

made in duplicate the 17th day of October
one thousand nine hundred and seventy-eight.

In Pursuance of the Short Forms of Conveyances Act:

Between

THE CORPORATION OF THE TOWN OF
PELHAM, a municipal corporation

- and -

hereinafter called the Grantor of the FIRST PART
383632 ONTARIO LIMITED, a company
incorporated under the laws of the
Province of Ontario and having its
head office at the Town of Pelham,
in the Regional Municipality of
Niagara,
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 it acknowledged) ~~it~~ 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 in the Province of Ontario and being composed of part
of Lot 26 as shown on a compiled plan of the Village of Fonthill
registered in the Registry Office for the Registry Division of
Niagara South as Plan No. 25 for the said Village (now known
as Plan 717) and shown as Part 1 according to plan deposited
in said Registry Office as Plan 59R-2648.

Reserving unto the Grantor, its successors and assigns, an
easement in perpetuity over the easterly 10 feet in perpendicu-
lar width of the said lands, for the construction, maintenance
of repair of a storm drainage system upon said lands.

TO HAVE AND TO HOLD unto the said grantee ^{Successors} its ~~heirs~~ and assigns to and for
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 it 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 it will execute such further assurances of the said lands as may be requisite.

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

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

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

The Grantee covenants with the Grantor that it will not at any time construct any building or structure upon the said lands over which the easement is reserved, and will not grow any tree or shrub upon the said lands without the express consent in writing of the Grantor. The Grantor covenants with the Grantee that, in the event that it is obliged to enter upon the lands to do any works relative to the construction, repair, maintenance, servicing of the said storm drainage system, restore the lands as soon as practicable to a condition the said lands were in prior to entering thereupon.

The easement herein is declared to be appurtenant to and for the benefit of the lands of the Grantor more particularly described in Schedule "A" hereto.

IN WITNESS WHEREOF the said parties hereto have hereunto ~~set their hands and seals~~ affixed their respective corporate seals duly attested by their proper officers authorized in that behalf.

Signed, Sealed and Delivered
IN THE PRESENCE OF

THE CORPORATION OF THE TOWN OF PELHAM
PER: E. S. Bergerstein

PER: [Signature] Mayor
Clerk

383632 ONTARIO LIMITED

PER: Charles Duncanson

PER: [Signature]

PRER

SEC

IN THE MATTER OF THE PLANNING ACT (as amended)

AND IN THE MATTER OF THE TITLE TO part Lot 26, Plan 25 for the former Village of Fonthill, now the Town of Pelham, Regional Municipality of Niagara, now known as Plan 717 and being Part 1 on plan 59R-2648.

AND IN THE MATTER OF A DEED

THEREOF, FROM The Corporation of the Town of Pelham

TO 383632 Ontario Limited

DATED October 17 1978.

I, LEONARD C. HUNT

of the Town of Pelham in the Regional Municipality of Niagara

MAKE OATH AND SAY AS FOLLOWS:

1. I am Clerk of 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.

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SWORN before me

at the ~~City~~ ^{Town} of ~~Welland~~ ^{PELHAM}

in the Regional Municipality of Niagara

this 25th

day of APRIL

1978.

THE LAND TRANSFER TAX ACT, 1974

Affidavit of Residence

IN THE MATTER OF THE CONVEYANCE OF Part of Lot 26, Plan 25 for former Village of
Fonthill, County of Welland, now known as Plan No. 717, in the Town of Pelham,
(insert brief description of land)
in the Regional Municipality of Niagara, designated as Part 1 on Reference
Plan No. 59R-2648.

TO 383632 ONTARIO LIMITED
(insert names of all transferees)

I, GLYNN R. GREEN of City of Welland,
(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; ☐
 - (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); ☐
which is a corporation
 - (e) The solicitor acting in this matter for 383632 ONTARIO LIMITED / ~~who is a person~~ ☒
(insert name of client)
described in paragraph (c) above (insert only one of paragraph (a), (b) or (c) above);
- and as such, I have personal knowledge of the facts herein deposed to.

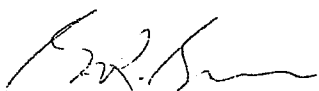
2. None of the transferees to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed is, within the meaning of the Act, a non-resident person (strike out this paragraph if inapplicable).

~~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:~~

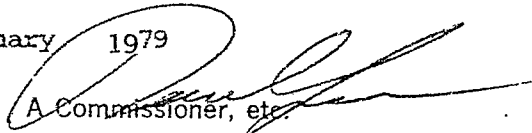
~~XC Insert the names and place of residence XC of the cases of XC corporation, the place of incorporation XC of any transferee who is a non-resident person XC If space is insufficient, attach a list of those transferees who are non-resident persons XC~~

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
of Welland
in the Regional Municipality
of Niagara
this 3rd
day of January 1979



GLYNN R. GREEN


A Commissioner, etc.

I, _____ of the _____ make oath and say:
I am a subscribing witness to the attached instrument and I was present and saw it executed at _____ by _____
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 _____ this _____ day of _____ 19____
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: THE CORPORATION OF THE TOWN OF PELHAM
to: 383632 ONTARIO LIMITED
on the 17th day of OCTOBER, 19 78.
I, LEONARD C. HUNT,
of the Town of Pelham,
in the Regional Municipality of Niagara,

MAKE OATH AND SAY THAT:
1. I am the clerk of The Corporation of the Town of Pelham, 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 transferred in exchange from Patricia Duncan, in trust

This affidavit may be made by the purchaser 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.

SWORN before me at the City of Pelham, in the Regional Municipality of Niagara, this 25th day of April, 1978
A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

[Signature]

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.

