

THIS AGREEMENT made the 13<sup>th</sup> day of July A.D. 1977. **L17568** **ENDERTON & KENT**

BETWEEN:

AUG-16-77 291662 LsA 6 5.60

✓ ELWOOD ORVIS DINGEY, Retired, of  
Suite #903 - 11025 82nd Avenue,  
Edmonton, in the Province of Alberta;

(hereinafter called the "Grantor")

OF THE ONE PART

AND:

✓ MICHAEL MACHUK, Businessman, and ADELINE  
ANN MACHUK, His Wife, both of P.O. Box  
176, Radium Hot Springs, in the Province  
of British Columbia; as "Joint Tenants"

(hereinafter called the "Purchaser")

OF THE SECOND PART

AND:

DENNIS CLAYTON STANLEY, Businessman, and  
ELAINE HAZEL STANLEY, His Wife, both of  
P.O. Box 176, Radium Hot Springs, in the  
Province of British Columbia; as "Joint Tenants"

(hereinafter called the "Grantee")

OF THE THIRD PART

WHEREAS the Grantor is the registered owner of those certain  
lands and premises situate in the East Kootenay Assessment  
Authority, Province of British Columbia and being more particularly  
known and described as:

That part of Lot 7913, Kootenay District, which  
lies east of Block "A" of the said Lot, Plan 2660,  
and north of the extension easterly of the southerly  
boundary of the said Block (D.D. 142971-I 26  
Kootenay Land District) and  
Lot 1, District Lot 7913, Kootenay District, Plan  
10489;

(hereinafter called the servient tenement)

AND WHEREAS the Grantor has agreed to sell the said lands to the  
Purchaser by an Agreement for Sale registered the 7th day of June,  
A.D. 1974 under number H8607;

AND WHEREAS the Grantee is the owner of those certain lands in the  
East Kootenay Assessment Authority, Province of British Columbia  
and described as:

Lots 2,3,4,5 & 6, Block 1, Plan 4194 and Lot 1,  
Block 2, Plan 4194, Kootenay District and Block "A",  
except parts included in Plans 4194 and 10489,  
District Lot 7913, Kootenay District, Plan 2660,

(hereinafter called the dominant tenement)

#### MEMORANDUM OF REGISTRATION

Registered the 16 day of 8, 1977  
on application received at the time written  
or stamped on the application.

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AND WHEREAS the Grantor and the Purchaser have agreed to grant to the Grantee the right forever to instal, maintain, repair and replace a water pipeline and control box in and upon the servient tenement of the Grantor together with a right of access for the purpose aforesaid.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration now paid by the Grantee to the Grantor and the Purchaser (the receipt of which is hereby acknowledged) the Grantor and the Purchaser doth hereby grant to and unto the Grantee the right and privilege at all times to instal, maintain, repair and replace a water pipeline and control box in and upon the servient tenement for the purpose of conveying water from Dry Gulch Creek and Stoddart Creek through such pipeline and control box under and across the servient tenement to the dominant tenement of the Grantee together with the right of access at all times for the purposes aforesaid.

It is understood and agreed that the Grantee shall be liable for any damages resulting from the use of the servient tenement and shall restore the surface of the land as nearly as practicable to the condition it was in prior to such excavation as they may undertake.

This easement is and shall be of the same force and effect to all intents and purposes as a covenant running with the land and these presents, including all the covenants herein contained, shall extend to, be binding upon and enure to the benefit of, the heirs, executors, administrators, successors and assigns of the Grantor, the Purchaser and the Grantee respectively.

Whenever the singular or masculine is used in this Indenture the same shall be deemed to include the plural or feminine or the body politic or corporate, also the respective heirs, executors, administrators, successors and assigns of the parties hereto, and each of them (where the context or the parties so require).

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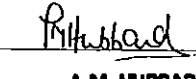
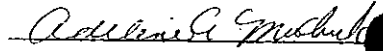
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IN WITNESS WHEREOF the parties hereto have hereunto set  
their hands and seals the day and year first before written.

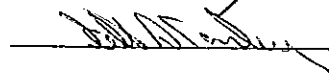
SIGNED, SEALED AND DELIVERED  
by the Grantor in the presence  
of:

  
J. M. HUBBARD  
BARNISTER AND SOLICITOR  
P.O. BOX 39  
INVERMERE, BRITISH COLUMBIA  
342-9261

SIGNED, SEALED AND DELIVERED  
by the Purchaser in the presence  
of:

  
J. M. HUBBARD  
BARNISTER AND SOLICITOR  
P.O. BOX 39  
INVERMERE, BRITISH COLUMBIA  
342-9261

SIGNED, SEALED AND DELIVERED  
by the Grantee in the presence  
of:

  
J. M. HUBBARD  
BARNISTER AND SOLICITOR  
P.O. BOX 39  
INVERMERE, BRITISH COLUMBIA  
342-9261

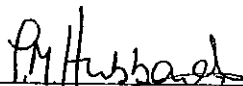
PARK  
Form 208

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# Acknowledgment of Maker

I HEREBY CERTIFY that, on the 13th day of JULY, A. D. 1977, at  
 INVERMERE, in the Province of British Columbia  
 ELWOOD ORVIS DINGEY, MICHAEL MACHUK, ADELINE ANN MACHUK AND  
 DENNIS CLAYTON STANLEY AND ELAINE (whose identity has been proved by the evidence con-  
 sidered), who are HAZEL STANLEY, who is personally known to me, appeared  
 before me and acknowledged to me that they the person s mentioned in the annexed instrument as the  
 maker s thereof, and whose name s are subscribed thereto as parties that they know the contents  
 thereof, and that they executed the same voluntarily, and they are of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,  
 at Invermere in the Province of  
 British Columbia, this 13th day of July 19 77.



— A Notary Public in and for the Province of British Columbia —  
 A Commissioner for taking Affidavits for British Columbia.

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

SUBSTITUTE FOR FORM C

Date July 15 1977 Nature of Interest Assignment  
Declared Value \$ 400 100.00 Disposition of C. I. Release forward. + Co. Es to dominant  
Please Merge Applicant Elwood Orvis Dingey known  
as Secretary/Agent P.O. Box 39,  
Telephone No. 342-9261 (Address) Invermere, B.C.

L17568

DATED: A.D. 1977

BETWEEN:

ELWOOD ORVIS DINGEY

OF THE ONE PART

AND:

MICHAEL MACHUK AND ADELINE  
ANN MACHUK

OF THE SECOND PART

AND:

DENNIS CLAYTON STANLEY AND  
ELAINE HAZEL STANLEY

OF THE THIRD PART

E A S E M E N T  
\*\*\*\*\*

JOHN MICHAEL HUBBARD,  
BARRISTER & SOLICITOR,  
P.O. BOX 39,  
INVERMERE, B.C.