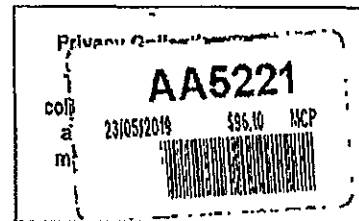


Memorandum of common provisions Section 91A Transfer of Land Act 1958



| | |
|----------------|-------------------------------------|
| Lodged by | |
| Name: | Robertson Hyells |
| Phone: | 03 5434 6666 |
| Address: | 386 Hargreaves Street, Bendigo 3550 |
| Reference: | |
| Customer code: | 1004K |

This memorandum contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

Provisions:

1 Preliminary

The provisions of this MCP are incorporated into the covenants created by the transfer of land.

2 Text of covenants

The registered proprietor of the burdened land covenants for himself his executors administrators and assigns and as a separate covenant with the registered proprietor or proprietors for the time being of the Benefited Land that without the prior written consent of the transferor he:-

2.1 Must not erect on the burdened land or cause to be erected or allow to remain erected on the burdened land:

- (i) any more than one private dwelling house (which expression shall include a display home, a house, apartment, unit or flat);
- (ii) any dwelling house, garage, shed, outbuilding or fence using other than new materials;
- (iii) any dwelling house which has a floor area of less than 120 square metres including the outer walls thereof, such area being calculated by excluding the area of carports, garages, terraces, pergolas or verandas;
- (iv) any building or other structure which is constructed wholly or partly of galvanized iron cladding or aluminium cladding;
- (v) any dwelling house unless not less than 80% of the external walls or external wall surfaces of such dwelling (excluding windows) are constructed of brick, brick veneer, brick cement render, stone, masonry or masonry veneer with texture coating and a painted or coloured exterior surface;
- (vi) any detached garage, shed or outbuilding having an area in excess of 80 square metres or a height exceeding 4 metres;

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1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.

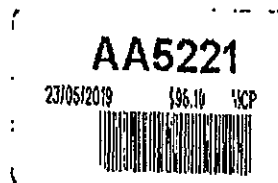
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**Memorandum of common provisions
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- (vii) any Fence unless such fence complies with the Fencing Design Guidelines as amended from time to time.

- 2.2 Must not subdivide the burdened land.
- 2.3 Must not use the burdened land for any trade, industry, or commerce save and except for a display home.
- 2.4 Shall not allow any rubbish including site excavation materials and building materials to accumulate on the land hereby transferred or adjacent land (unless stored neatly in a suitably sized industrial bin or skip) or allow excessive growth of grass or weeds upon it.

3 Definitions

Benefited Land means all Lots on the Plan other than the burdened land.

Fencing Design Guidelines means Fencing Design Guidelines prepared by the Transferor, as amended from time to time.

Fence has the meaning given to it in Part 4 of the Building Regulations.

Lot means a lot on the Plan.

MCP means this memorandum of common provisions.

Plan means the relevant plan of subdivision for a particular Lot which incorporates this MCP.

Transferor means the transferor on the transfer of land which incorporates this MCP.

4 Interpretation

In this MCP, unless the contrary intention appears:

- (a) a reference to a person includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
- (b) a reference to any document is to that document as varied, novated, ratified or replaced from time to time;
- (c) a reference to any statute or to any statutory provision includes any statutory modification or re-enactment of it or any statutory provision substituted for it, and all ordinances, by-laws, regulations, rules and statutory instruments (however described) issued under it;
- (d) words importing the singular include the plural (and vice versa), and words indicating a gender include every other gender;
- (e) where a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning; and
- (f) the word "includes" in any form is not a word of limitation.