

Odour Easement

1/2

40 APR 25 10 26 AM
RECEIVED
LAND TITLE OFFICE
VICTORIA

KD035033 C

Assessor Notified

FORM 17
(Sections 151, 152(1), 220)

h

NOTE: Before submitting this application for interests under (1) and (2) applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a Municipality and Improvement, Water and Irrigation Districts.

CHARGE: EASEMENT

TRUE VALUE: NOMINAL

HEREWITH FEES OF: \$35.00

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

GARRETT N. WYNNE
Barrister & Solicitor
BOX 910 - PHONE 832-6479
SALMON ARM, B.C. V1E 4P1

*Will provide full
K.C. with a the 15/02/90*

Address of person entitled to be registered as owner, if different than shown in instrument:

04/25/90 A6067K CHG NOM 35.00

[Signature]
Signature of applicant or solicitor or authorized agent.

[Handwritten mark]

THIS AGREEMENT made the 23 day of February, 1990

BETWEEN

TRIPLE S DEVELOPMENT CORPORATION (316,456)
P. O. BOX 1388
Salmon Arm, B. C.
V1E 4P5
EMPRESS RESOURCES LTD. (197,529)
P. O. Box 1653
Salmon Arm, B. C.
V1E 4P7

*K45048F
5-158-133*

*+
G/T - description*

*LTS 1+2
E. KD*

*agreement to lot 1 R 26245
inter alia with priority over
KC 29749.*

2

(herein called the Owner)
OF THE FIRST PART

AND

DISTRICT OF SALMON ARM
P. O. Box 40
Salmon Arm, B. C.
V1E 4N2

(herein called the District)
OF THE SECOND PART

EASEMENT

WHEREAS the District is the registered owner in fee simple or tenant in possession of all and singular those certain parcels or tracts of lands and premises situate in the District of Salmon Arm in the Province of British Columbia more particularly known and described in Schedule "A" attached hereto;

(herein called the Dominant Tenement)

AND WHEREAS the District and its servants, agents, contractors and licencees have, over a period of years conducted, now conduct and will conduct on the Dominant Tenement a sewage treatment facility;

AND WHEREAS the Owner is the registered owner in fee simple of all and singular those certain parcels or tracts of lands and premises situate in the District of Salmon Arm in the Province of British Columbia more particularly known and described in Schedule "B" attached hereto;

(herein called the Servient Tenement)

AND WHEREAS the District has requested and the Owner has agreed to the reservation of easements for the purposes stated herein;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration (the

3

receipt and sufficiency of which the Owner acknowledges) the Owner hereby covenants and agrees with the District as follows:

1. The Owner hereby grants to the District and its assigns and successors in title, as appurtenant to the Dominant Tenement, as and by way of an easement in perpetuity over the Servient Tenement for the benefit of the Dominant Tenement and any part thereof, the full right and liberty for the District and its successors in title, the owners and the occupiers of the Dominant Tenement and any part thereof, and their respective servants, agents, contractors and licencees, at any time to use the Dominant Tenement for the purposes of conducting those businesses, occupations and uses as are presently in existence or as may in the future exist as the result of expansion on the Dominant Tenement and such other uses as are permitted by law without any liability to the Owner, its assigns and successors in title, the owners or the occupiers of the Servient Tenement or any part thereof, or their respective servants, agents, contractors or licencees for any injury, damage, inconvenience or nuisance to the Servient Tenement or any part thereof or any activities or persons thereon from or incidental to the carrying on of any of such businesses, occupations or uses, and without limiting the generality of the foregoing, at any time to emit or produce from the Dominant Tenement to on or over the Servient Tenement odour, dust, smoke, vapour, vibration or noise; so that the Owner, its assigns and successors in title and the occupiers of the Servient Tenement shall have no right of action at law or in equity against the District, its assigns and successors in title, the owners or occupiers of the Dominant Tenement or any part thereof, or their respective servants, agents, contractors or licencees for any such injury, damage, inconvenience or nuisance with regard to the Servient Tenement.

2. If any provision or any part thereof in this Agreement is found to be void, illegal or unenforceable, that provision or part thereof as the case may be shall be considered separate and severable from this Agreement to the extent that it is void, illegal or unenforceable and the remaining provisions of this Agreement shall remain in force and binding on the parties hereto as though the said provision or part thereof had never been included.

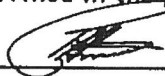
4


3. This Agreement, whether registered, registerable or not, shall be binding upon and enure to the benefit of the parties and their respective successors and assigns.

4. This Agreement shall be construed in accordance with and governed by the laws of the Province of British Columbia.


IN WITNESS WHEREOF the parties hereto have affixed their respective hands and seals the day and year first above written.

The Corporate Seal of the District of Salmon Arm hereto affixed in the presence of:


Authorized signatory


Authorized signatory

The Corporate Seal of Triple S Development Corporation hereto affixed in the presence of:


Authorized signatory

The Corporate Seal of Empress Resources Ltd. hereto affixed in the presence of:


Authorized signatory

Authorized signatory

5

SCHEDULE "A"

Lot 1, Section 14, Township 20, Range 10, West of the 6th Meridian,
Kamloops Division Yale District, Plan 26245

SCHEDULE "B"

Lots 1 and 2, Section 14, Township 20, Range 10, West of the 6th Meridian,
Kamloops Division Yale District, Plan 42866

(Section 46) 6

PROOF OF EXECUTION BY CORPORATION

I certify that on the 23 day of February, 19 90, at Salmon Arm in British Columbia, Victor W. Bates

(*whose identity has been proved by the evidence on oath of

(State full name, address, and occupation)

who is) personally known to me, appeared

before me and acknowledged to me that he/she is the authorized signatory of Triple S Development Corporation and that he/she is the person who subscribed his/her name and affixed the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix the seal to it, (and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at Salmon Arm this 23 day of February, 19 90

Garrett N. Wynne

*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets. †These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under section 162 (5) not to call for further evidence of the existence of the corporation.

‡Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

GARRETT N. WYNNE Barrister & Solicitor BOX 910 - PHONE 832-6479 SALMON ARM, B.C. V1E 4P1

LAND TITLE ACT

FORM 6 (Section 46)

PROOF OF EXECUTION BY CORPORATION

I certify that on the 23 day of February, 19 90, at Salmon Arm in British Columbia, David W. Smith

(*whose identity has been proved by the evidence on oath of

(State full name, address, and occupation)

who is) personally known to me, appeared

before me and acknowledged to me that he/she is the authorized signatory of Empress Resources Ltd. and that he/she is the person who subscribed his/her name and affixed the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix the seal to it, (and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at Salmon Arm this 23 day of February, 19 90

Garrett N. Wynne

*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets. †These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under section 162 (5) not to call for further evidence of the existence of the corporation.

‡Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

GARRETT N. WYNNE Barrister & Solicitor BOX 910 - PHONE 832-6479 SALMON ARM, B.C. V1E 4P1

FORM 6
(Section 46) 7

PROOF OF EXECUTION BY CORPORATION

I certify that on the 14 day of MARCH, 19 90, at Salmon Arm
in British Columbia,
(*where ~~it~~ has been proved by the evidence on oath of G. WAYNE BUCHANAN
who is) personally known to me, appeared
(State full name, address, and occupation)

before me and acknowledged to me that he/she is the authorized signatory of District of Salmon Arm
and that he/she is the person who subscribed his/her name and affixed
the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix
the seal to it, †(and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at Salmon Arm
this 14 day of MARCH, 19 90.
† [Signature]

*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets.
†These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under section 162 (5) not to
call for further evidence of the existence of the corporation.
‡Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

GARETT N. WYNNE
Barrister & Solicitor
BOX 910 — PHONE 832-6479
SALMON ARM, B.C. V1E 4P1


1

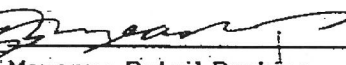
TAKE NOTICE that the Royal Bank of Canada the registered holder of a charge by way of mortgage registered under *KC89749 HEREBY CONSENTS to the registration of the attached easement as a charge on title having priority over the said mortgage as though the said easement had been registered at the Land Title Office before registration of the said mortgage.


DATED at Kelowna in the Province of British Columbia this 20 day of February, 1990.

SIGNED, SEALED AND DELIVERED in the presence of:

The Royal Bank of Canada by its lawful attorneys:


PAUL L. MITCHELL
BARRISTER & SOLICITOR
301 - 1475 ELLIS STREET
KELOWNA, B.C. V1Y 2A3
(as to both signatures)



Manager, Retail Banking


Account Manager

STATUTORY DECLARATION OF ATTORNEYS AND CERTIFICATE OF ACKNOWLEDGEMENT OF TRANSFEROR

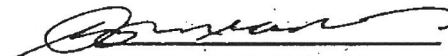
WE, **Charles Norman Meadows** and **Robert Carl Ludwig** of the City of Kelowna in the Province of British Columbia severally solemnly declare that:

1. We are the attorneys for the Royal Bank of Canada under a power of attorney filed under the Land Title Act.
2. We are the persons who subscribed the name of the Royal Bank of Canada and our names in the annexed instrument.
3. At the time of the execution of the instrument the power of attorney had not been revoked by or on behalf of the Royal Bank of Canada, the Royal Bank of Canada is legally entitled to hold and dispose of land in British Columbia

9.

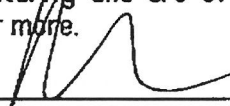
and we had not received any notice or information of the bankruptcy or dissolution of the Royal Bank of Canada

And we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



Manager, Retail Banking


Account Manager

Severally declared before me at Kelowna in British Columbia this 20 day of February, 1990 AND I CERTIFY that on the said day and at the said place the above named attorneys who are personally known to me appeared before me and acknowledged to me that they are the persons mentioned in the annexed instrument as attorneys of the Royal Bank of Canada, that their names are subscribed to it, that they know the contents of the instrument and executed it voluntarily and are of the age of 19 years or more.


A commissioner for taking affidavits for British Columbia

PAUL L. MITCHELL
BARRISTER & SOLICITOR
301 - 1475 ELLIS STREET
KELOWNA, B.C. V1Y 2A3


A commissioner for oaths in and for the Province of British Columbia.

PAUL L. MITCHELL
BARRISTER & SOLICITOR
301 - 1475 ELLIS STREET
KELOWNA, B.C. V1Y 2A3

REGISTERED KAKD35033

N13317 2004-04-14-09.39.59.934515

BC ONLINE LAND TITLE INTERNET SERVICE
PROVIDED IN CO-OPERATION WITH
LAND TITLE BRANCH - MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

B.C. LAND TITLE BRANCH - DOCUMENT RETRIEVAL

WEB REQUEST

CLIENT NAME: DISTRICT OF SALMON ARM
ADDRESS: P.O. BOX 40
SALMON ARM BC V1E 4N2

PICK-UP INSTRUCTIONS:

USER ID: PA77852 APPLICATION NO.: KD35033 KA PAGES: 009
ACCOUNT NO.: 819956 REQUESTED AT: 04-04-14 09:39
REFERENCE NO.: N13317 FOLIO NO.:

REMARKS:

BC ONLINE LAND TITLE INTERNET SERVICE

HELP DESK VICTORIA (250) 953-8200
IN B.C. 1-800-663-6102
ADMINISTRATION OFFICE ... (250) 953-8250
FAX NUMBER (250) 953-8222

PERSONS WHO NEED TO RELY ON A PLAN FOR LEGAL PURPOSES MUST EXAMINE THE OFFICIAL VERSION AT THE LAND TITLE OFFICE IN WHICH THE PLAN IS DEPOSITED.

THE BYLAW AND COMMON PROPERTY SHEETS ATTACHED TO STRATA PLANS HAVE BEEN REPEALED. INFORMATION REGARDING THE BYLAWS AND/OR DEALINGS AFFECTING THE COMMON PROPERTY OF STRATA PLANS MUST BE OBTAINED FROM THE GENERAL INDEX AND/OR COMMON PROPERTY INDEX ON ALTOS. REFER TO THE BC ONLINE USER GUIDE FOR ACCESS INFORMATION.

Plan of Subdivision of That Part of the N.E. 1/4, Sec.14 as shown on Plan B1383 (Except Plans 39965 and ~~42865~~),
 Lot 2, Plan 1928 (Except Plan 39965), Lot 1, Plan 1928 (Except Plans 39965 and ~~42865~~), Closed Road, Parcel A, Plan ~~42865~~,
 Lots 1 and 2, Plan 3367 (Except Plans 39965 and ~~42865~~), Parcel Z, Plan 1489 (Except Plans 39965 and ~~42865~~),
 Lot 2, Plan 2140 (Except Plans 23898 and ~~42865~~) and Lot 6, Plan 36183,
 Sec. 14, Tp. 20, Rge. 10, W6M, K.D.Y.D.

PLAN NO. 42866

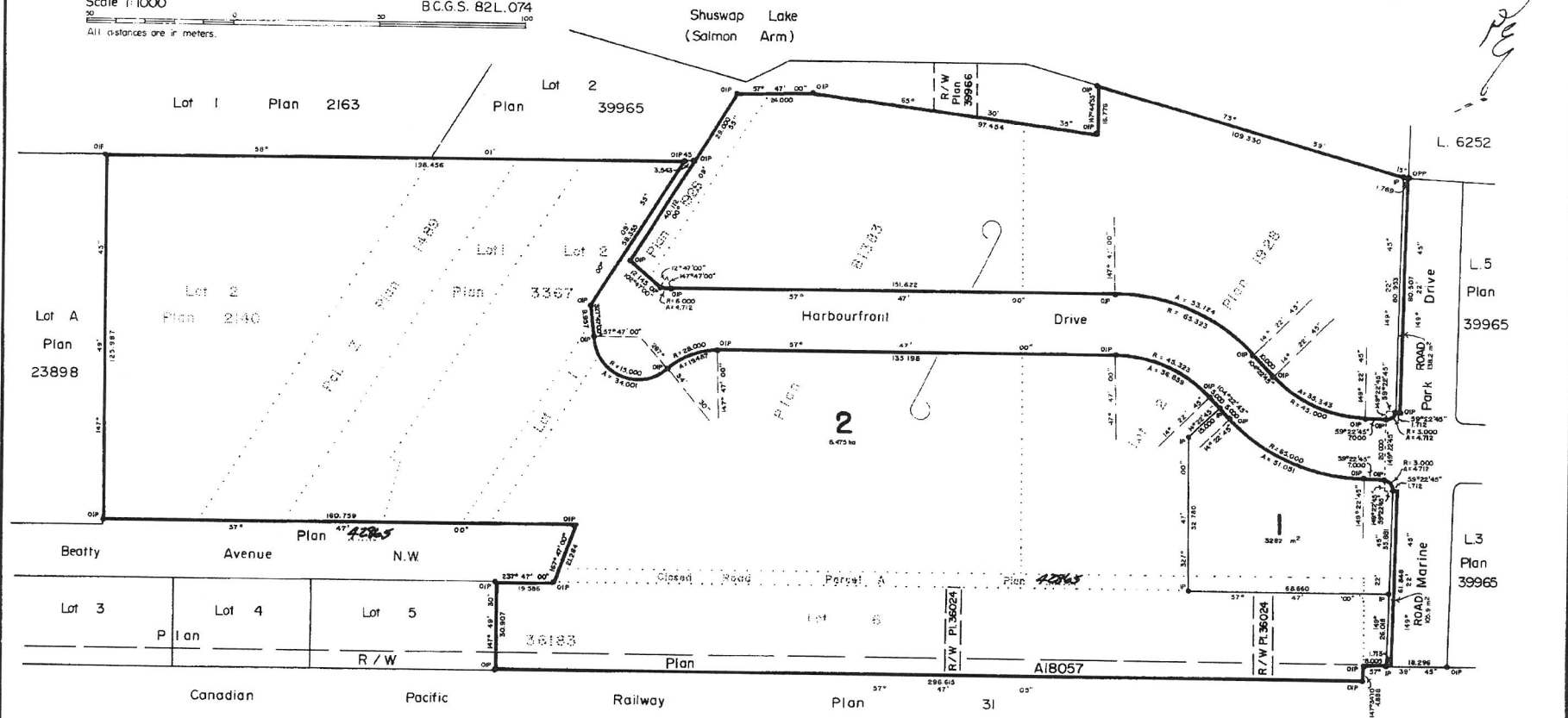
Deposited in the Land Title Office at Kamloops, B.C. this 27th day of February, 1990

[Signature]
Registrar

20^S NO. 322

RD 35031

Scale 1:1000
B.C.G.S. 82L.074
All distances are in meters.



LEGEND

Bearings are astronomic and are derived from Plan 39965

- OIP Denotes iron post found
- IP Denotes iron post set
- OPP Denotes pipe post found

This plan lies within Columbia-Shuswap Regional District.

The registered owners designated hereon declare that they have entered into covenants in favour of the District of Salmon Arm under Section 578 (4) of the Municipal Act.

APPROVAL

Approved under the Land Title Act this 27 day of February, 1990.

[Signature]
Approving Officer for the District of Salmon Arm

I, Gregory S. Browne, a British Columbia land surveyor, of the District of Salmon Arm in British Columbia, certify that I was present at and personally supervised the survey represented by this plan, and that the survey and plan are correct. The survey was completed on the 2nd day of February, 1990.

[Signature]
B.C.L.S.

Owner:
Triple S. Developments Ltd.

[Signature]
Authorized Signatory

Owner:
Empress Resources Ltd.

[Signature]
Authorized Signatory

Mortgages:
The Royal Bank of Canada
by its lawful attorneys

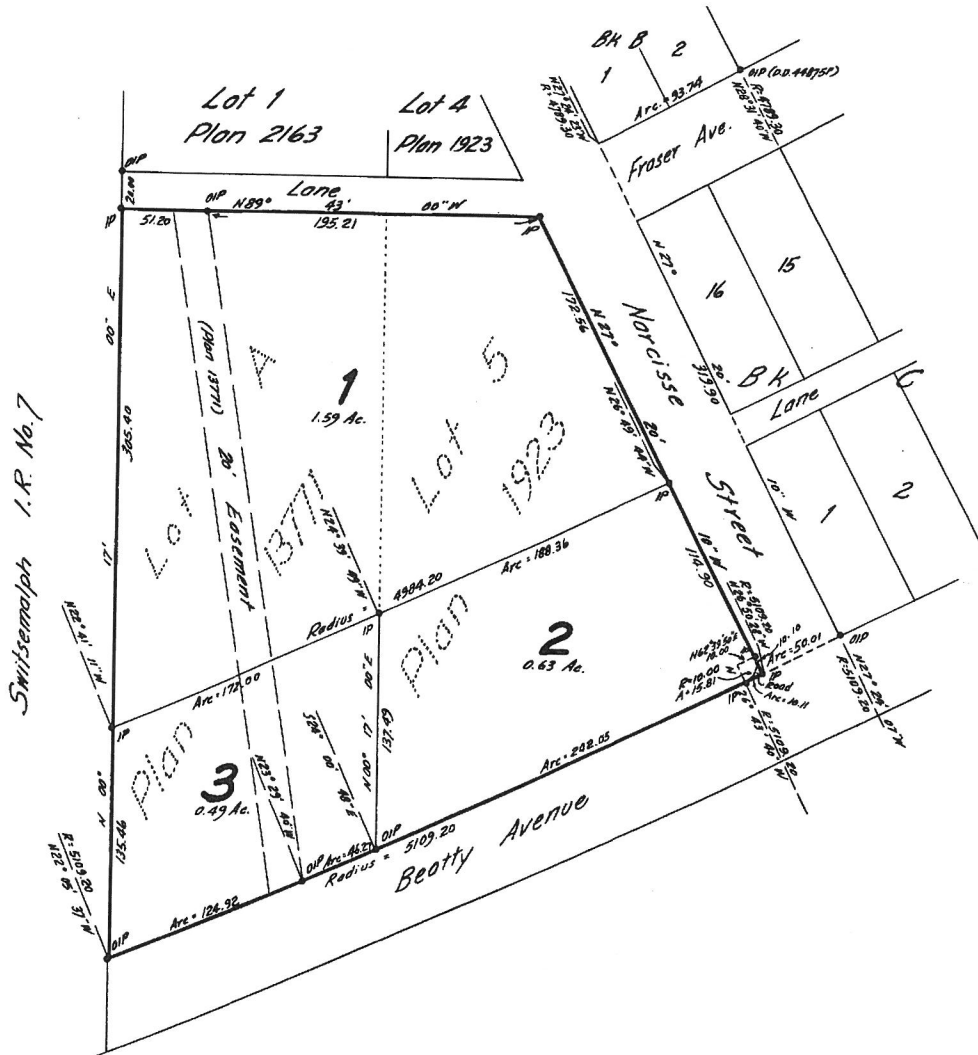
[Signature]
Authorized Signatory

[Signature]
Authorized Signatory

The registered owners designated hereon hereby declare that they have entered into a covenant in favour of the Ministry of Environment as represented by the District of Salmon Arm under Section 215 of the Land Title Act.

BROWNE & ASSOC.,
B.C. LAND SURVEYORS,
SALMON ARM, B.C.
File: 12-90 Fb. 291
P. 6-8

Plan of Subdivision of Lot A,
 Plan 13771 and Lot 5, Plan 1923,
 North West 1/4 Section 14,
 Township 20, Range 10, W6M. K.D.V.D.
 Scale: 1 inch = 50 feet.



No. 26245

Deposited in the Land Registry Office of Kamloops, B.C.
 this 28th day of AUGUST 1978.

[Signature]
 Registrar.

This space for Land Registry Office use only.

LEGEND

Bearings are astronomic and are derived from
 Plan 13771.

- O.I.P. Denotes old iron post found.
- I.P. Denotes iron post set
- O.P.P. Denotes pipe post found
- P.P. Denotes pipe post set
- Dom. Denotes Dominion type post
- Wit. Denotes witness post

APPROVAL

Approved under the Land Registry Act
 this 28th day of AUGUST 1978.

[Signature]
 Approving Officer for the
 District of Salmon Arm.

This plan lies within Columbia-Shuswap Regional District

MARILYN G. OPERATOR
 OWNER

WITNESS

[Signatures of witnesses]
 WITNESSES
 R. M. WINTER, WITNESS, etc.
 C. M. WINTER, etc.

I, Marilyn Browne of the District of Salmon Arm,
 British Columbia Land Surveyor, make oath and say
 that I was present at and did personally superintend
 the survey represented by this plan, and that the
 survey and plan are correct. The said survey was
 completed on the 16th day of June 1978.

[Signature]
 B.C.L.S.

Sworn before me this 18th day of AUGUST 1978.

DISTRICT OF SALMON ARM

[Signature]
 MAYOR
[Signature]
 DEPUTY CLERK

[Signature]
 A Commissioner for taking
 affidavits for British Columbia.

M. D. BROWNE,
 B.C. LAND SURVEYOR,
 SALMON ARM, B.C.
 File: 50-75 Fb/21 p.740.