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LAND TITLE ACT
FORM 35 RECEIVED
(Section 216 (19) TITLE OFFICE)
DECLARATION OF BUILDING SCHEME

NATURE OF INTEREST: Charge BUILDING SCHEME
HEREWITH FEE: \$35.00

Address of person entitled to apply to register this Building Scheme:
Roberts Angus Smith and
Mary Adela Smith
both of 3300 Hyland Avenue
COSTA MESA, California
U.S.A. 92626

RENÉE GIBSON c/o VICTRO REGISTRY
917 FITZGERALD AVE. SERVICES LTD.
COURTENAY, B.C.
V0N 2R5 (334-3103)
LEGAL SECRETARY

Renée Gibson
Signature of Applicant/
Solicitor/Authorized Agent

See Pld attached.*

WE, ROBERTS ANGUS SMITH, Professor of Biochemistry, and MARY ADELA SMITH, His Wife, both of 3300 Hyland Avenue, Costa Mesa, in the State of California, United States of America, 92626, declare:

- We are the registered owners in fee simple of the following land (hereinafter called "the lots"):

(City of Courtenay)
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13
Section 11
Comox District
Plan 50812
- Roberts Angus Smith and Mary Adela Smith hereby create a building scheme relating to the lots.
- A sale of any of the lots is subject to the restrictions enumerated in the schedule attached or annexed hereto.
- The restrictions shall be for the benefit of all the lots.

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Officer Signature(s) <i>Douglas W. Olstead</i> DOUGLAS W. OLSTEAD <i>Barrister & Solicitor</i> 512 FOURTH STREET COURTENAY, B.C. V9N 1H2	Execution Date Y/M/D 90/08/10	Party(ies) Signature(s) <i>Roberts A. Smith</i> ROBERTS ANGUS SMITH <i>Mary Adela Smith</i> MARY ADELA SMITH
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(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. 16, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Titles Act as they pertain to the execution of this instrument.



SCHEDULE OF RESTRICTIONS

1. No building shall be erected, constructed or maintained on any lot other than one private dwelling house.
2. No structure erected shall have a main floor area of less than 1,200 square feet excluding carport, patios, decks, basements, roof overhangs, covered walks, garages and outbuildings.
3. No trailer, camper or any outbuilding shall be used as a residence on any lot.
4. Any structure erected on any lot shall be fully completed on the exterior within a period of twelve (12) months from the date of commencement of construction of the said structure and any addition thereto or alteration thereof shall be fully completed on the exterior within a period of six (6) months from the date of commencement of the alteration or addition.
5. No building, fence or other structure shall be erected upon any part of the lots unless plans and specifications therefore, showing the constructions, nature, kind, shape, height, colour and material therefore, the plot plan indicating the location of the structure shall be submitted to and approved in writing by Roberts Angus Smith and Mary Adela Smith, by their Agent, Valley View Estates Ltd., and a copy of such plans and specifications as finally approved shall be deposited for permanent record.
6. Roofing finish shall be cedar shakes, cedar shingles or other custom roofing approved by Roberts Angus Smith and Mary Adela Smith, by their Agent, Valley View Estates Ltd. Duriod roofing is not an approved finish.
7. No one shall occupy any structure erected on the said lot until the exterior of the said dwelling or structure has been fully completed.
8. No house or other building shall be moved or transported onto any lot and, specifically, no mobile homes or pre-fabricated factory homes shall be erected or placed on any lot.
9. No driveway shall be constructed on any lot other than those constructed from asphalt, cement, brick or other finish approved by Roberts Angus Smith and Mary Adela Smith, by their Agent, Valley View Estates Ltd., and extending to the curbline and/or public road.



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- 10. No front yard of any lot shall remain unlandscaped for more than six (6) months from the date of conclusion of construction of the dwelling erected on such lot unless an extension of such time be granted, in writing, by Roberts Angus Smith and Mary Adela Smith, by their Agent, Valley View Estates Ltd., all lawns and/or landscaping on all sides of any dwelling erected on any lot shall extend to the curb of the adjoining road.
- 11. No heavy equipment whether owned by the occupier or otherwise shall be stored either temporarily or permanently upon any lot. No boats, trailers, recreational vehicles, unlicensed vehicles or any unsightly material may be stored on any lot for more than 30 days unless it is within an approved structure. At no time can tarps, plastic or temporary structures be used to cover items on the property.
- 12. No accumulation of waste, garbage, construction waste, piles of soil or gravel, or any unpleasant or unsanitary or unsightly thing shall be permitted by the owners of any of the lots except on preparation for removal and disposal. There shall not be stored, kept nor permitted to be stored or kept on the said lot or premises, any woodyard, junk, wrecked motor vehicles, salvage materials or goods intended for commercial use or sale nor shall any waste or refuse be kept or stored upon the lands or premises. Vacant lots must be maintained in such a manner that they are not unsightly or producing obnoxious weeds to spread on adjacent lots.
- 13. Trees have been left to enhance the looks of the subdivision and we request that every effort be made to continue this effort. It is the responsibility of the owner that if any trees exceed the building height as set under this schedule of restrictions, they may not block more than 35% of the lot width above this height. These trees must be trimmed at the expense of the owner of the lot.
- 14. The following height restrictions will apply for any structures or trees as referred to in item 12. These heights are based on Geodetic Elevations and are measured in meters. Lots 2, 3, 4, 5, 6 and 7 have no height restriction under this schedule of restrictions. The following lots will have the following maximum height restrictions:

- Lot #1 - 39.0 meters
- Lot #8 - 38.0 meters
- Lot #9 - 42.0 meters
- Lot #10 - 45.0 meters
- Lot #11 - 48.0 meters
- Lot #12 - 38.0 meters
- Lot #13 - 38.0 meters



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15. No building shall be erected closer than the following minimum sideyards hereinafter described:

- (a) The owner of Lot 2 shall maintain a minimum 3 meter sideyard with Lot 3;
- (b) The owners of any of Lots 3, 4, 5, 6, 7, 8, 9, 10 and 13 must maintain a minimum 3 meter sideyard on both sides of their respective lots;
- (c) The owner of Lot 11 shall maintain a minimum 3 meter sideyard with Lot 10;
- (d) The owner of Lot 12 shall maintain a minimum 3 meter sideyard with Lot 13.

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16. Roberts Angus Smith and Mary Adela Smith, ~~by their Agent, Valley View Estates Ltd.~~, reserve the right in their sole discretion to waive any and or all restrictions contained herein for any of the lots so charged so long as it is the registered owner of the fee simple of such lot.

17. Nothing herein shall be or be deemed to be construed as an admission of responsibility or liability on the part of the Vendor to or for the benefit of any third party whether an owner of lands or a lot or lots in the area or otherwise, to enforce, oversee, peruse, maintain or otherwise control the activities of the Purchaser herein with respect to the use of the lots or any of them and the enforcing of any conditions herein to be performed by the Purchaser shall be at the sole discretion of the Vendor as it shall see fit from time to time.

18. Invalidation of these restrictions or provisions or any part thereof by Judgment or Court Order shall in no way affect any of the restrictions herein set forth not invalidated by such Order and any restrictions not invalidated shall remain in full force and effect.

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19. ~~Roberts Angus Smith and Mary Adela Smith, by their Agent, Valley View Estates Ltd., reserve the right in their sole discretion to dedicate and grant such road allowances as are necessary or required for the further development and/or subdivision of the lands.~~

20. Roberts Angus Smith and Mary Adela Smith, by their Agent, Valley View Estates Ltd., reserve the right in their sole discretion to establish such covenants, easements and statutory right-of-ways through, on, over or any and/or all of Lots 1 through 13 herein as are necessary for their further development and/or subdivision.

21. There shall be no legal limitation placed on the further development and/or subdivision of the lands subject to this building scheme by Roberts Angus Smith and Mary Adela Smith and/or subsequent owners.

END OF DOCUMENT

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