

FORM 13

(WATER SUPPLY EASEMENT)

Creation of easement
Section 45 (1) Transfer of Land Act 1958

Lodged at the Land Titles Office by:

Name: _____

Phone: _____

Address: _____

Ref: _____ Customer Code: _____

The grantor being registered as the proprietor of the estate specified in the servient land transfers and grants to the grantee and its successors the registered proprietor of the dominant land for the consideration expressed the easement specified subject to the encumbrances affecting the servient land including any created by dealings lodged for registration before the lodging of this creation of easement.

Servient Land: The land marked E-1 on the attached plan being part of the land described
in certificate of title volume _____ folio _____

Dominant: An easement in gross pursuant to the Water Industry Act 1994 (Vic)

Grantor: _____
of _____

Grantee: South East Water Limited ABN 89 066 902 547 of 20 Corporate Drive,
Heatherton, 3202

Estate: Estate in fee simple

Consideration: \$1.00

Easement: ALL THAT the full and free right and liberty to and for the Grantee its servants agents contractors and workmen at all times hereafter subject to and for the purposes of the Water Industry Act 1994 ("Act") to enter and re-enter upon and to go pass and repass with or without plant and equipment through over or along the servient land AND also full and free right and liberty power and authority to and for the Grantee its servants agents contractors and workmen to dig cut and excavate in on or under any part of the servient land at any time hereafter and from time to time for the purpose of laying down building constructing or placing therein any sewer or sewers or other works or undertakings in connection therewith as may from time to time be considered necessary by the Grantee and from time to time to construct build maintain inspect repair alter destroy remove close up replace or renew any such sewer or sewers or other works or undertakings as aforesaid AND also with full power at all times hereafter to the Grantee and to all persons whomsoever under the authority of the Grantee to use such sewer or sewers or other works or undertakings as aforesaid for sewerage purposes PROVIDED ALWAYS that in the exercise of the foregoing powers the Grantee shall do as little damage as may be possible and will properly fill in any excavations and restore the surface of the servient land to as nearly as reasonably possible to the condition in which the same was immediately prior to the commencement of the work PROVIDED FURTHER that nothing herein contained shall be deemed in any

way to restrict limit or detract from any right power or authority of the Grantee by virtue of the Act or any amendment thereof AND IT IS HEREBY AGREED AND DECLARED that in the interpretation of this instrument the masculine gender shall include the feminine and neuter genders.

Date:

SIGNED by _____)
.....)
in the presence of: _____)

.....
Witness

Name (print):

OR COMPANY EXECUTION CLAUSE

(See attached "Guide to Company Execution Clauses")

EXECUTED by SOUTH EAST)
WATER LIMITED)
ACN 066 902 547)
by its duly)
appointed Attorney in the)
presence of:)

.....
Attorney

Name:.....

Usual Address:

.....
Date of Power of Attorney: 8 May 2006

.....
Witness

Name (print):

To the Registrar of Titles

Please register this creation of easement
and on completion return certificate of
title volume _____ folio _____ and

_____ to _____
mortgage _____

MORTGAGEE'S CONSENT

_____ of
_____ the mortgagee under mortgage
no. _____ consents to this creation of easement.

Date:

_____ (Execution)

“GUIDE TO COMPANY EXECUTION CLAUSES”

Company executing without using a Common Seal

Executed by (*Company Name*) by being)
signed by those persons who are)
authorised to sign for the Company)

.....
Director

.....
Full Name

.....
Usual address

.....
Director (or Secretary)

.....
Full Name

.....
Usual address

Sole person company

Executed by (*Company Name*) by being)
signed by the person who is authorised)
to sign for the Company)

.....
Sole Director and Sole Company Secretary

.....
Full name

.....
Usual address

Multi-Director Company where only one Director is permitted to execute

Executed by (*Company Name*) by being)
signed by the person who is authorised)
to sign for the Company)

.....
Sole Director and Sole Company Secretary

.....
Full name

.....
Usual address

The Titles Office also requires a letter from the company's lawyer or company secretary that the company is a multi-Director which has a constitution that permits one Director only to sign for the company. South East Water requires this.

Company executing by using a Common Seal

THE COMMON SEAL of) *
(Company Name))
ACN)
was affixed in the presence of)

.....
Director

Affix Seal Here

.....
Full name

.....
Usual address

.....
Secretary

.....
Full name

.....
Usual address

Sole person company

THE COMMON SEAL of) *
(Company Name))
ACN)
was affixed in the presence of)
the authorised person) Affix Seal Here

.....
Sole Director and Sole Company Secretary

.....
Full name

.....
Usual address

Multi-Director company where one Director only executes

THE COMMON SEAL of
(*Company Name*)
ACN
was affixed in the presence of
an authorised person

) *
)
)
)

Affix Seal Here

.....
Director

.....
Full name

.....
Usual address

The Titles Office requires a letter from the company's lawyer or company secretary that the company is a multi-director company, which has a constitution permitting the Seal to be affixed in the presence of one Director only. South East Water also requires this.