

Technical Memo
PEACOCKE RD DEVELOPMENT



Investigation of Documents R235/556 and R338/233
The Adare Company Ltd

TO: Phil Pirie
FROM: Michael Dewhirst

HG PROJECT NO : 9820-141842-01
DATE: 16 July 2018

As per your request, I have examined the documents as requested and can provide the following summary of the contents.

Document R253/556

The document is a conveyance number 236231 which transfers the area of land shown as Pt Allotments 93 & 94 Parish of Te Papa as shown in the diagram on the conveyance. It also creates a drainage right over the aforementioned land in favour of the balance land of the vendor.

To identify the balance land, we have to figure out what land was in the ownership of the vendor at the time the conveyance was signed. The date of the conveyance is 29 May 1914 and DP 17475 is a plan of subdivision from 1919 that shows all of the vendors land. That is to say that it is Lots 1-6 on DP 17475.

A random check of titles in the balance area reveals that the drainage right has not come down on subsequent titles on the balance land and the only title it appears to be recorded on is the title of the subject land SA528/20. This would clearly indicate that this is a redundant easement and so should be removed from the subject title.

Document R338/233

The document is a conveyance number 288206 which creates a fencing covenant on the land bordering Lot 7 DP 17475 which has subsequently been dedicated as road (Stubbs Rd). This covenant requires that a new fence on the southern boundary of Lot 7 DP 17475 be constructed within 6 months but not to take down any of the old fences until the new one is constructed. It also requires that the area described as Lot 7 DP 17475 shall be dedicated as road within two years.

Given that the date of the conveyance is 6 October 1920, the 6 month period is well expired and Stubbs Rd has been dedicated by conveyance 354072, it would appear that all the actions on this conveyance have been undertaken and therefore its purpose has been achieved. This would make this document redundant and therefore can be safely removed from the title of SA60A/826.

Conclusion

I consider both of these documents are redundant for the reasons highlighted above can be safely removed from the underlying titles.

Yours sincerely
Harrison Grierson

Michael Dewhirst
Survey Team Leader

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