

FORM B2

FORM APPROVED
NO. B4682WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED**BLANK INSTRUMENT FORM****SURRENDER OF EASEMENT**

(Note 1)

8 WARRINGTON ROAD PTY LTD ACN 124 211 034 of Suite 9, 232 Churchill Avenue, Subiaco, Western Australia

PLANMAR PTY LTD ACN 009 003 963 of 1 Harbourne Street, Subiaco, Western Australia

GLENEAGLE SECURITIES PTY LTD ACN 008 988 494 of 1 Harbourne Street, Subiaco, Western Australia

(together “the registered proprietors of 78 Warrington Road, Byford”)

9 WARRINGTON ROAD PTY LTD ACN 124 211 025 of Suite 9, 232 Churchill Avenue, Subiaco, Western Australia

IRAJ MOTTAHEDIAN of 1 Harbourne Street, Subiaco, Western Australia

(together “the registered proprietors of Unit 1, 84 Warrington Road, Byford”)

(“the Grantors”)

CITY OF ARMADALE (formerly known as SHIRE OF ARMADALE-KELMSCOTT) of 7 Orchard Avenue, Armadale, Western Australia **(“the Grantee”)**

BACKGROUND:

- A. The Grantors are registered as the proprietor of the Servient Tenements.
- B. The deed of easement registered as dealing B003340 created an easement in gross **(“the Easement”)** over the Servient Tenements, the benefit of which Easement is held by the Grantee.
- C. The certificates of title for the Servient Tenements show the burden of the Easement.
- D. The Grantors and the Grantee have agreed to surrender the Easement over the Servient Tenements.

OPERATIVE PART:

The parties agree as follows:

1. DEFINITIONS AND INTERPRETATION**1.1 Definitions**

In this deed unless the contrary intention appears:

- 1.1.1 **“Servient Tenements”** means the land described in Item 1 of the Schedule;
- 1.1.2 **“Grantee”** means the Grantee being the City of Armadale;
- 1.1.3 **“Grantors”** means the Grantors being the registered proprietors of the Servient Tenements as at the date of this deed; and
- 1.1.4 **“Schedule”** means the schedule to this deed.

1.2 Interpretation

1.2.1 Headings, Number, Gender and Person

Headings and clause numbers are for convenience only and do not affect the interpretation of this deed; words importing the singular include the plural and vice versa; words importing a gender include any gender; reference to a person includes a reference to a natural person, a corporation and any entity capable of being the subject of legal proceedings.

1.2.2 Statutes

Reference to a statute includes all regulations, proclamations or by-laws issued under that statute and any amendment consolidating or replacing the statute.

1.2.3 Governing Law

This deed must be construed in accordance with and governed by the laws of Western Australia.

2. SURRENDER

2.1 The Grantee being the grantee of the Easement hereby surrenders the Easement over the Servient Tenements, including all future rights and entitlements thereunder, and hereby releases the Grantors from any continuing or future obligations under the Easement.

2.2 The Grantors agree to the surrender of the Easement over the Servient Tenements as created by this deed and hereby releases the Grantee from any continuing or future obligations under the Easement.

3. COSTS

3.1 The costs of and incidental to this deed (including duty and registration fees payable on this deed and on any plan), will be borne and paid by the Grantors.

4. ENCUMBRANCES

Nil

SCHEDULE

Item 1: Servient Tenements

Lot 1 on Survey-Strata Plan 8478 and being the whole of the land in Certificate of Title Volume 1603 Folio 830.

Lot 301 on Deposited Plan 420077 and being the whole of the land in Certificate of Title Volume Folio

Lot 302 on Deposited Plan 420077 and being the whole of the land in Certificate of Title Volume Folio

Lot 9100 on Deposited Plan 420077 and being the whole of the land in Certificate of Title Volume Folio

Dated _____ day of _____ 2020

EXECUTED by the parties.

EXECUTED by the GRANTORS:

EXECUTED BY **8 WARRINGTON ROAD PTY LTD**)
ACN 124 211 034 by authority of its Directors in)
 accordance with Section 127 of the Corporations Act 2001:)

Director:

BEHNOOSH VAHDAT

Director and Secretary:

SEPEHR VAHDAT

EXECUTED BY **PLANMAR PTY LTD ACN 009 003 963**)
 by authority of its Directors in accordance with Section)
 127 of the Corporations Act 2001:)

Director:

BEHNOOSH VAHDAT

Director and Secretary:

SEPEHR VAHDAT

EXECUTED BY **GLENEAGLE SECURITIES PTY LTD**)
ACN 008 988 494 by authority of its Directors in)
 accordance with Section 127 of the Corporations Act 2001:)

Director:

NAHID VAHDAT MESHGIN

Director and Secretary:

SEPEHR VAHDAT

EXECUTED BY **9 WARRINGTON ROAD PTY LTD**)
ACN 124 211 025 by authority of its Directors in)
accordance with Section 127 of the Corporations Act 2001:)

Director:

BEHNOOSH VAHDAT

Director and Secretary:

SEPEHR VAHDAT

Signed by **IRAJ MOTTAHEDIAN**
in the presence of:

Witness Sign:

Witness Name:

Witness Address:

Witness Occupation:

Witness Tel. No.:

EXECUTED by the GRANTEE:

The Common Seal of **CITY OF ARMADALE**)
was hereunto affixed by authority of the Council)
in the presence of:)

Mayor

Print Full Name

Chief Executive Officer

Print Full Name

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CONSENT

SHIRE OF SERPENTINE-JARRAHDALE ABN 98 924 720 841 consent to the Surrender of Easement B003340 from the Servient Tenements

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CONSENT

MINISTER FOR LANDS consents to the Surrender of Easement B003340 from the Servient Tenements

INSTRUCTIONS

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

OFFICE USE ONLY

Lodged By

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Reference No.

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Prepared By Integra Legal

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E-Mail

Reference No. 200332

Issuing Box No. 60E

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

- | | |
|----------|-----------------|
| 1. _____ | Received Items |
| 2. _____ | Nos. |
| 3. _____ | |
| 4. _____ | |
| 5. _____ | Receiving Clerk |
| 6. _____ | |

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED