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*Take Registrar
Place register this
transfer and have
made in new title to
Markham 2/18/1944
2-8/1944
Jm*

4171930

1923252

FREE HOLD
14/6
T.O.

G. A. HILFORD
VICTORIA
OFFICE OF LAND
G. A. Hilford
S. A. Hilford
#161157

KEEP
-3 AUG. 1944



We HENRY LESLIE WITT of 96 Queen Street Melbourne Estate Agent and JAMES STUART KENNETT of Ruffy Farmer being registered as the proprietors of an estate in fee-simple in the land hereinafter described subject to the encumbrances notified hereunder IN CONSIDERATION of the sum of TWO HUNDRED AND SEVENTYTWO POUNDS paid to us by JOHN ROBERT BLYTH of No. 347 Warrigal Road Burwood Pitter and Turner DO HEREBY TRANSFER to the said John Robert Blyth all our estate and interest in ALL THAT PIECE of land being Lot 20 on Plan of Subdivision Number 12951 lodged in the Office of Titles being part of Crown Portion 113 at Burwood Parish of Mulgrave County of Bourke and being part of the land more particularly described in Certificate of Title Volume 5807 Folio 1161224 AND the said John Robert Blyth with the intent that the benefit of this covenant shall be annexed to and run at law and in equity with the land remaining untransferred in Certificate of Title Volume 5807 Folio 1161224 other than the land hereby transferred and that the burden of this covenant shall be annexed to and run at law and in equity with the land hereby transferred and be set out as an encumbrance at the foot of the Certificate of Title to be issued pursuant to this transfer DOTH HEREBY for himself his heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land hereby transferred COVENANT with the said Henry Leslie Witt and James Stuart Kennett and each of them their and each of their heirs executors administrators and transferees and other the registered proprietor or proprietors for the time being of all the land now comprised in Certificate of Title Volume 5807 Folio 1161224 except the land hereby transferred that he the said John Robert Blyth his heirs executors administrators and transferees will not excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred except for the purpose of excavating for the foundations of any building to be erected thereon and will not erect any building or hoarding for advertisement nor any forge nor timber yard upon the said land nor allow the said

*red & blue
5807-224 pt
under an acre*

*ENC. A to blue -
the contract
sec. 22.*

*to wh.
the court
herein*

*4/11/44
28842*

*St
St
12.9.44*

*Extending
til 11/11/44*

IMAGED

*6/11/44
11/11/44*

land to be used for the storage of timber.

Dated this 2nd day of August 1944.

SIGNED by the said HENRY LESSIE WITT
in Victoria by his Attorney ALEXANDER
LLEWELLYN WETPENHALL under Power No.
67150 in the presence of

H L Witt
by his attorney
Alex Wetpenhall

Majorie McCulloch
clerk to
Mr S. I. Hieford
Solicitor
Melbourne.

SIGNED by the said JAMES STUART
KENNETT in Victoria by his Attorney
ALEXANDER LLEWELLYN WETPENHALL under
Power No. 59619 in the presence of

J S Kennett
by his attorney
Alex Wetpenhall

Majorie McCulloch

SIGNED by the said JOHN ROBERT BLYTH
in Victoria in the presence of

J. R. Blyth.

Hieford
Solicitor
Melbourne

Encumbrances referred to.

As to so much of the said Lot 20 as is colored green on the map in the margin of the said Certificate of Title-The Easements deemed to be included by virtue of Section 212 (2) of the Transfer of Land Act 1928 in any transfer of a Lot on Plan of Subdivision No. 12951 lodged in the Office of Titles and referred to on the said map.

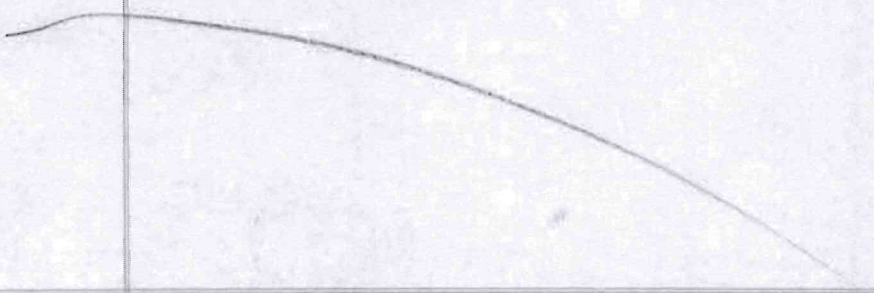
I JOHN ROBERT BLYTH, the withinnamed Transferee, hereby declare:-

1. That the transaction to which the withinwritten Instrument relates is not in contravention of any provision of the National Security (Land Transfer) Regulations.
2. That the said Instrument has not been executed in contravention of the said Regulations.

SIGNED in Victoria by the said JOHN
ROBERT BLYTH in the presence of

J. R. Blyth.

Hieford
Solicitor
Melbourne



DATED 1944

MESSRS. H. L. STIMP & J.S. KENNEDY

- 60 -

MR. J. R. BLYTHE

TRANSFER OF LAND

G. A. Hillford,
Sollitor,
19 Queen Street,
Melbourne.

MEMORIAL OF INSTRUMENT

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OF TRANSFER THEREON
TRANSFER AS TO PART	THE 5 th DAY OF August 1944.	To John Robert Blyth L. Forbes	1925252

JA

ASSISTANT REGISTRAR OF TITLES

I CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT THE TIME LAST MENTIONED IN THE REGISTER BOOK VOL 5807 FOL 1161224

L. Forbes

ASSISTANT REGISTRAR OF TITLES

Application for declaration that restrictive covenant is released varied or modified
Section 88(1B) Transfer of Land Act 1958



Lodged by

Name: AUGHTERSONS LAWYERS PTY LTD
Phone: 9845 8200
Address: 267 MAROONDAH HIGHWAY, RINGWOOD
Reference: GE:161079
Customer code: 0436J

The applicant applies for declaration by the Registrar that the restrictive covenant has been released/varied, or modified.

Land: (volume and folio)

VOLUME 6715 FOLIO 845

Applicant: (full name)

PEI YAO JIANG

Covenant: (describe the instrument creating covenant)

COVENANT 1923252 BE MODIFIED PURSUANT TO SUPREME COURT ORDER NO. S CI 2016 02814
DATED 27 OCTOBER 2017

Signing:

35271702A

88(1B)TLA

Page 1 of 2

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Application for declaration that restrictive covenant is released varied or modified
Section 88(1B) Transfer of Land Act 1958



Certifications

- 1.The Certifier has taken reasonable steps to verify the identity of the applicant.
- 2.The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- 3.The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 4.The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of PEI YAO JIANG

Signer Name GLEN ANDREW EGERTON
Signer Organisation AUGHTERSONS LAWYERS PTY LTD
Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature

A handwritten signature in black ink, appearing to be "Glen Andrew Egerton", written over a circular scribble. To the right of the signature, the date "10/5/18" is handwritten.

Execution Date

GLEN ANDREW EGERTON
267 Maroondah Highway, Ringwood
An Australian Legal Practitioner
within the meaning of the *Legal Profession Uniform Law (Victoria)*

35271702A

88(1B)TLA

Page 2 of 2

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IN THE SUPREME COURT
OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
PROPERTY LIST

S CI 2016 02814

IN THE MATTER of an Application pursuant to section 84 of the *Property Law Act 1958* for the modification of a restrictive covenant

PEI YAO JIANG

Plaintiff

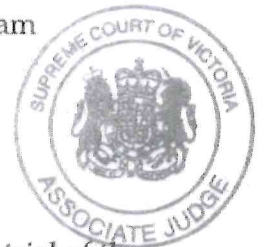
-v-

MONAYGON PTY LTD (ACN 005 621 161)

Defendant

GENERAL FORM OF ORDER

JUDGE:	The Honourable Associate Justice Derham
DATE MADE:	27 October 2017
ORIGINATING PROCESS:	Originating Motion filed 19 July 2016
HOW OBTAINED:	By judgment of the Court following the trial of the proceeding
ATTENDANCE:	Mr W Rimmer of Counsel for the plaintiff Mr T Alexander of Counsel, with Mr H Kirimov of Counsel, for the defendant



OTHER MATTERS:

- A. The Court's Reasons for Judgment are at: *Jiang v Monaygon Pty Ltd* [2017] VSC 591 (3 October 2017). The Courts reasons for the costs order are at: *Jiang v Monaygon Pty Ltd (Costs)* [2017] VSC 655.
- B. This order is signed by the Associate Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015 (Vic)*.

THE COURT ORDERS THAT:

- 1. Pursuant to section 84(1)(c) of the *Property Law Act 1958* the restrictive covenant contained in transfer of land registered no. 1923252 to the extent affecting the land in folio of the register volume 6715 folio 845, being the land known as 31 High Street Road Ashwood, be modified by deletion of the words struck through and insertion of the words double underlined as shown in the relevant part of the transfer so that the covenant reads -

... COVENANT with the said Henry Leslie Witt and James Stuart Kennett and each of them their and each of their heirs executors administrators and transferees and other the registered proprietor or proprietors for the time being of all the land now comprised in Certificate of Title Volume 5807 Folio 1161224 except the land hereby transferred that he the said John Robert Blyth his heirs executors administrators and transferees will not excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred ~~except for the purpose of excavating for the foundations of any building to be erected thereon~~ except in connection with the residential development or use of the land and will not erect any building or hoarding for advertisement nor any forge nor timber yard upon the said land nor allow the said land to be used for the storage of timber.



2. Pursuant to section 84(1)(c) of the *Property Law Act 1958* the restrictive covenant contained in transfer of land registered no. 1623360 to the extent affecting the land in folio of the register volume 11638 folio 177, being the land known as 33 High Street Road Ashwood, be modified by deletion of the words struck through and insertion of the words double underlined as shown in the relevant part of the transfer so that the covenant reads -

... COVENANTS with the said Henry Leslie Witt and James Stuart Kennett their heirs executors administrators and transferees or other the registered proprietor or proprietors of the balance of the land comprised in the said Certificate of Title that he and they shall not at any time hereafter excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred ~~except for the purpose of excavating for the foundations of any building to be erected thereon~~ except in connection with the residential development or use of the land or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery-ware and further shall not erect more than ~~one dwelling house~~ one residential apartment building on the said land AND the said Theodore David Gaunson with the intent that the foregoing covenant shall run with and bind the said land at law and in equity hereby requests that the said covenant shall appear in the Certificate of Title issued pursuant to this transfer.

3. As soon as practicable after the authentication of this order, the plaintiff shall lodge an authenticated copy with the Registrar of Titles.
4. The plaintiff has liberty to apply to the Court for any further or other orders necessary or incidental to give effect to this order.

AR019317V

15/05/2018 \$189.10 88V



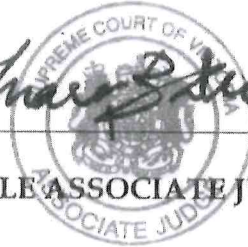
5. The plaintiff shall pay the defendant's costs of the proceeding up to and including the mediation of the proceeding on 19 April 2017 and the defendant shall pay the plaintiff's costs of the proceeding after the mediation on 19 April 2017, both on a standard basis to be taxed in default of agreement.

DATE AUTHENTICATED: 27 October 2017



Justice Derham

THE HONOURABLE ASSOCIATE JUSTICE DERHAM



AR019317V

15/05/2018 \$189.10 88V



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139

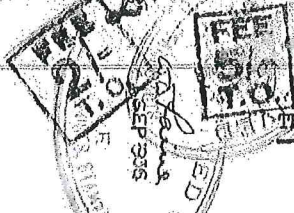
3520488

WENTON AND LUNN

1623360

FREEHOLD

Victoria



TRANSFER OF LAND

C. Paul



We HENRY LESLIE WITT of 96 Queen Street Melbourne Estate agent and JAMES STUART KENNETT of Ruffy Farmer being registered as the proprietors of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of ONE HUNDRED AND FORTY-FOUR POUNDS -- paid to us by ANNIE GAUNSON of 501 High Street East Prahran Married woman AND in further consideration of the sum of ONE HUNDRED AND THIRTY-TWO POUNDS ----- paid to the said Annie Gaunson by THEODORE DAVID GAUNSON of 501 High Street East Prahran Bank clerk DO HEREBY at the request and by the direction of the said Annie Gaunson testified by her ----- execution hereof T R A N S F E R to the said Theodore David Gaunson All our estate and interest in ALL THAT piece of land being Lot 21 on Plan of Subdivision Number 12951 lodged in the Office of Titles being part of Crown Portion 113 at --- Burwood Parish of Mulgrave County of Bourke and being part of the land more particularly described in Certificate of Title -- Volume 5807 Folio 1161224 AND the said Theodore David Gaunson for himself his heirs executors administrators and ----- transferees or other the registered proprietor or proprietors of the land hereby transferred COVENANTS with the said Henry Leslie Witt and James Stuart Kennett their heirs executors ----- administrators and transferees or other the registered proprietor or proprietors of the balance of the land comprised in the said Certificate of Title That he and they shall not at any time --- hereafter excavate carry away or remove or permit to be ----- excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred except for the ----- purpose of excavating for the foundations of any building to be erected thereon or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery-ware and further shall not erect more than one dwelling house on the said land AND the said Theodore David Gaunson with the intent that the foregoing covenant shall run with and bind the said land at law and in equity hereby requests that the said covenant shall appear in the Certificate of Title issued pursuant

*2000
6/11/16
8/9/16*

*FEE: REAR-PAVING
5807
PART OF
UNDER AN HEIRE
ENC. A TO THE REAR EASMENT
EFC SEC 212
AS TO THE WAY THE COVENANT
HEKEN*

*SRM
17/9/26
dwyer
18/9/26*



*Amun
3-9-86*

IMAGED

to this transfer.

DATED the 19th day of August 1936.

SIGNED in Victoria by the said)
HENRY LESLIE WITT in the pres-)
ence of)

Henry Leslie Witt
Clark to Parkinson & Wettenhall
Solicitors Melbourne

Henry Leslie Witt

SIGNED by the said JAMES --)
STUART KENNETT by his attorney)
ALEXANDER LLEWELLYN WETTENHALL)
under Power Number 59519 within)
Victoria in the presence of)

Stuart Kennett
Alexander Llewellyn Wettenhall
Sols Melbourne

Stuart Kennett
Alexander Llewellyn Wettenhall

SIGNED in Victoria by the said)
ANNIE GAUNSON in the presence)
of Carl Ruison Bank Manager)

THE COMMERCIAL BANKING COMPANY
OF SYDNEY, LIMITED.

Carl Ruison
Armadale

Annie Gaunson

SIGNED in Victoria by the said)
THEODORE DAVID GAUNSON in the)
presence of)

Theodore David Gaunson
Solicitor
Melbourne

Theodore David Gaunson

ENCUMBRANCES REFERRED TO

As to the land colored green on the map in the margin of Certificate of Title Volume 8807 Folio 1161224 -- The easements deemed to be included by virtue of Section 212 (2) of the Transfer of Land Act 1928 in any transfer of a Lot on Plan of Subdivision Number 12951 lodged in the Office of Titles and referred to on the above mentioned map.

FENTON & DUNN, Solicitors,
422 Collins Street,
MELBOURNE.

TRANSFER OF LAND

MR. T.D. GAUNSON

By direction of
MRS. A. GAUNSON
to

MESSRS. H.L. WITTY and
J.S. KENNEDY

DATED 1936

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OR SYMBOL THEREON
<i>Transfer as to part</i>	THE 1st DAY OF <i>September</i> 1936	TO <i>Theodore David</i> <i>Gaunson</i>	<i>1623360</i>
<p style="text-align: center;"><i>[Signature]</i> ASSISTANT REGISTRAR OF TITLES.</p> <p>I CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT THE TIME LAST MENTIONED IN THE REGISTER BOOK VOL. 5807 FOL. 116/224</p> <p style="text-align: center;"><i>[Signature]</i> ASSISTANT REGISTRAR OF TITLES.</p>			

**Application for declaration that restrictive
covenant is released varied or modified
Section 88(1B) Transfer of Land Act 1958**



*Accept
13.4.18*

Lodged by
Name: AUGHTERSONS LAWYERS PTY LTD
Phone: 9845 8200
Address: 267 MAROONDAH HIGHWAY, RINGWOOD
Reference: GE:161079
Customer code: 0436J

The applicant applies for declaration by the Registrar that the restrictive covenant has been released/varied, or modified.

Land: (volume and folio)

VOLUME 11638 FOLIO 177

Applicant: (full name)

PEI YAO JIANG

Covenant: (describe the instrument creating covenant)

COVENANT 1623360 BE MODIFIED PURSUANT TO SUPREME COURT ORDER NO. S CI 2016 02814
DATED 27 OCTOBER 2017

Signing:

35271702A

88(1B)TLA

Page 1 of 2

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**Application for declaration that restrictive
covenant is released varied or modified
Section 88(1B) Transfer of Land Act 1958**



Certifications

1. The Certifier has taken reasonable steps to verify the identity of the applicant.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of PEI YAO JIANG

Signer Name GLEN ANDREW EGERTON

Signer Organisation AUGHTERSONS LAWYERS PTY LTD

Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature

A handwritten signature in black ink, appearing to read 'Glen Andrew Egerton'.

GLEN ANDREW EGERTON
267 Maroondah Highway, Ringwood
An Australian Legal Practitioner
within the meaning of the *Legal*
Profession Uniform Law (Victoria)

Execution Date

10/04/18

35271702A

88(1B)TLA

Page 2 of 2

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16/04/2018 \$189.10 88V



IN THE SUPREME COURT
OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
PROPERTY LIST

S CI 2016 02814

IN THE MATTER of an Application pursuant to section 84 of the *Property Law Act 1958* for the modification of a restrictive covenant

PEI YAO JIANG

Plaintiff

- v -

MONAYGON PTY LTD (ACN 005 621 161)

Defendant

GENERAL FORM OF ORDER



JUDGE: The Honourable Associate Justice Derham

DATE MADE: 27 October 2017

ORIGINATING PROCESS: Originating Motion filed 19 July 2016

HOW OBTAINED: By judgment of the Court following the trial of the proceeding

ATTENDANCE: Mr W Rimmer of Counsel for the plaintiff
Mr T Alexander of Counsel, with Mr H Kirimov of Counsel, for the defendant

OTHER MATTERS:

- A. The Court's Reasons for Judgment are at: *Jiang v Monaygon Pty Ltd* [2017] VSC 591 (3 October 2017). The Courts reasons for the costs order are at: *Jiang v Monaygon Pty Ltd (Costs)* [2017] VSC 655.
- B. This order is signed by the Associate Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015 (Vic)*.

THE COURT ORDERS THAT:

- 1. Pursuant to section 84(1)(c) of the *Property Law Act 1958* the restrictive covenant contained in transfer of land registered no. 1923252 to the extent affecting the land in folio of the register volume 6715 folio 845, being the land known as 31 High Street Road Ashwood, be modified by deletion of the words struck through and insertion of the words double underlined as shown in the relevant part of the transfer so that the covenant reads -

... COVENANT with the said Henry Leslie Witt and James Stuart Kennett and each of them their and each of their heirs executors administrators and transferees and other the registered proprietor or proprietors for the time being of all the land now comprised in Certificate of Title Volume 5807 Folio 1161224 except the land hereby transferred that he the said John Robert Blyth his heirs executors administrators and transferees will not excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred ~~except for the purpose of excavating for the foundations of any building to be erected thereon~~ except in connection with the residential development or use of the land and will not erect any building or hoarding for advertisement nor any forge nor timber yard upon the said land nor allow the said land to be used for the storage of timber.



2. Pursuant to section 84(1)(c) of the *Property Law Act 1958* the restrictive covenant contained in transfer of land registered no. 1623360 to the extent affecting the land in folio of the register volume 11638 folio 177, being the land known as 33 High Street Road Ashwood, be modified by deletion of the words struck through and insertion of the words double underlined as shown in the relevant part of the transfer so that the covenant reads -

... COVENANTS with the said Henry Leslie Witt and James Stuart Kennett their heirs executors administrators and transferees or other the registered proprietor or proprietors of the balance of the land comprised in the said Certificate of Title that he and they shall not at any time hereafter excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred ~~except for the purpose of excavating for the foundations of any building to be erected thereon~~ except in connection with the residential development or use of the land or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery-ware and further shall not erect more than ~~one dwelling house~~ one residential apartment building on the said land AND the said Theodore David Gaunson with the intent that the foregoing covenant shall run with and bind the said land at law and in equity hereby requests that the said covenant shall appear in the Certificate of Title issued pursuant to this transfer.

3. As soon as practicable after the authentication of this order, the plaintiff shall lodge an authenticated copy with the Registrar of Titles.
4. The plaintiff has liberty to apply to the Court for any further or other orders necessary or incidental to give effect to this order.

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16/04/2018 \$189.10 88V



5. The plaintiff shall pay the defendant's costs of the proceeding up to and including the mediation of the proceeding on 19 April 2017 and the defendant shall pay the plaintiff's costs of the proceeding after the mediation on 19 April 2017, both on a standard basis to be taxed in default of agreement.

DATE AUTHENTICATED: 27 October 2017




THE HONOURABLE ASSOCIATE JUSTICE DERHAM

AQ922633G

16/04/2018 \$189.10 88V

