

LAND TITLE ACT

FORM C

(Section 233(1))

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 and Solicitors
#300, 180 Seymour Street, Kamloops, BC V2C 2E3
Phone: (250) 374-3344
File Ref. No:

LTO Client No. 10337

Authorized Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID) (LEGAL DESCRIPTION)
Lots 1 – 65
Plan _____

3. NATURE OF INTEREST: * DESCRIPTION DOCUMENT REFERENCE (page and paragraph) PERSON ENTITLED TO INTEREST

Statutory Building Scheme Entire Document Transferee

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 a charge on the land described in Item 2.

5. TRANSFEROR(S):*NICOLA LAKESHORE ESTATES INC. (Inc. No. 470906)
of Box 22, Merritt, BC V0K 2B0

6. TRANSFEREE(S): (Including occupation(s), postal address(es) and postal code(s))*
NICOLA LAKESHORE ESTATES INC. (Inc. No. 470906)
of Box 22, Merritt, BC V0K 2B0

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)

Execution Date

Party(ies) Signature(s)

Y	M	D
2002		

NICOLA LAKESHORE ESTATES INC.
by its authorized signatory(ies)

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" and attach schedule in Form E.

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

TERMS OF INSTRUMENT-PART II

WHEREAS:

1. NICOLA LAKESHORE ESTATES INC. (“NLE”) is the registered owner in fee simple of the property legally described as:
 District Lot 530, KDYD, Except Plan 17131
 Lot 1, District Lot 530, KDYD, Plan 17131
2. NLE will be submitting a plan of subdivision to the Kamloops Land Title Office for registration, which plan will create Lots 1 to 65 after registration (hereinafter called “the Lots”).
3. NLE hereby creates a building scheme relating to the Lots.
4. A sale of any of the Lots is subject to the restrictions enumerated in the schedule attached hereto.
5. The restrictions shall be for the benefit of all the Lots.

SCHEDULE OF BUILDING RESTRICTION AND CONDITIONS

THE LAND AND PREMISES TO WHICH THIS BUILDING SCHEME BINDS AND ATTACHES ARE:

Lots 1 to 65 inclusive, shown on a Plan of Subdivision of District Lot 530, KDYD, Except Plan 17131 and Lot 1, District Lot 530, KDYD, Plan 17131 prepared by _____ of the firm of _____, B.C.L.S., and dated _____.

1. It is expressly understood and agreed that the covenants and agreements herein shall run with the land and shall be binding upon all owners and all persons claiming through, under or in trust for them, and for the purpose of assuring that the said covenants shall continue to run with the land, or any part thereof, express notice of the said covenants and agreements are hereby given.
2. Buildings or other improvements (including any and all fences, driveways) shall not be constructed or erected until the plans for such buildings and/or improvements have been submitted to the Developer and hereinafter referred to as "NLE" at P.O. Box 22, Merritt, British Columbia, V1K 1B8 for approval and until the said plans have in fact been approved in writing by NLE. All buildings to conform to British Columbia Building Code requirements. Such building plans shall address exterior colours, siding style and roofing materials. No plans will be approved unless the exterior of the building is to be finished with wood. Roofs shall be required to be earth tone metal roofing to reduce fire hazard.
3. No Lot shall be used for extraction, removal or processing of soil, sand, gravel, aggregates or minerals. No excavation shall be made on any Lot except excavation for the purpose of building on the Lot at the time of commencement of construction of such building, or for the improvement of the garden and landscaping of the Lot.
4. The Thompson Nicola Regional District ("TNRD") has indicated a desire to preserve natural vegetation. No Lot owner shall cut down trees until the plans for such tree removal or logging have been submitted to NLE for approval and until the said plans have been approved by NLE. It is the intention of NLE to maintain the natural vegetation of all Lots and to strictly limit cutting or removal of trees.
5. No Lot shall be used for a pet boarding or breeding kennel. No Lot owner shall keep a barking dog or allow a pet to escape his Lot.
6. No Lot shall be used for a refuse or waste disposal site, except for composting normally associated with a single family residence. No building waste or other material of any kind shall be dumped or stored on any Lot, except for clean earth for the purpose of levelling for the construction of a building on the Lot or for the purpose of creating a yard or garden around any residence.
7. No Lot shall be used for the purpose of major repairs of motor vehicles or equipment unless the repairs are carried out within a building which has walls and a roof. No residence shall be constructed unless it has sufficient parking onsite for two (2) vehicles. No more than one (1) RV may be parked on any Lot.

8. No poultry, swine, sheep, cattle, horses or other livestock are permitted except for domestic dogs and cats, subject to restriction 5 above.
9. No residence shall be constructed unless it has a minimum of twelve hundred square feet (1200 sq. ft.) of living space on the main floor area (excluding garage).
10. No well may be constructed on any Lot.
11. No residence shall be constructed without an enclosed double garage. No carports are permitted.
12. No residence or other structure shall be left in an incomplete state on the exterior for more than one year from the date of issuance by the TNRD of a Building Permit.
13. No single or double wide trailers or modular homes will be permitted.
14. No Lot shall have a clothesline erected thereon, save and except for the umbrella style clothesline.
15. No fences shall be erected in the front yards of any Lot.
16. No residences shall be constructed with wood heating as their primary source of heat.
17. No satellite dishes or sheds to be constructed or erected in the front yards of any Lot.
18. No signs or billboards shall be permitted on any Lot, save and except for real estate signs advertising the property for sale.
19. NLE shall have the right to modify this building scheme in its sole discretion as it may affect any Lot in the Development.
20. The developer will /may establish a sales office on one of the lots that will remain on the lots until such time as all lots are sold.
21. The final lot lines may fluctuate in a minor manner to accommodate requirements of the Ministry of Environment , however, all lot lines will be determined by legal survey , carried out by John Graham , BCLS carrying out business in Merritt ,BC.

END OF DOCUMENT