

VICTORIA LAND TITLE OFFICE

CA7127574

LAND TITLE ACT  
FORM C (Section 233) CHARGE

Oct-15-2018 11:38:07.005

GENERAL INSTRUMENT - PART 1 Province of British Columbia

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Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Thomas Earl  
Baillie 8CBI24  
Digitally signed by Thomas Earl Baillie 8CBI24  
Date: 2018.10.12 15:03:59 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

BAILLIE LAW CORPORATION

Suite 1088

650 West Georgia Street

Vancouver

BC V6B 4N8

Tel: (604) 684-9996

File No: 5124-464

Document Fees: \$71.58

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

029-349-311

LOT 1 SECTION 11 SUBURBAN LOT 40 ESQUIMALT DISTRICT PLAN  
EPP32782

STC? YES

3. NATURE OF INTEREST

Modification

CHARGE NO.

CA6613272

ADDITIONAL INFORMATION

Modification of SRW

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

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

ARAGON ESQUIMALT TC PROPERTIES LTD. (INC. NO. BC1068481)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

1229 ESQUIMALT ROAD

ESQUIMALT

BRITISH COLUMBIA

V9A 3P1

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

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)

THOMAS E. BAILLIE, Q.C.

Barrister & Solicitor

1088 - 650 West Georgia Street

Vancouver, BC V6B 4N8

Execution Date

Y	M	D
18	09	12

Transferor(s) Signature(s)

ARAGON ESQUIMALT TC  
PROPERTIES LTD. by its  
authorized signatory:

Lenny Moy

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.

**LAND TITLE ACT  
FORM D**

**EXECUTIONS CONTINUED**

Officer Signature(s)

**Execution Date**

Transferor / Borrower / Party Signature(s)

\_\_\_\_\_  
ANJA NURVO

Barrister & Solicitor

Corporation of the Township of  
Esquimalt  
1229 Esquimalt Road  
Esquimalt, BC V9A 3P1

(as to both signatories)

Y	M	D
18	10	09

CORPORATION OF THE TOWNSHIP  
OF ESQUIMALT by its authorized  
signatories:

\_\_\_\_\_  
Barbara Desjardins

\_\_\_\_\_  
Laurie Hurst

**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.

**PART 2 – EXPRESS CHARGE TERMS****WHEREAS:**

- A. The Transferor (as defined in item 5 of the attached Form C) is the registered owner of the lands and premises more particularly described in item 2 of the attached Form C (the “Lands”);
- B. By a Statutory Right of Way executed February 1, 2018 and registered in the Land Title Office on February 6, 2018 as number CA6613272, the Transferor did grant a Statutory Right of Way in favour of the Transferee (as defined in item 6 of the attached Form C) over the Lands as defined therein;
- C. The Transferor and the Transferee have agreed to modify the terms of the Statutory Right of Way as herein provided.

WITNESS that in consideration of the premises and the agreement of each of the parties hereto it is hereby agreed as follows:

- 1. The Statutory Right of Way shall be modified and amended by inserting paragraph 3.1(d) on page 10 as follows:
  - 3.1(d) for greater certainty, and with respect to the existing wheelchair ramp, stairs and related railings, lighting, landscaping, drainage, signage and other appurtenances providing access and egress to the main Esquimalt Road entrance to Township Hall in the Town Square SRW Area, the same rights granted under 3.1(b) but without being subject to the consent requirements of 3.1(c) or the Owner’s reserved rights under 3.5(g) or any other provisos or conditions, as those works are already constructed and public access to Township Hall is essential.
- 2. The Transferor and the Transferee agree that this agreement shall, from the date of this agreement be read and construed along with the Statutory Right of Way and be treated as part thereof and for these purposes and so far as may be necessary to effectuate these presents the Statutory Right of Way shall be regarded as being amended, and the Statutory Right of Way so amended together with all covenants, agreements, conditions and provisos of the Statutory Right of Way shall remain in full force and effect.
- 3. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.
- 4. Wherever the singular or masculine is used throughout this agreement, the plural or feminine, or body corporate or politic, shall be construed where the context or the parties so require.

IN WITNESS WHEREOF the Transferor and the Transferee have caused this agreement to be executed on the day and year stated in item 8 of the attached Form C and the attached Form D.