

**Annexure Schedule**

Insert type of instrument  
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated 9th March 2005

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(Continue in additional Annexure Schedule, if required.)

**4. Maintenance**

4.1 (a) Subject to clause 4.2 the cost of maintenance, repair and replacement of the utilities laid within Right of Way B and C is to be borne by the persons having the use (irrespective of whether they actually use) in terms of clause 5.

(b) Subject to clause 4.2 the cost of maintenance, repair and replacement of all other easement facilities shall be shared by the persons for the time being entitled to use and actually using the same in such shares as may be fair and reasonable having regard to use and benefit of each easement facility derived by such persons.

4.2 If any easement facility requires maintenance, repair or replacement as a result of any act or omission by any of the persons using them (or any of their tenants, servants, agents, workmen or persons having business with them) then, and in any such case, the party or parties by whose action (or by the action of whose tenants, servants, agents, workmen or persons having business with them) such damage or state of disrepair was occasioned shall be solely liable to promptly repair and restore such damage. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by the party responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with clause 4.1).

**5. Common Use Utilities in respect of the utilities laid within Right of Way "B" and "C" on DP 346943 – Werneth Ridge Private Way**

**5.1 Street Lighting**

Each registered proprietor of the dominant tenement shall:

- (a) have an incidental licence to maintain lampposts with lights along the right of way in the positions installed by the Grantor;
- (b) pay an equal share towards power and maintenance of the street lighting; and
- (c) make such payments to the common infrastructure Operating Expenses Account described in clause 5.3.

**5.2 Water Supply to Lots 2-12 (incl) and 20-22 (incl) DP 346943**

The Grantor has installed a high level water supply system which pumps water from City Council mains supply to storage tanks on that part of the land marked "T" on DP 346943. Water is then distributed by gravity feed to the dominant tenement lots. The registered proprietor of each dominant tenement shall:

- (a) maintain a working water meter at the point where water enters the property and pay all separately metered Nelson City Council water charges;

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

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- (b) pay an equal share of water system maintenance costs;
- (c) pay a pro-rata share according to annual use ("user pays" principle) of the power charges to pump the water to the high level tanks and any other operating expenses connected with the water supply system;
- (d) accept direct supply from the Nelson City Council in substitution for this private water supply system should the Council take over the high level water system;
- (e) make all payments for the water supply to the Common Infrastructure Operating Expenses Account described in clause 5.3.

### 5.3 Infrastructure Operating Expenses Account

A separate bank account called "Werneth Ridge Expenses" will be maintained to cover street lighting and water supply expenses under clauses 5.1 and 5.2. For the period ending 30<sup>th</sup> June 2006 this account shall be operated by the Grantor but after that first period the cheque signatories on the account will be at least two property owners (initially selected by the Grantor but with each signatory then responsible for their replacement) and;

- (a) all debits from the account shall be signed or authorised by at least two cheque signatories;
- (b) each property owner shall quarterly on the first day of every quarter pay to the account by bank Automatic Payment a reasonable pre-estimate of that property's projected lighting and water supply charges;
- (c) the cheque signatories shall retain proper accounting records, make those records available to property owners for checking and be authorised to adjust a property's monthly charge to ensure all outgoings are covered.

5.4 Should an independent manager be appointed to take over administration of the Operating Expenses Account the registered proprietor of each dominant tenement shall bear an equal share of the manager's reasonable administration charges for so doing.

5.5 The right to convey and store water over "B", "C" and "T" on DP 346943 shall include the right to lay and install such pipes and related infrastructure used or to be used now or in the future in the drawing, conveying, processing or storage of water for the Werneth Ridge Private Way water scheme.

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