

Invercraig

18 Jul 2005 13:28

KX94843

1

Land Title Act
Form 35
(Section 220(1))

Declaration of Building Scheme

NATURE OF INTEREST CHARGE: Statutory Building Scheme

HEREWITH FEES OF: \$64.75

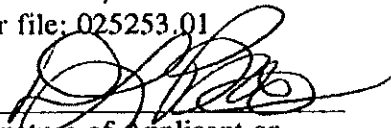
Address of person entitled to apply to register this building scheme:

INVERCRAIG PROPERTIES INC. (Inc. No. 680931)
c/o #305 - 2692 Clearbrook Road,
Abbotsford, B.C. V2T 2Y8

Full name, address, and telephone number of person presenting application:

Louise Baldock, Legal Secretary
FAST WELWOOD & WIENS,
#305 - 2692 Clearbrook Road,
Abbotsford, B.C. V2T 2Y8
Our file: 025253.01

01 05/18 13:32:35 01KL
change 848791
\$64.75



Signature of Applicant or
Solicitor or Authorized Agent

We, INVERCRAIG PROPERTIES INC. (the "Developer"), declare that:

1. We are the registered owners in fee simple of the following lands (the "Lands") within the District of Coldstream:

NPA
Lots 1 through 20 inclusive District Lot 55 Osoyoos Division
Yale District Plan KAP 78534

2. We hereby create a building scheme relating to the Lands.

3. A sale of the Lands or any subdivided or stratified portion thereof is subject to the restrictions enumerated in the schedule attached or annexed hereto.

4. The restrictions shall be for the benefit of all the Lands.

Officer Signature(s)

Execution Date
(Y/M/D)

Party(ies) Signature(s)



05/08/04

INVERCRAIG PROPERTIES INC. by
its authorized signatory:

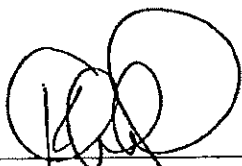


DANIEL LEBOE

KEVIN E. CHERKOWSKI
Barrister and Solicitor
3009B - 28th Street
Vernon, B.C. V1T 4Z7
Office Telephone: (250) 542-1177

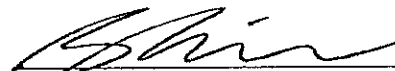
Execution Date
(Y/M/D)

Party(ies) Signature(s)



05/08/04

ROYAL BANK OF CANADA by its
authorized signatories:



Print name:

BILL MILLER

KEVIN E. CHERKOWSKI
Barrister and Solicitor
3009B - 28th Street
Vernon, B.C. V1T 4Z7
Telephone: (250) 542-1177

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. 1996, c. 124, 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.

CONSENT TO PRIORITY**ROYAL BANK OF CANADA**

Holder of Mortgage No. KX30851 (the "Mortgage") registered against the following property:

NPA

Lots 1 through 20 inclusive District Lot 55 Osoyoos Division
Yale District Plan KAP 78534

owned by INVERCRAIG PROPERTIES INC.

In consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, ROYAL BANK OF CANADA, being the holder of the encumbrance or entitled to the lien or interest referred to above, hereby grants, approves of, joins in and consents to the granting of the within agreement and covenants, and agrees that the same shall be binding upon its interest in or charge upon the said lands, and shall be an encumbrance upon the said lands prior to the above-noted Mortgage and Assignment of Rents in the same manner and to the same effect as if it had been dated and registered prior to the above-noted Mortgage and Assignment of Rents.

IN WITNESS WHEREOF the parties have executed this Agreement by executing the "Form 35" attached hereto.

SCHEDULE OF RESTRICTIONS

The following restrictions apply to the Lands and to each and every lot (the "Lots") into which the Lands are hereafter subdivided:

1. No person (the "Owner") shall make a building permit application for, or commence construction of, any dwelling, building or other improvement (collectively the "house") upon any of the Lands or Lots until that person has submitted to the Developer or its designated agent complete plans and specifications for each house to be situated thereon, such plans and specifications to indicate siting, main floor, garage floor and basement floor elevations as well as exterior finish and colour. The Developer or its agent shall have the right and power to approve or arbitrarily reject such plans and specifications and to fix the time limit during which any approval shall be valid. The Developer or its agent may from time to time prescribe guidelines specifying size, design features or materials required for houses constructed on any portion of the Lands or Lots. A set of drawings marked "Approved" and signed by the Developer or its authorized agent shall be returned to the Owner for submission to the District of Coldstream as required prior to their issuance of a building permit.
2. No house shall be constructed on any of the Lots until the Owner shall have complied with the terms of the Building Guidelines provided to the Owner by the Developer at the time of purchase of the Lot from the Developer.
3. No construction of any house on a Lot shall commence later than twelve (12) months from the date of completion of the purchase of the Lot from the Developer, and construction shall be substantially completed within six (6) months of commencement of construction.
4. No fencing shall be erected in the front yard of any Lot or in any side yard along a flanking street unless approved in writing by the Developer. No side yard fencing shall be erected except behind the front face of the house and no closer than three meters from the front corner(s) of the house. All fencing materials are to be approved by the Developer.
5. No Satellite receiving dishes shall be mounted on rooftops or in any yard area fronting or flanking onto a street without the express written consent of the Developer. No television aerials or clotheslines shall be erected on or about any Lot.
6. No driveways or walkways shall be constructed of materials other than concrete, exposed aggregate concrete or stamped concrete. Asphalt or gravel driveways are prohibited. No other materials may be used in the construction of walkways without the prior written consent of the Developer.
7. No trailer, boat, recreational vehicle, truck over 3/4 ton in size or commercial vehicle

shall be parked or stored on any Lot for a continuous period of more than seventy-two hours unless it is kept in an enclosed garage or other area bounded by screening approved by the Developer.

8. No house shall be constructed on Lot 1, 15, 16 or 20 unless the Developer has approved the exterior design of the front and flanking elevations of the house, and landscaping plan showing the location of grass, plantings and the type and placement of landscaping walls, fencing and hedging.
9. No Owner of Lots 1, 2, 3 or 20 shall damage, interfere with, nor fail to maintain in good condition and repair the fence adjacent to Kidston Road on his property nor the entry facades on Lots 1 and 20.
10. No Owner of any Lot shall fail to take reasonable precautions against the spread of fire to or from his Lot and in particular:
 - a. Shall use only fire resistant materials for roofs and exterior walls. Woody materials such as shakes shall not be used for roofing;
 - b. Shall build driveways and roads to suitable width to allow for emergency vehicles and keep them free of obstructions;
 - c. Shall clean up all combustible materials as soon as construction is completed;
 - d. Shall maintain a fuel-modified space around homes and buildings with only low-growing (<0.5 meter tall) shrubs around buildings. Deciduous trees and shrubs are favored for landscaping. Watered and mowed lawns are also recommended close to buildings. It is also recommended that pea gravel, lava rock or other non-combustible material be used as groundcover;
 - e. Shall not use construction grade vinyl soffit material unless the surrounding grounds are irrigated by underground systems. Otherwise non-combustible materials are to be used;
 - f. Shall ensure that crawl spaces, the underside of porches and decks and any sheds are sealed;
 - g. Shall use only metal screens for attic and basement vents with small enough openings to prevent sparks from passing into the building;
 - h. Shall not stack firewood next to the house or other buildings; and
 - i. Shall not permit the accumulation of ground fuels around homes or buildings nor needle accumulations on roofs or in eaves troughs.

END OF DOCUMENT

18 JUL 2005 13 28

KX094843

1-0475

Land Title Act
Form 35
(Section 220(1))

Declaration of Building Scheme

NATURE OF INTEREST CHARGE: Statutory Building Scheme

HEREWITH FEES OF: ~~\$55.00~~ 64.75

Address of person entitled to apply to register this building scheme:

INVERCRAIG PROPERTIES INC. (Inc. No. 680931)
c/o #305 - 2692 Clearbrook Road,
Abbotsford, B.C. V2T 2Y8

Full name, address, and telephone number of person presenting application:

Louise Baldock, Legal Secretary
FAST WELWOOD & WIENS,
#305 - 2692 Clearbrook Road,
Abbotsford, B.C. V2T 2Y8
Our file: 025253.01

01 05/07/18 13:32:35 01 KL 848791
CHARGE \$64.75


Signature of Applicant or
Solicitor or Authorized Agent

We, INVERCRAIG PROPERTIES INC. (the "Developer"), declare that:

1. We are the registered owners in fee simple of the following lands (the "Lands") within the District of Coldstream:

NPA
Lots 1 through 20 inclusive District Lot 55 Osoyoos Division
Yale District Plan 78534

- 2. We hereby create a building scheme relating to the Lands.
- 3. A sale of the Lands or any subdivided or stratified portion thereof is subject to the restrictions enumerated in the schedule attached or annexed hereto.

Original Doc missing, Executives
dates after deposit of Plan Package
deposited July 18/05.
B.

ABSTRACT REGISTRY
10330

LAND TITLE ACT
FORM C

(Section 219.81)

Province of British Columbia
GENERAL INSTRUMENT - PART 1 (THIS AREA FOR LAND TITLE USE)

LA 151690

Page 1 of 6 pages

ABSTRACT REGISTRY
10330

1. APPLICATION: (Name, address, telephone number and signature of applicant, applicant's solicitor or agent)
Louise Baldock, Legal Secretary,
FAST WELWOOD & WIENS, Barristers & Solicitors
#305 - 2692 Clearbrook Road
Abbotsford, BC, V2T 2Y8
Telephone: 857-1833/850-6640
Signature of Applicant - Agent
Louise Baldock

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

3. NATURE OF INTEREST: *
Description: Modification of Declaration of Building Scheme #KX094843
Document Reference (page and paragraph): ENTIRE DOCUMENT
Person Entitled to Interest: TRANSFEREE(S)

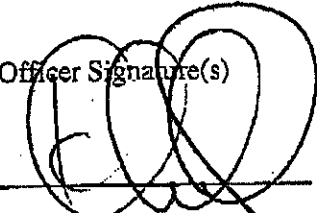
4. TERMS: Part 2 of this instrument consists of (select one only)
(a) Filed Standard Charge Terms
(b) Express Charge Terms **XX**
(c) Release
D.F. No. Annexed as Part 2
There is no Part 2 of this instrument
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S): *
INVERCRAIG PROPERTIES INC. (Inc. No. 680931) c/o #305 - 2692 Clearbrook Road, Abbotsford, B.C. V2T 2Y8 and ROYAL BANK OF CANADA of 2nd Floor, 550 Victoria Street, Prince George, B.C. V2L 2K1 (as to Priority) RICHARD JOSEPH MURPHY AND JUDY HELEN ASTRIDGE

6. TRANSFEREE(S): (including postal address(es) and postal codes(s) and occupations) *
INVERCRAIG PROPERTIES INC. (Inc. No. 680931) c/o #305 - 2692 Clearbrook Road, Abbotsford, B.C. V2T 2Y8

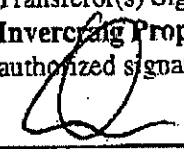
7. ADDITIONAL OR MODIFIED TERMS: *
NIL

EXECUTION(S): **This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

KEVIN E. CHERKOWSKI
Barrister and Solicitor
3009B - 28th Street
Vernon, B.C. V1T 4Z7
Telephone: (250) 542-1177

Execution Date

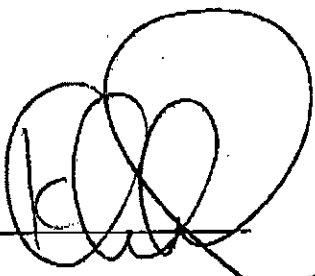
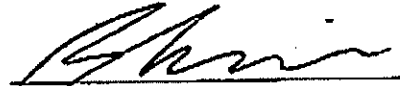
Y	M	D
2006	10	26

Transferor(s) Signature(s):
Invercraig Properties Inc. by its authorized signatory(ies)

Daniel Leboe

(As to Both Signatures)
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.

**LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED**

Officer Signature(s)	Execution Date			Signature(s)
	Y	M	D	
<hr/>	2006			Invercraig Properties by its Authorized Signatory(ies):
	2006	10	26	Name: _____ Name: _____
KEVIN E. CHERKOWSKI Barrister and Solicitor 3009B - 28th Street Vernon, B.C. V1T 4Z7 Telephone: (250) 542-1177				ROYAL BANK OF CANADA by its authorized signatory(ies)  Name: <u>BILL MILLER</u>
				Name: _____

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



**LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED**

Execution Date

Officer Signature(s)

Y	M	D
2006	11	24
2006	11	24

Signature(s)



 Sukanya Rajaratnam
 Senior Consular Program Officer
 Agente principale du programme des passeports
 7-3-38 Akasaka, Minato-Ku
 Tokyo, Japan
 1078503


 Richard Joseph
 Murphy


 Judy Helen Astridge

(As to All Signatures)

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. 1996, c.124, 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

**LAND TITLE ACT
FORM E
SCHEDULE**

Page 4 of 6 Pages

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

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

026-361-582	Lot 1 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-591	Lot 2 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-604	Lot 3 District Lot 55 Osoyoos Division Yale District Plan KAP78534
926-361-612	Lot 4 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-621	Lot 5 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-639	Lot 6 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-647	Lot 7 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-655	Lot 8 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-663	Lot 9 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-671	Lot 10, District Lot 55, Osoyoos Division Yale District Plan KAP78534
026-361-680	Lot 11 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-698	Lot 12 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-701	Lot 13 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-710	Lot 14 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-728	Lot 15 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-736	Lot 16 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-744	Lot 17 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-752	Lot 18 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-761	Lot 19 District Lot 55 Osoyoos Division Yale District Plan KAP78534
026-361-779	Lot 20 District Lot 55 Osoyoos Division Yale District Plan KAP78534

TERMS OF INSTRUMENT - PART 2

THIS MODIFICATION OF DECLARATION OF BUILDING SCHEME made the
4th day of July, 2005

BETWEEN: **INVERCRAIG PROPERTIES INC. (Inc. #680931) of**
#305 - 2692 Clearbrook Road, Abbotsford, B.C. V2T 2Y8 and
Richard Joseph Murphy and Judy Helen Astridge of
c/o The American School
1-1-1 Nomizu, Chofu-Shi, Tokyo, Japan 182
(hereinafter called the "Transferor")

OF THE FIRST PART

AND: **INVERCRAIG PROPERTIES INC. (Inc. #680931) of**
#305 - 2692 Clearbrook Road, Abbotsford, B.C. V2T 2Y8
(hereinafter called the "Transferee")

OF THE SECOND PART

WHEREAS by the Declaration of Building Scheme dated the 4th day of July, 2005 registered against the land and premises described as follows:

Lot 1 through 20 INCLUSIVE District Lot 55 Osoyoos Division Yale District Plan KAP78534

which said Declaration of Building Scheme was registered in the Kamloops Land Title Office on the 18th day of July, 2005, under filing number KX094843.

AND WHEREAS the parties hereto have agreed to modify the said Declaration of Building Scheme as shown herein.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the sum of ONE (\$1.00) DOLLAR and other valuable consideration (the receipt whereof is hereby acknowledged) IT IS AGREED AND DECLARED between the parties hereto that the Declaration of Building Scheme be amended as follows:

a. That on page 4 of the said Declaration of Building Scheme Document - Item #3 is to be DELETED in it's entirety.

AND IT IS HEREBY AGREED between the parties hereto that this Agreement shall, from the date hereof, and without prejudice to the present state of the Declaration of Building Scheme, be read and construed along with the Declaration of Building Scheme, and be treated as a part thereof and for such purposes, and so far as may be necessary to effectuate these presents the said Declaration of Building Scheme shall be regarded as being hereby amended, and the said Declaration of Buildings Scheme as so amended, together with all the covenants and provisions thereof, shall remain in full force and effect.

THIS INDENTURE shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

WHEREVER the singular or masculine are used throughout this Indenture the same shall be construed as meaning the plural.

END OF DOCUMENT