

-7 NOV 2005 14 28

KX160036

Province of
British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use) Page 1 of 4 Pages

1. APPLICATION: (Name, Address, phone number and signature of applicant, applicant's solicitor or agent)
MORELLI CHERTKOW, Barristers & Solicitors
300-180 Seymour Street, Kamloops, BC V2C 2E3
Phone #1-250-374-3344
LTO CLIENT No. 10337

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *
(PID) (LEGAL DESCRIPTION)
No PID Lots 43, 51, 52, 58, 59 and 72 District Lot 530,
KDYD, Plan 79399

3. NATURE OF INTEREST: * DOCUMENT REFERENCE PERSON ENTITLED TO
DESCRIPTION (Page and Paragraph) INTEREST
Statutory Right of Way Entire Instrument Transferee
Pages 2 to 4

ABS IKAU I KEUJIN I
10330

4. TERMS: Part 2 of this instrument consists of (select one only)
(a) Filed Standard Charge Terms D.F. No.
(b) Express Charge Terms Annexed as Part 2
(c) Release 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 charge on the land described in Item 2.

5. TRANSFEROR(S): NICOLA LAKESHORE ESTATES INC. (Inc. No. 470906)
~~MINISTER OF TRANSPORTATION, 441 Columbia Street, Kamloops, BC V2C 2T3~~

6. TRANSFEREE(S): NICOLA LAKESHORE WATER UTILITY CO. LTD. (Inc. No. 690117) of #106 -
1121 MacFarlane Way, Merritt, BC V1K 1B9

7. ADDITIONAL OR MODIFIED TERMS: * N/A

8. 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)

SCOTT HUYGHEBAERT
Barrister & Solicitor
300 - 180 Seymour St.
Kamloops, B.C. V2C 2E3

Execution Date

Y	M	D
05	10	18

Transferor: NICOLA LAKESHORE ESTATES INC., by its authorized signatory
Per:
FRANK RIZZARDO

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" attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

RIGHT-OF-WAY AGREEMENT

THIS AGREEMENT made the 18th day of October, 2005.

BETWEEN:

NICOLA LAKESHORE ESTATES INC. (Inc. No. 470906), #106 - 1121 McFarlane Way, Merritt, BC V1K 1B9

(hereinafter called the "Transferor")

OF THE FIRST PART

AND:

NICOLA LAKESHORE WATER UTILITY CO. LTD. (Inc. No. 690117), #106 - 1121 McFarlane Way, Merritt, BC V1K 1B9

(hereinafter called the "Transferee")

OF THE SECOND PART

WHEREAS:

- (a) The Transferor is the registered owner of an estate in fee simple of certain lands and premises located near the City of Merritt and more particularly described as:

PID:

Lots 43, 51, 52, 58, 59 and 72 District Lot 530, KDYD,

Plan KAP 79399 (hereinafter called the "Lands")

- (b) The Transferor has requested that the Transferee provide to it a right of way for utility structures, without limiting the generality of the foregoing: drainage ditches, culverts and seepage pits (hereinafter called the "Utilities").

WITNESSETH:

1. FOR GOOD AND VALUABLE CONSIDERATION given by the Transferee to the Transferor (the receipt whereof by the Transferor is hereby acknowledged), and the covenants and agreements herein contained, the Transferor DOTM HEREBY GRANT, CONVEY AND

CONFIRM unto the Transferee, its heirs, and assigns, a full, free and uninterrupted right, licence, liberty, easement, privilege and permission to construct, keep, operate, maintain, inspect, alter, remove, replace, reconstruct and repair the Utilities over and through that part of the Lands of the Transferor shown on a Plan of Statutory Right of Way dated the 12th day of AUGUST, 2005, prepared by John Graham, BCLS, and registered as Plan KAP. 79522 (hereinafter called the "Right-of-Way Area") together with the full, free and uninterrupted right of ingress and egress in connection therewith for the Transferee, its servants and agents, to use, enter, labour, pass and re-pass upon and in the Lands and to dig up such of the soil of the Right-of-Way Area as may be necessary.

2. THE TRANSFEEE COVENANTS AND AGREES with the Transferor that it will construct, lay down, maintain and repair the Utilities as may be reasonable and proper in the circumstances. The Transferee FURTHER COVENANTS AND AGREES with the Transferor that it will at all times keep the Utilities in a proper state of repair.
3. THE TRANSFEEE WILL, so often as its servants or agents shall enter upon the Right-of-Way Area to construct, reconstruct, maintain, inspect, renew or repair the Utilities forthwith restore the surface soil and surfacing materials of the Lands to, as nearly as possible, the same condition as it was prior to the entry for the aforesaid purpose or purposes save for such areas as may be used for culverts or drainage ditches.
4. All expenses incurred in the construction of the Utilities and for repairs, alterations, and maintenance thereto and in the performing of any and all of the covenants and agreements herein agreed to be performed by the Transferee shall be borne by and paid for by the Transferee and the Transferee herein COVENANTS AND AGREES to indemnify and save harmless the Transferor, its heirs, administrators, executors, successors and assigns, from any and all loss, damages, costs, charges or expenses in any way arising from or caused by anything done or not done or maintained hereunder.

5. The covenants herein contained shall be covenants running with the Lands and shall be perpetual and the Right-of-Way Area hereby granted shall be perpetual.
6. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns.

END OF DOCUMENT

LAND TITLE ACT

FORM 11 (a)

(Section 99 (1) (e), (j) and (k))

APPLICATION FOR DEPOSIT OF REFERENCE OR EXPLANATORY
PLAN (CHARGE)

I, Debra Bartel, Land Title Agent, of 202-239 Victoria Street, Kamloops, B.C., V2C 2A1,
the authorized agent for:

NICOLA LAKESHORE WATER UTILITY CO. LTD. (Inc. No. 690117) of #106-1121
MacFarlane Way, Merritt, BC V1K 1B9

the owner(s) of a registered charge apply to deposit a reference/explanatory plan of:

Part of Lots 43, 51, 52, 58, 59, and 72 Plan KAP79399 DL 530 KDYD

ASSIGNED PLAN NO.

KAP. 79522

I enclose:

1. The reference/explanatory plan.
2. The reproductions of the plan required by section 67 (u).
3. Fees of \$ 54.00

Dated the 20 day of October, 2005.

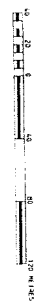


SIGNATURE

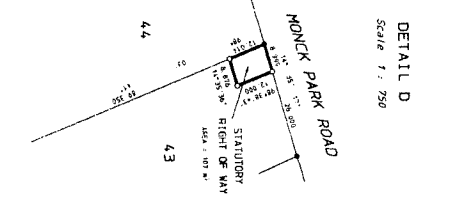
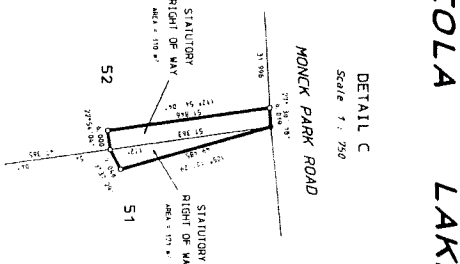
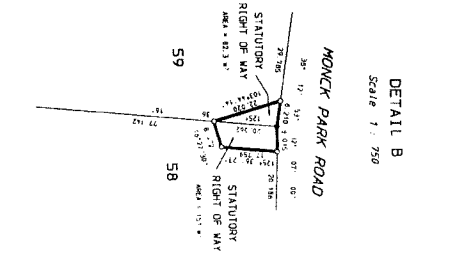
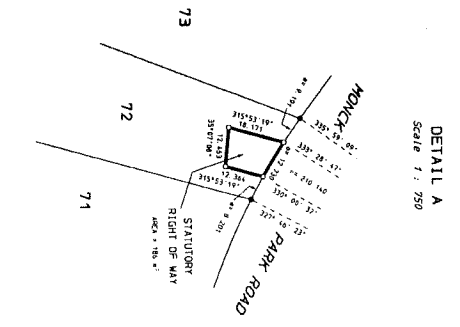
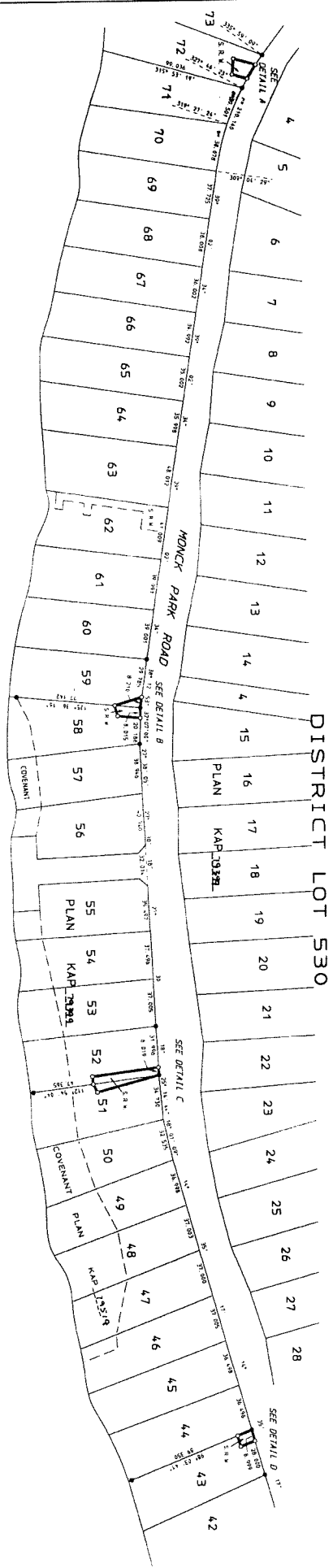
Client File: 18424170 Nicola Lakeshore

BOOK OF REFERENCE

DESCRIPTION	AREA
LOT 13	107.41
LOT 14	111.41
LOT 15	111.41
LOT 16	111.41
LOT 17	111.41
LOT 18	111.41
LOT 19	111.41
LOT 20	111.41
LOT 21	111.41
LOT 22	111.41
LOT 23	111.41
LOT 24	111.41
LOT 25	111.41
LOT 26	111.41
LOT 27	111.41
LOT 28	111.41



PLAN OF STATUTORY RIGHT OF WAY OF PART OF
 LOTS 43, 51, 52, 58, 59 AND 72
 PLAN KAP 293399 D. L. 530
 KAMLOOPS DIVISION YALE DISTRICT
 B. C. S. 921.018
 PURSUANT TO SECTION 113 OF THE LAND TITLE ACT
 Scale 1 : 1500



LEGEND
 BOUNDARIES AND EASEMENTS: DERIVED FROM PLAN KAP 293399
 BOUNDARIES TO BURNING TREES AND MATURE
 DISTANCES ARE IN METERS
 STANDARD CURVED FOOT ROAD
 STANDARD CURVED FOOT RADIUS
 STANDARD BORN NOT TO FIELD
 THIS PLAN LIES WITHIN THE TROPICAL MOUNTAIN DISTRICT

1. JOHN GAMMEL, a British Columbia Land Surveyor of the City of Kamloops, 11000-110th Street, Kamloops, B.C. V2Y 1K6, has prepared this plan and has caused the same to be certified by him and the District Surveyor of Kamloops, B.C. S. 921.018, on the 26th day of March, 2008.

John Gammel

GAMMEL & ASSOCIATES
 B.C. LAND SURVEYORS
 501-1120 WESSLEY BLVD. STE 108
 KAMLOOPS B.C. V2Y 1K6

PLAN KAP 795222
 REGISTERED IN THE LAND TITLE OFFICE AT KAMLOOPS, B.C.
 THIS PLAN IS A REVISION OF PLAN KAP 293399
 Registered Professional
John Gammel
 B.C. S. 921.018