

179447

THIS INDENTURE made in duplicate this 1st day of June in the year of our Lord, One Thousand Nine Hundred and Eigthy.

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCE ACT:

B E T W E E N:

ROBERT JOHN McINTOSH, of the Township of Huron,  
In the County of Bruce, Farmer,

Hereinafter called the Grantor,

OF THE FIRST PART

- and -

CORPORATION OF THE VILLAGE OF LUCKNOW,

Hereinafter called the Grantee,

OF THE SECOND PART

WHEREAS the Grantor is the registered owner of that parcel of land in the Village of Lucknow, in the County of Bruce, described in Schedule "A".

AND WHEREAS the Grantee is the registered owner of that parcel of land in the Village of Lucknow in the County of Bruce described in Schedule "B" hereto, which lands are adjacent to the lands of the Grantor described in Schedule "A" hereto.

AND WHEREAS the Grantee intends to construct a septic tank system on its land and desires to construct, operate and maintain a septic tank tile bed and appurtenances necessarily incidental thereto, and in, over, under and through the Grantor's lands more particularly described in Schedule "A" attached hereto.

AND WHEREAS the Grantor has agreed to grant an Easement in, over, under and through the said lands for the purposes aforesaid.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of ONE—(\$1.00)—DOLLAR paid by the Grantee (the receipt whereof the Grantor doth hereby acknowledge) and of the covenats, conditions and stipulations herein contained the Grantor grants and doth hereby grant to the Grantee an Easement in, across, under and through the said lands more particularly described in Schedule "A" attached hereto for the purpose of constructing, operating and maintaining a septic tank and tile bed and appurtenances necessarily incidental thereto for as long as the Grantee shall require the said lands for such purposes for a term not to exceed ninety-nine (99) years commencing the 1st day of June, 1980, subject only to the following terms and conditions, namely:

1. The Grantor covenants and agrees:

(a) That upon the execution of these presents and at all times thereafter the Grantee, or any person, firm or corporation, acting on its behalf may enter upon and occupy the said lands described in Schedule "A" with its or their agents, servants, workmen and contractors, and with or without vehicles, machinery and equipment for the purposes aforesaid.

(b) That the Grantor will not use, nor allow nor permit any other person to use the said lands under which the septic tank and the tile bed shall be constructed by the Grantee for any purposes whatsoever. Without limiting the generality of the foregoing the Grantor will not erect any permanent structures or plant any shrubs or trees or permit any wheeled or tracked vehicles or permit any farm animals within, over, upon and under the said lands under which the septic tank and tile bed shall be constructed.

(c) That the Grantee performing and observing the covenants and conditions herein contained shall peaceably hold and enjoy all the rights, privileges liberties and covenants hereby granted without any hindrance and interruption (other than as provided for by this indenture) from the Grantor or any person or persons claiming by, through, under or in trust for it or any person or persons whatsoever.

2. Grantee covenants and agrees:

(a) That it will conduct its operation on the said lands in proper and workmanlike manner.

(b) That it will be responsible for the upkeep and weed control of such lands.

(c) That nothing herein contained shall be deemed to vest in the Grantee any right, title, or interest in any mines or minerals in and under the said lands except only the parts thereof that are necessary to be dug, carried away or to be used in the construction, operation or maintenance of the tile bed by the Grantee.

3. The Grantor and Grantee mutually covenant and agree:

(a) That this indenture shall inure to the benefit of and shall be binding upon the respective heirs, executors, administrators, successors, and assigns of the parties hereto.

(b) That this indenture and the covenants herein contained are and shall be covenants running with the land.

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals on the day and year first written above, or caused their corporate seals to be affixed, attested by the signature of their proper officers, as the case may be.

SIGNED, SEALED AND DELIVERED )

In the Presence of )

*as to signature of Robert John McIntosh*

*Robert John McIntosh* )

) Robert John McIntosh

) CORPORATION OF THE VILLAGE OF LUCKNOW

*J. J. [unclear] PERVE* )

*A. E. Herbert* )  
A. E. Herbert, Clerk-Treasurer  
Village of Lucknow  
County of Bruce

*Seal*

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Village of Lucknow, County of Bruce and being part of Lot 12, Concession 14, Eastern Division, Formerly Township of Ashfield, County of Huron, now with the Village of Lucknow, and more particularly described as that part designated as Part 4 on Reference Plan 3R-2807.

SCHEDULE "B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Village of Lucknow, County of Bruce and being part of Lot 12, Concession 14, Eastern Division, Formerly Township of Ashfield, County of Huron, now with the Village of Lucknow, and more particularly described as that part designated as Part 3 on Reference Plan 3R-2807.

The Land Transfer Tax Act, 1974

AFFIDAVIT OF RESIDENCE AND OF VALUE OF THE CONSIDERATION

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Part of Lot 12, Concession 14, Eastern Division, in the Village of Lucknow, in the County of Bruce.

BY (print names of all transferors in full) Robert John McIntosh

TO (see instruction 1 and print names of all transferees in full) Corporation of the Village of Lucknow

1. (see instruction 2 and print name(s) in full) Alfred Herbert, Clerk/Treasurer for the Village of Lucknow

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(s): (see instruction 2)

- (a) A person in trust for whom the land conveyed in the above - described conveyance is being conveyed;
(b) A trustee named in the above - described conveyance to whom the land is being conveyed;
(c) A transferee named in the above - described conveyance;
(d) The authorized agent or solicitor acting in this transaction for

(insert name(s) of principal(s))

(e) The President, Vice-President, Manager, Secretary or Treasurer authorized to act for Corporation of the Village of Lucknow

(insert name(s) of corporation(s))

(f) A transferee described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of

(insert name of spouse)

who is my spouse described in paragraph ( ). (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses f and g of subsection 1 of section 1 of the Act. (see instruction 3)

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. (see instruction 4) NONE

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

Table with 3 columns: Description, Amount, and another Amount. Rows include: (a) Monies paid or to be paid in cash \$ 1.00; (b) Mortgages (i) Assumed \$ nil; (c) Property transferred in exchange \$ nil; (d) Securities transferred to the value of \$ nil; (e) Liens, legacies, annuities and maintenance charges to which transfer is subject \$ nil; (f) Other valuable consideration subject to land transfer tax \$ nil; (g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX \$ 1.00; (h) VALUE OF ALL CHATTELS \$ nil; (i) Other consideration for transaction not included in (g) or (h) above \$ nil; (j) TOTAL CONSIDERATION \$ 1.00

ALL BLANKS MUST BE FILLED IN.

INSERT "NIL" WHERE APPLICABLE

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 5) easement given for septic tile bed.

6. Other remarks and explanations, if necessary

SWORN before me at the Village of Lucknow

in the County of Bruce

this 16th day of July, 1980

A Commissioner for taking Affidavits, etc.

(signature(s))

Alfred Herbert

A.E. Herbert, Clerk-Treasurer Village of Lucknow County of Bruce

PROPERTY INFORMATION RECORD

- A. Describe nature of instrument... Easement
B. (i) Address of property being conveyed (if available) ... Not available
(ii) Assessment Roll # (if available) ... Not available
C. Mailing address(es) for future Notices of Assessment under The Assessment Act for property being conveyed (see instruction 6). Village of Lucknow, Lucknow, Ontario
D. (i) Registration number for last conveyance of property being conveyed (if available) ... Not available
(ii) Legal description of property conveyed: Same as in D. (i) above. [ ] Yes [X] No [ ] Not Known
E. Name(s) and address(es) of each transferee's solicitor... George J. Brophy, Box 610, Lucknow, Ontario, NOG 2H0

For Land Registry Office use only

REGISTRATION NO. Land Registry Office No. Registration Date

AFFIDAVIT OF SUBSCRIBING WITNESS

I, George Joseph Brophy  
of the Township of West Wawanosh  
in the County of Huron

make oath and say:

I am a subscribing witness to the attached instrument and I was present and saw it executed  
at Lucknow, Ontario by Robert John McIntosh

\*See footnote

\*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 Village  
of Lucknow in the County of Bruce

this 22nd day of July  
1980  
Lorna Boyle

1980  
LORNA BOYLE, a Commissioner for taking George Joseph Brophy  
Affidavits, Province of Ontario, for George  
Joseph Brophy, Barrister and Solicitor.  
Expires April 21, 1983.

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

\* Where a party is unable to read the instrument or Commission No. 00362 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)".

AFFIDAVIT OF AGE AND SPOUSAL STATUS

I, ~~W~~ Robert John McIntosh  
of the Township of Kinloss  
in the County of Huron

make oath and say:

Strike out  
inapplicable  
clauses

~~(a) Where the affidavit is made by a party who is not a spouse within the meaning of section 1 (f) of The Family Law Reform  
Act, 1978:~~

~~When I executed the attached instrument, I was not a spouse within the meaning of section 1 (f) of The Family Law Reform  
Act, 1978, and I was at least 18 years old.~~

~~(b) Where the affidavit is made by spouses within the meaning of section 1 (f) of The Family Law Reform Act, 1978, both being  
owners and parties:~~

~~When we executed the attached instrument, we were spouses of one another within the meaning of section 1 (f) of The  
Family Law Reform Act, 1978, and we were each at least 18 years old.~~

~~(c) Where the affidavit is made by one spouse within the meaning of section 1 (f) of The Family Law Reform Act, 1978, on  
behalf of both, both being owners and parties:~~

~~When we executed the attached instrument, I was my spouse  
within the meaning of section 1 (f) of The Family Law Reform Act, 1978, and we were at least 18 years old.~~

~~\* (d) Where the affidavit is made by a party who is a spouse within the meaning of section 1 (f) of The Family Law Reform Act,  
1978, and his spouse has not joined in or consented:~~

~~When I executed the attached instrument, I was a spouse within the meaning of section 1 (f) of The Family Law Reform Act,  
1978, and I was at least 18 years old, and the property described in said instrument is not my  
matrimonial home or the matrimonial home of my spouse.~~

~~(e) Where the affidavit is made by a spouse, within the meaning of section 1 (f) of The Family Law Reform Act, 1978, and his  
spouse joins in, other than as an owner, or consents:~~

~~When I executed the attached instrument, I was my spouse  
within the meaning of section 1 (f) of The Family Law Reform Act, 1978 and I was at least 18 years old.~~

~~(f) NOTE: Where the affidavit is made by a person signing on behalf of a party under a power of attorney, the attorney shall  
depose as to the age of the principal ( at the time of the execution of the power of attorney ) and the principal's  
status as a spouse at the time of execution of the instrument.~~

Resident of  
Canada, etc.

(Severally) Sworn before me  
at the Village  
of Lucknow, County of Bruce  
this 18th day of July  
1980

A Commissioner, etc.

ROBERT JOHN MCINTOSH

O. Reg. 224/78, s. 2.  
O. Reg. 225/78, s. 2.

\* Where clause (d) is completed, see Section 42 (3) of The Family Law Reform Act, 1978 (or complete a separate affidavit).

† The words in parentheses do not appear in the form under The Registry Act. They appear, without parentheses, in the form under  
The Land Titles Act. Therefore the deposition as to age is different in each case.

JUNE 1st, 1980

179447

Village Lucknow

B E T W E E N:

ROBERT JOHN McINTOSH, of the Township of Huron,  
in the County of Bruce, Farmer,

CORPORATION OF THE VILLAGE OF LUCKNOW,

-- and --

179447

No. 179447  
Land Registry Division of Bruce (No. 3)  
I CERTIFY that this instrument is registered as of

3:20 P.M.

JUL 25 1980

In the

Land Registry Office  
at Walkerton,  
Ontario.

*G. S. J. Smith*  
DEPUTY LAND REGISTRAR

A G R E E M E N T

PROPERTY OF	
L.R.O. #3	
INDEX <i>3</i> FOLIO <i>69</i>	
ENTERED <i>EX-CHEKED</i>	
FILMED	PAGES <i>8</i>

George J. Brophy  
Barrister & Solicitor  
Box 610  
Lucknow, Ontario

REGISTRATION FEE	15 00
LAND TRANSFER TAX	
RETAIL SALES TAX	