

LAND TITLE ACT
FORM C

(Section 2199)
Province of
British Columbia

90 NOV - 1 14

S4

ED115330

RECEIVED - VICTORIA
LAND TITLE OFFICE

GENERAL DOCUMENT

(This area for Land Title Office use)

PAGE 1 of 13 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Pinky Wong
for Ramsay Thompson Lampman
P.O. Box 667, Nanaimo, B.C. V9R 5L9
754-3321

Signature of applicant's agent

2. (a) PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *
(PID) (LEGAL DESCRIPTION)

11/01/90 A08466 CHG NOM 35.01

SEE SCHEDULE

3. NATURE OF INTEREST: *
DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

Modification of Building entire instrument
Scheme #ED100368

Transferee

4. TRANSFEROR(S): *

NOTCH HILL DEVELOPMENT CORPORATION, (Inc. No. 332874) as to an undivided 44/100 interest and FAIRWINDS DEVELOPMENT CORPORATION, (Inc. #382958) as to an undivided 56/100 interest, and THE TORONTO-DOMINION BANK, and CENTRAL GUARANTY TRUST COMPANY (Inc. #164-T)

5. TRANSFEREE(S): (Including occupation(s), postal address(es) and postal code(s)) *

NOTCH HILL DEVELOPMENT CORPORATION, (Inc. No. 332874) as to an undivided 44/100 interest and FAIRWINDS DEVELOPMENT CORPORATION, (Inc. #382958) as to an undivided 56/100 interest

6. EXECUTION(S): ** By signing this document you are affecting the land in the manner described in item 3.

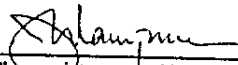
Execution Date

Officer Signature(s)

| | | |
|----|----|----|
| Y | M | D |
| 90 | 10 | 20 |

Party(ies) Signature(s)

NOTCH HILL DEVELOPMENT
CORPORATION by its authorized signatory


(Please print name, address & occupation)


(Please print name)

G. J. BARKER

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

FORM 1 (Section 36)
NEW BRITAIN OF REGISTRATION
Registration application received on
... and name written here on
... Registrar of the
... office

J

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

| Y | M | D |
|----|----|----|
| 90 | 10 | 30 |

Party(ies) Signature(s)

FAIRWINDS DEVELOPMENT
CORPORATION by its authorized signatory

[Signature]

(Please print name, address & occupation)

[Signature]

(Please print name)
G. J. BARKER

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LAND TITLE ACT
FORM D

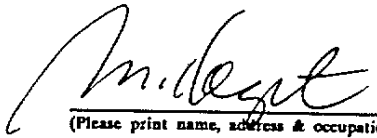
EXECUTIONS CONTINUED

Execution Date

Officer Signature(s)

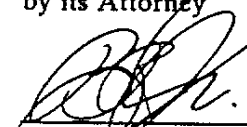
| Y | M | D |
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| 90 | 10 | 31 |

Party(ies) Signature(s)



(Please print name, address & occupation)
A Commissioner for Taking
Affidavits within British
Columbia
Mary T. Kagetsu
Mortgage Officer
700 West Georgia Street,
Vancouver, B.C. V7Y 1A2

THE TORONTO-DOMINION BANK
by its Attorney



(Please print name)
Bryan Ross Querques
Senior Manager -
Commercial Credit
D.F. EC060471/72

OFFICER CERTIFICATION:

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4

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

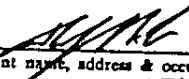
Officer Signature(s)

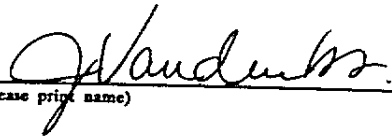
Execution Date

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|----|----|----|
| Y | M | D |
| 90 | 11 | 01 |

Party(ies) Signature(s)

CENTRAL GUARANTY TRUST COMPANY
by its Authorized Signatory


 (Please print name, address & occupation)
R. J. McLEAN
 A Commissioner for taking Affidavits
 Within the Province of British Columbia


 (Please print name)

OFFICER CERTIFICATION:

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**LAND TITLE ACT
FORM E
SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

| (PID) | (LEGAL DESCRIPTION) |
|-------------|--|
| 016-506-626 | Lot 1, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-685 | Lot 2, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-707 | Lot 3, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-723 | Lot 4, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-740 | Lot 5, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-774 | Lot 6, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-791 | Lot 7, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-821 | Lot 8, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-863 | Lot 9, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-898 | Lot 10, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-910 | Lot 11, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-936 | Lot 12, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-952 | Lot 13, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-961 | Lot 14, District Lot 78, Nanoose District, Plan 51142 |
| 016-506-979 | Lot 15, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-011 | Lot 16, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-037 | Lot 17, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-053 | Lot 18, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-061 | Lot 19, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-088 | Lot 20, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-118 | Lot 21, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-126 | Lot 22, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-134 | Lot 23, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-142 | Lot 24, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-151 | Lot 25, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-177 | Lot 26, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-185 | Lot 27, District Lots 8 and 78, Nanoose District, Plan 51142 |
| 016-507-193 | Lot 28, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-207 | Lot 29, District Lot 78, Nanoose District, Plan 51142 |

6

**LAND TITLE ACT
FORM E
SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

| (PID) | (LEGAL DESCRIPTION) |
|-------------|---|
| 016-507-223 | Lot 30, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-258 | Lot 31, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-274 | Lot 32, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-291 | Lot 33, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-312 | Lot 34, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-321 | Lot 35, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-355 | Lot 36, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-398 | Lot 37, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-401 | Lot 38, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-410 | Lot 39, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-428 | Lot 40, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-444 | Lot 41, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-452 | Lot 42, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-461 | Lot 43, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-479 | Lot 44, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-495 | Lot 45, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-509 | Lot 46, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-517 | Lot 47, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-533 | Lot 48, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-550 | Lot 49, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-568 | Lot 50, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-576 | Lot 51, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-584 | Lot 52, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-592 | Lot 53, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-606 | Lot 54, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-614 | Lot 55, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-622 | Lot 56, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-649 | Lot 57, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-657 | Lot 58, District Lot 78, Nanoose District, Plan 51142 |

**LAND TITLE ACT
FORM E
SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

| (PID) | (LEGAL DESCRIPTION) |
|-------------|---|
| 016-507-665 | Lot 59, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-673 | Lot 60, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-681 | Lot 61, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-690 | Lot 62, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-711 | Lot 63, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-738 | Lot 64, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-754 | Lot 65, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-762 | Lot 66, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-771 | Lot 67, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-797 | Lot 68, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-801 | Lot 69, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-819 | Lot 70, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-827 | Lot 71, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-835 | Lot 72, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-843 | Lot 73, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-851 | Lot 74, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-860 | Lot 75, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-878 | Lot 76, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-886 | Lot 77, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-894 | Lot 78, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-908 | Lot 79, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-916 | Lot 80, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-932 | Lot 81, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-941 | Lot 82, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-959 | Lot 83, District Lot 78, Nanoose District, Plan 51142 |
| 016-507-967 | Lot 84, District Lot 78, Nanoose District, Plan 51142 |

1. WE, NOTCH HILL DEVELOPMENT CORPORATION, (Inc. #332874) as to an undivided 44/100 interest, and FAIRWINDS DEVELOPMENT CORPORATION, (Inc. #382958) as to an undivided 56/100 interest, are the registered owners in fee-simple of the lands and premises situate and lying in the Port Alberni Assessment Area, in the Province of British Columbia, more particularly known and described as:

Lots 1 to 18 and 28 to 84, District Lot 78,
Nanoose District, Plan 51142

and

Lots 19 to 27, District Lots 8 and 78,
Nanoose District, Plan 51142

(hereinafter called the "Lots").

2. We have created a Building Scheme relating to the Lots and which Building Scheme was filed in the Victoria Land Title Office on September 21, 1990 under number ED100368 (the "Building Scheme").

3. We are desirous of modifying the restrictions enumerated in the schedule attached to the said Building Scheme and in particular paragraph 4 (e).

4. Paragraph 4 (e) shall be deleted in its entirety and replaced with the following paragraph 4 (e):

"4. No Building nor any alteration or extension thereof shall be commenced, placed, erected or constructed on any of the Lots:

(e) Unless the setbacks from the lot lines comply with the following minimum regulations:

Side yards:

from each side yard lot line the Building shall be set back at least 10% of the lot width (measuring at a distance of 8 metres from the front property line) or 2 metres, whichever is the greater, unless otherwise noted hereunder:

Side yards:

Minimum set back in metres

| | | |
|--------|----------------------------------|---|
| Lot 1 | (from tee side along north line) | 8 |
| Lot 15 | (from Fairwinds Drive side) | 5 |
| | (from north side) | 4 |
| Lot 22 | (from N.W. lot line) | 4 |
| Lot 34 | (from west side) | 6 |
| | (from north side) | 5 |
| Lot 38 | (from S.W. lot line) | 5 |
| Lot 40 | (from N.W. lot line) | 5 |
| Lot 41 | (from S.E. lot line) | 5 |
| Lot 45 | (from W. lot line) | 5 |
| Lot 47 | (from S.E. lot line) | 5 |
| Lot 48 | (from N.W. lot line) | 5 |
| Lot 53 | (from S.W. lot line) | 5 |
| Lot 54 | (from S.W. lot line) | 5 |
| Lot 55 | (from W. lot line) | 5 |

| | | |
|--------|--------------------------------|---|
| Lot 58 | (from W. lot line) | 5 |
| Lot 61 | (from N.W. lot line) | 5 |
| Lot 62 | (from N.W. lot line) | 5 |
| Lot 63 | (from N.W. and S.E. lot lines) | 5 |
| Lot 66 | (from S.W. lot line) | 4 |
| Lot 69 | | 4 |
| Lot 71 | (from N.W. lot line) | 5 |
| Lot 72 | | 4 |
| Lot 74 | (from S. lot line) | 5 |
| Lot 82 | (from W. lot line) | |

Front yards:

The building shall be set back from and parallel to a line at least 8 metres from the front property boundary.

Rear yards:

The building for all lots shall be set back at least 5 metres from the rear property boundary except as otherwise noted hereunder.

Rear yards:**Minimum set back in metres**

| | | |
|--------|----------------------|----|
| Lot 1 | | 10 |
| Lot 2 | | 10 |
| Lot 3 | | 10 |
| Lot 4 | | 10 |
| Lot 5 | | 10 |
| Lot 6 | | 10 |
| Lot 7 | | 8 |
| Lot 8 | | 8 |
| Lot 9 | | 8 |
| Lot 10 | | 8 |
| Lot 11 | | 6 |
| Lot 12 | | 6 |
| Lot 13 | | 6 |
| Lot 14 | | 6 |
| Lot 15 | | 8 |
| Lot 16 | | 8 |
| Lot 17 | | 8 |
| Lot 18 | | 8 |
| Lot 19 | | 8 |
| Lot 20 | | 8 |
| Lot 21 | (from N.W. line) | 5 |
| Lot 22 | | 8 |
| Lot 23 | | 8 |
| Lot 24 | (from W. lot line) | 8 |
| Lot 25 | | 8 |
| Lot 26 | | 8 |
| Lot 27 | | 8 |
| Lot 28 | | 8 |
| Lot 29 | | 8 |
| Lot 34 | (eastern boundary) | 5 |
| Lot 35 | | 8 |
| Lot 36 | | 8 |
| Lot 37 | (on both rear lines) | 5 |
| Lot 38 | | 8 |

10

| | | |
|--------|--------------------------------|-----|
| Lot 39 | | 8 |
| Lot 40 | | 8 |
| Lot 41 | | 8 |
| Lot 42 | | 8 |
| Lot 43 | | 8 |
| Lot 44 | | 8 |
| Lot 46 | (from N.W. lot line) | 6 |
| Lot 47 | (from both rear lot lines) | 6 |
| Lot 48 | | 8 |
| Lot 50 | | 8 |
| Lot 51 | | 8 |
| Lot 52 | | 8 |
| Lot 55 | | 8 |
| Lot 56 | (from N.W. and S.W. lot lines) | 5 |
| Lot 57 | | 6 |
| Lot 58 | | 6 |
| Lot 59 | (rear of Lot is S. lot line) | |
| Lot 60 | (from all lines except N.E.) | 5 |
| Lot 61 | | 8 |
| Lot 62 | | 8 |
| Lot 63 | (rear of Lot is S.W. lot line) | 8 |
| Lot 65 | | 8 |
| Lot 66 | | 8 |
| Lot 67 | | 8 |
| Lot 68 | | 8 |
| Lot 69 | (side yards) | 5 |
| Lot 70 | | 8 |
| Lot 71 | | 8 |
| Lot 72 | (side yards) | 5 |
| Lot 73 | | 8 |
| Lot 74 | (from W. lot line) | 8 |
| Lot 75 | | 8 |
| Lot 76 | (from N. lot line) | 5 |
| Lot 77 | (from E. lot line) | 5 |
| Lot 78 | (from S. lot line) | 8 |
| Lot 79 | (from W. lot line) | 5 |
| Lot 81 | (from N.E. lot line) | 5 |
| Lot 83 | | 8 " |

5. This Modification shall, from the date hereof be read and construed along with the Building Scheme and be treated as part thereof and shall constitute a charge on the Lots which shall run with and bind all of the Lots and every part thereof, and render the Owner, each purchaser, lessee, sublessee and occupant of any Lot or any part thereof, and each successor in title, future purchaser, lessee, sublessee and occupant of any Lot or any part thereof subject to the restrictions herein set out and confer on them the benefits herein set out.

6. This Modification and all of the restrictions set out herein shall be effective from and after the date of execution of this Modification by Notch Hill Development Corporation and Fairwinds Development Corporation.

12

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

Officer Signature(s)

[Signature]
(Please print name, address & occupation)

Execution Date

| | | |
|----|----|----|
| Y | M | D |
| 90 | 10 | 30 |

Party(ies) Signature(s)

NOTCH HILL DEVELOPMENT CORPORATION by its authorized signatory

[Signature]
(Please print name)
G. J. BARKER

Officer Signature(s)

[Signature]
(Please print name, address & occupation)

Execution Date

| | | |
|----|----|----|
| Y | M | D |
| 90 | 10 | 30 |

Party(ies) Signature(s)

FAIRWINDS DEVELOPMENT CORPORATION by its authorized signatory

[Signature]
(Please print name)
G. J. BARKER

OFFICER CERTIFICATION:

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11 AND 12

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

Officer Signature(s)

[Signature]
(Please print name, address & occupation)

Execution Date

| Y | M | D |
|----|----|----|
| 90 | 10 | 30 |

Party(ies) Signature(s)

NOTCH HILL DEVELOPMENT CORPORATION by its authorized signatory

[Signature]
(Please print name)
G. J. BARKER

Officer Signature(s)

[Signature]
(Please print name, address & occupation)

Execution Date

| Y | M | D |
|----|----|----|
| 90 | 10 | 30 |

Party(ies) Signature(s)

FAIRWINDS DEVELOPMENT CORPORATION by its authorized signatory

[Signature]
(Please print name)
G. J. BARKER

OFFICER CERTIFICATION:

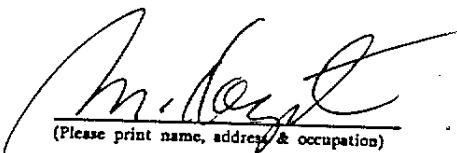
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

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CONSENT

The undersigned, being the holder of a charge by way of Mortgage #EB41024 and Extended by #ED100279 for valuable consideration, hereby consents to the granting of the within Modification of Building Scheme and agrees that the same shall take priority over the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

Officer Signature(s)



(Please print name, address & occupation)

A Commissioner for Taking Affidavits within British Columbia
Mary T. Kagetsu
Mortgage Officer
700 West Georgia Street,
Vancouver, B.C. V7Y 1A2

Execution Date

| Y | M | D |
|----|----------|-----------|
| 90 | MX 10 | XIX 31 |

Party(ies) Signature(s)

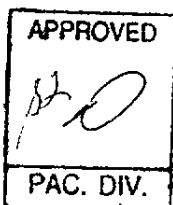
THE TORONTO-DOMINION BANK
by its Attorney

(Please print name)

Bryan Ross Querques
Senior Manager -
Commercial Credit
D.F. EC060471/72

OFFICER CERTIFICATION:

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CONSENT

Page 13 ED115330

The undersigned, being the holder of a charge by way of Mortgage #K32096 and Modification and Extension thereof #S132213 and Assignment thereof #EC105053 and Extended by #ED100280 for valuable consideration, hereby consents to the granting of the within Modification of Building Scheme and agrees that the same shall take priority over the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.


Officer Signature(s)

Execution Date

| | | |
|----|----|----|
| Y | M | D |
| 90 | 11 | 01 |

Party(ies) Signature(s)

CENTRAL GUARANTY TRUST COMPANY
by its Authorized Signatory


(Please print name, address, & occupation)
P. J. MCLEAN
A Commissioner for taking Affidavits
Within the Province of British Columbia


(Please print name)

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"END OF DOCUMENT"