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Land Title Act  
Form C (Section 219.81)  
Province of  
British Columbia

RECEIVED  
LAND TITLE OFFICE  
VICTORIA

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)

WILSON, STAPLES, McDANNOLD & STEWART  
Barristers & Solicitors, 2nd Floor, 837 Burdett Avenue  
Victoria, British Columbia, V8W 1B3 380-7744

*Judith Rice*

Authorized Signatory BURNS SERVICES

2. Parcel Identifier(s) and Legal Description(s) of Land: \*  
(PID) (Legal Description)

000-790-460 Lot 2, District Lot 140, Alberni District, Plan 7298

000-790-494 Lot 3, District Lot 140, Alberni District, Plan 7298

N74031

3. Nature of Interest  
Description

Document Reference (page & paragraph)

Person Entitled to Interest

Restrictive Covenant  
Section 215, Land Title Act

Page 3, Paragraphs 1, 2 and 3

Grantee  
07/29/92 D96726 CHARGE 50.00

*Jam*

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 on the land described in Item 2.

5. Transferor(s) Grantor(s): \*  
GEORGE DRYDEN and IRIS DRYDEN

6. Transferee(s) Grantee(s): (including postal address(es) and postal code(s)) \*  
REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT, a Regional District duly incorporated under the laws of British Columbia, 4586 Victoria Quay, Port Alberni, British Columbia, V9Y 6G3

7. Additional or Modified Terms: \*  
N/A

MEMORANDUM OF REGISTRATION  
Registered on application received on the day and time written here.  
K.D. JACOUES, Registrar of the  
Victoria Land Title Office

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  
Y M D

Party(ies) Signature(s)

*Robert Harper*

92-07-14

*George Dryden*

ROBERT HARPER  
A Commissioner for taking Affidavits  
in British Columbia, 4586 Victoria Quay,  
Port Alberni, B.C., V9Y 6G3

GEORGE DRYDEN

As to both signatures

*Iris Dryden*  
IRIS DRYDEN

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.

- \* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- \*\* If space insufficient, continue executions on additional page(s) in Form D.

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LAND TITLE ACT  
Form D

EXECUTIONS CONTINUED

Page 2

Execution Date

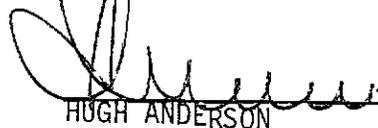
Officer Signature(s)

Y M D

Party(ies) Signature(s)  
REGIONAL DISTRICT OF  
ALBERNI-CLAYOQUOT  
by its authorized signatory(ies)



92.07.14



ROBERT HARPER  
A Commissioner for taking Affidavits  
in British Columbia  
4586 Victoria Quay  
Port Alberni, B.C.  
V9Y 6G3

HUGH ANDERSON

~~XXXX both signatures~~

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.

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GENERAL INSTRUMENT - PART 2

WHEREAS:

A. The Grantor is the registered owner in fee simple of:

Lot 2, District Lot 140, Alberni District, Plan 7298, and

Lot 3, District Lot 140, Alberni District, Plan 7298

(hereinafter called the "Land")

B. The Grantee has requested and the Grantor has agreed to grant to the Grantee a covenant in respect in the use of the Land pursuant to section 215 of the *Land Title Act*.

NOW THEREFORE, in consideration of the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with the other as follows:

1. The Grantor agrees not to use, nor permit the use of the Land for an commercial, industrial, or retail service other than:
  - (a) establishing, operating and maintaining a fruit and vegetable market;
  - (b) establishing, operating and maintaining a snack bar for the sale of hamburgers, hot dogs, ice cream, coffee, tea and soft drinks;
  - (c) gift shop.
2. The Grantor further agrees that the floor area of any building or structure dedicated to a use permitted pursuant to paragraph 1(a), (b) or (c) shall be limited to 185.8 square metres.
3. The Grantee acknowledges that if the Land is designated a development permit area by the Grantee, that the Grantor shall require, in addition to any other permits or approvals a Development Permit from the Board of the Grantee.
4. The Grantor hereby releases and forever discharges the Grantee of and from any claim, cause of action, suit or demand whatsoever which the Grantor can or may have against the said Grantee for any loss or damage or injury that the Grantor may sustain or suffer arising out of the agreed upon use of the Land.
5. The Grantor covenants and agrees to indemnify the Grantee from any and all claims, causes of action, suits, or demands whatsoever than any one might have as owner, occupier, user of the Land, or by a person who comes onto the Land, that arises out of the agreed upon use of the Land.
6. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of the Grantor's respective ownership of any interest in the Land.
7. The restrictions and covenants herein contained shall be covenants running with the land and shall be perpetual and shall be registered in the Land Title Office pursuant to Section 215 of the *Land Title Act* as covenants in favour of the Grantee, and as a first charge on the title to the Land.

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- 8. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
- 9. Wherever the expression "Grantor" and "Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

SIGNED, SEALED AND DELIVERED in the presence of:

Jan E Bamford  
 Witness )  
4586 - Victoria Quay  
 Address )  
Port Alberni  
 Occupation )  
Planning Technicians  
 Occupation )

*George Dryden*  
 GEORGE DRYDEN

*Iris Dryden*  
 IRIS DRYDEN

The Corporate Seal of REGIONAL DISTRICT OF ALBERNI-CLAYOQUET was hereto affixed in the presence of:

*Robert Harper*  
 Authorized Signatory ROBERT HARPER )  
*Hugh Anderson*  
 Authorized Signatory HUGH ANDERSON )

(seal)

END OF DOCUMENT