

BH075018

94 MAR -3 13 40
LAND TITLE OFFICE
NEW WESTMINSTER/
VANCOUVER
2#
100.00

BH075019

LAND TITLE ACT
FORM C
(Section 219.81)
Province of British Columbia
GENERAL INSTRUMENT - PART 1

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

Sonia Banks
City of Burnaby
4949 Canada Way, Burnaby, B.C. V5G 1M2
294-7381

S. Banks
Signature of applicant,
applicant's solicitor or agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:
(PID) (Legal Description)

003-203-859 Lot 81, DL 98, Gp 1, NWD, Plan 34549

3. NATURE OF INTEREST:

Description

Document Reference
(page and paragraph)

03/03/94 A1883d CHARGE 100.00
Person Entitled to Interest

Covenant, Sec. 215 L.T.A.
With priority over AD136763 and BF342338 and BF342339
with priority over

Entire Document
Page 5
Page 6

Transferee
Transferee
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 (X) 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):

A.C.G. DEVELOPMENTS LTD. (Inc. No. 420706) and priorities:
~~XXXXX CANADA INC~~ and HONGKONG BANK OF CANADA

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

CITY OF BURNABY, 4949 Canada Way, Burnaby, B.C. V5G 1M2

7. ADDITIONAL OR MODIFIED TERMS: NONE

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.

EXECUTION DATE

Officer Signature(s)

Y M D

Party(ies) Signature(s)

94 02 10

A.C.G. DEVELOPMENTS LTD.
by its authorized signatory/ies

V. BRENT COLLIE
BARRISTER + SOLICITOR
46-11460 VOYAGEUR WAY
RICHMOND, B.C.
V6X 3K1
Tel. 270-8708

NELSON CHAN

PACIFIC COAST
TITLE SEARCH LIMITED

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. 1979, c.116, 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 OFFICE
FORM D

EXECUTIONS CONTINUED

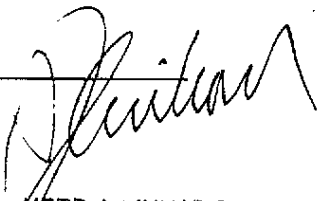
Page 2

EXECUTION DATE

Y M D

Officer Signatory(s):

Transferor/Borrower/Party Signature(s)



HERB J. LINHART
A COMMISSIONER FOR TAKING AFFIDAVITS
FOR BRITISH COLUMBIA

~~HONGKONG BANK OF CANADA INC.~~
~~by its authorized signatory/ies~~

Hongkong Bank of Canada
300 - 885 WEST GEORGIA ST.
VANCOUVER, B.C. V6C 3E9

AS TO BOTH SIGNATURES

94/2/18

HONGKONG BANK OF CANADA
by its authorized signatory/ies


BLAINE M. POPER SENIOR MANAGER CREDIT


KEN CHALUS
SENIOR MANAGER CREDIT

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TERMS OF INSTRUMENT - PART 2

RZ#5/92

THIS AGREEMENT made the *10th* day of *February* 1994

BETWEEN:

A.C.G. DEVELOPMENTS LTD. (Incorporation No. 420706)
1500 - 1075 West Georgia Street
Vancouver, B.C. V6E 3G2

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

CITY OF BURNABY
4949 Canada Way
Burnaby, B.C. V5G 1M2

(hereinafter called the "Grantee")

OF THE SECOND PART

WHEREAS the Grantor has requested the rezoning of City of Burnaby, Lot 81, District Lot 98, Group 1, New Westminster District, Plan 34549 (hereinafter called "the said lands") in order to construct a low-rise apartment building (hereinafter called the "development");

AND WHEREAS the Grantee has required the Grantor to enter into this Agreement as a condition of granting the rezoning in order to ensure that open balconies are provided and maintained as an amenity of the development;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One (\$1.00) Dollar now paid by the Grantee to the Grantor, the receipt and sufficiency of which is hereby acknowledged, and pursuant to section 215 of the Land Title Act, the Grantor

OK
B.

covenants and agrees with the Grantee that those portions of the building being the balconies constructed as part of the development shall be used and maintained as an outdoor amenity and that no part of the said balconies shall be enclosed or used as indoor living space.


That the Grantor will indemnify and save harmless the Grantee from all loss, damage, costs and liabilities, including fees of solicitors and other professional advisers, arising out of any breach, violation or non-performance of any covenant or agreement hereunder.

Wherever the singular or masculine are used in this Agreement, they shall be construed as meaning the plural or feminine or body corporate where the context or the parties hereto so require.

This Agreement shall run with the said lands and shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators and assigns.

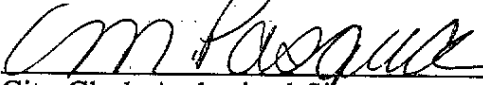
IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first above written.

THE CORPORATE SEAL OF A.C.G. DEVELOPMENTS LTD. WAS HEREUNTO AFFIXED IN THE PRESENCE OF:



Authorized Signatory
Nelson Chan

THE CORPORATE SEAL OF THE CITY OF BURNABY WAS HEREUNTO AFFIXED IN THE PRESENCE OF:



City Clerk-Authorized Signatory
MARYANN T. PASQUA
Admin. Officer - Authorized Signatory

Memorandum as to Encumbrances, Liens and Interests

MORTGAGE NO. BF342338 AND ASSIGNMENT OF RENTS NO. BF342339.
HONGKONG BANK OF CANADA

C O N S E N T

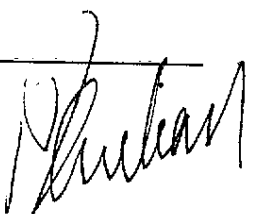
The undersigned, being the holder of the encumbrance or entitled to the lien or interest referred to in the memorandum above written, hereby grants priority to the within covenant and doth covenant and agree that the same shall be binding upon its interest in or charge upon the said lands and shall be an encumbrance upon the said lands prior to the above noted MORTGAGE NO. BF342338 AND ASSIGNMENT OF RENTS NO. BF342339 - HONGKONG BANK OF CANADA and to the same effect as if it has been dated and registered prior to the said charges.

EXECUTION:

EXECUTION DATE
Y M D

Officer Signature(s)

Party(ies) Signature(s)



94/2/18

HONGKONG BANK OF CANADA
by its authorized signatory/ies


BLAINE M. FORER

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END OF DOCUMENT