

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

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ORDER NUMBER: 42998019

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CANADA
PROVINCE OF ALBERTA
TO WIT:

By WE, Reeve Thelma Dreger and Municipal Administrator Veronica Andrichiw
of the Town of Spirit River
in the Province of Alberta,

make oath and say:

- we are
1. THAT ~~we~~ ^{we} are agent for the above-named Caveator.
 2. THAT ~~we~~ ^{we} believe that the said Caveator has a good and valid claim upon the said lands and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal therewith.

SWORN before me at the Town of Spirit River of REEVE Thelma
this twelfth day of October A.D. 1994 in the Province of Alberta
 MUNICIPAL ADMINISTRATOR VA Andrichiw

[Signature]
 A Commissioner for Oaths in and for the
 Province of Alberta.

EX-OFFICIO - SECTION 6 - COMMISSIONER FOR OATHS
 ACT R.S.A. 1980

942324931 REGISTERED 1994 10 20
 CAVE - CAVEAT
 DOC 2 OF 3 DRS: 811885 ADE/SMILLER
 LINC/S: 0021379391

MICHAEL JOHN ELLIOTT AND DOROTHY JUNE ELLIOTT
 11403 - WILCOX STREET S.E.
 CALGARY, ALBERTA
 T2J 2E7

Caveat

copy

MEMORANDUM OF AGREEMENT

BETWEEN: THE MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133
Box 389
Spirit River, Alberta
T0H 3G0

OF THE FIRST PART

AND:

MICHAEL JOHN ELLIOTT AND DOROTHY JUNE ELLIOTT
11403 Wilcox Street S.E.
Calgary, Alberta
T2J 2E7

OF THE SECOND PART

is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of _____
this _____ day of _____ in the Province of Alberta
A.D. 19 _____

A Commissioner for Oaths in and for the
Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

MEMORANDUM OF AGREEMENT MADE THIS
A.D., 19 .

DAY OF

BETWEEN: The Municipal District of Spirit River No. 133
Box 389
Spirit River, Alberta
T0H 3G0

OF THE FIRST PART

AND: Michael John Elliott and Dorothy June Elliott
11403 Wilcox Street S.E.
Calgary, Alberta
T2J 2E7

OF THE SECOND PART

1. The Grantor(s) are the registered owners or entitled to become the registered owners of an estate in fee simple, subject to such encumbrances, liens, interests as appear on the Certificate of Title, or as are particularly listed below of a property situated in Alberta and legally described as follows:

The North West Quarter of Section Thirty One (31) Township Seventy Seven (77) Range Six (6) West of the Sixth Meridian Containing 64.7 hectares (160 acres) more or less.
Excepting thereout all mines and minerals and the right to work the same.

(hereinafter referred to as the "Property").

2. In consideration of the sum of One Dollar (\$1.00) paid by the Grantee and in consideration of the covenants hereinafter contained: I DO HEREBY GRANT, CONVEY, TRANSFER AND SET OVER to and unto the Grantee, his successors and assigns an Easement for the MacDougall Drainage II Project, being thirty (30) metres in width throughout the N.W. 31-77-6-46th, and as shown on Schedule "A" described as the Maintenance Easement area.

is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of
this _____ day of _____ in the Province of Alberta
A.D. 19 _____

A Commissioner for Oaths in and for the
Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

(attached hereto), across, over, under, on or through the said land to construct, operate and maintain a utility right-of-way and such utilities as may, from time to time, be located thereon including accessories and appurtenances thereto and for any other purpose preparatory or incidental thereto.

THIS GRANT is made subject to the following terms and conditions:

- A. The Grantor(s) grant to the Grantee, during the installation and construction of the MacDougall Drainage II Project.

the right to use for a working area an additional portion or portions of the said lands and not exceeding in total, an additional width of Seventy (70) metres as shown on Schedule "A" described as the Construction Easement area.

respectfully parallel to the said utility right-of-way and, at the option of the Grantee, lying on either side or both sides of the right-of-way.

The Grantee is entitled to use the said working area for all purposes in connection with such installation and construction without further payment to the Grantor(s), other than payment for damages to crops, pastures, fences or livestock in the working area.

- B. The Grantee shall have the right to protect any interest he obtains pursuant to this agreement and shall be at liberty to file a caveat against the property to be running with the land, and also the right to enter upon the property to carry out such surveys as are necessary and to register a plan of survey denoting the easement at the Land Titles Office.
- C. The Grantor(s) shall have the right to use and enjoy the right-of-way for any purpose except that which might interfere with the rights granted here to the Grantee. The Grantor(s), his successors, or assignors shall not, without written consent of the Grantee, enter on, over, under, or through the right-of-way for any purpose which may incur a liability to the Grantee for damages resulting from the entry.
- D. Notwithstanding any rule of law of equity, any waterlines or other utility lines shall at all times remain the property of the Grantee, notwithstanding the same may be annexed or affixed to said lands and shall at any time and from time to time be removable in whole or in part by the Grantee.

is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of _____
this _____ day of _____ in the Province of Alberta
A.D. 19 _____

A Commissioner for Oaths in and for the
Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

- E. The Grantee shall have the right at its option to pay or discharge any balance owing under any agreement of sale or mortgage or any tax charge, lien or encumbrances of any kind or nature whatsoever, which may exist prior to the registration of this agreement, upon or against or in any way affecting the said lands, in which event the Grantee shall be subrogated to the rights of the holder or holders thereto and may, in addition to exercising and enforcing such rights, at its option, apply and credit the amount so paid by it, to the consideration as set forth above in this agreement.
- F. The Grantee shall be at liberty to construct additional utility lines including water lines, sewage lines and works of a similar nature within the boundaries of the easement. The provision in paragraph one, as to additional utility lines and works of a similar nature notwithstanding when they occur, but the compensation for the additional working area in such a case shall be mutually agreed upon by the Grantor(s) and the Grantee prior to the Grantee making use of same.
- G. All the covenants and conditions herein contained shall extend to be binding upon and inure to the benefit of, the executors, administrators, successors, and assigns to the Grantor(s) and the Grantee respectively.
- H. Upon the Grantee performing and observing the covenants and conditions on its part to be performed and observed shall and may peaceably hold and enjoy the rights and liberties and easements hereby granted without hindrance, molestation or interruption on the part of the Grantor(s) or any person claiming by, through, under or in trust for the Grantor(s) for so long thereafter as the Grantee, his successors and assigns continue to use the utility right-of-way for the purposes herein set forth.

IN WITNESS THEREOF the Grantee has set his hand and seal this 24th day of August, A.D. 19 99.

MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133

[Signature]

 REEVE

(SEAL)

[Signature]

 MUNICIPAL ADMINISTRATOR

is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of }
 _____ in the Province of Alberta }
 this _____ day of _____ A.D. 19 _____ }

 A Commissioner for Oaths in and for the
 Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

Call IN WITNESS THEREOF the Grantor(s) has set his hand and/or seal this
10 day of AUGUST, A.D. 19 94.

X *Robert Elliott*
WITNESS

X *Robert Elliott*
WITNESS

Robert Elliott
GRANTOR

Robert Elliott
GRANTOR

CERTIFICATE OF ACKNOWLEDGEMENT BY SPOUSE

1. This document was acknowledged before me by _____ apart from her husband (or his wife).

*This does not
require
signature
as property is
in both names*

_____ acknowledged to me that she (or he):

(a) is aware of the nature of the disposition (or agreement);

(b) is aware that the Dower Act gives her (or Him) a life estate in the homestead by withholding consent;

(c) consents to the disposition (or agreement) for the purpose of giving up the life estate and other dower rights in the homestead given to her (or him) by the Dower Act, to the extent necessary to give effect to the said disposition (or agreement);

(d) is executing the document freely and voluntarily without any compulsion on the part of her husband (or his wife).

DATED at _____, in the Province of _____, this _____ day of _____, A.D., 19 ____.

(title of officiating officer)

is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of _____
in the Province of Alberta }
this _____ day of _____ A.D. 19 ____

A Commissioner for Oaths in and for the Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

AFFIDAVIT

I, _____, of the _____
_____ in the Province of _____
_____,
(occupation)

make oath and say:

1. That I am the Vendor (or Grantor) named in the within (or annexed) instrument.
2. That I am not married; or
That neither myself or my spouse have resided on that within mentioned land at any time since our marriage.

SWORN before me at _____)
in the Province of _____)
Canada, this _____ day of _____)
_____ A. D., 19 _____)

*Not Applicable
Signatures are
not required*

A Commissioner of Oaths in and for the
Province of Alberta

Expiry Date: _____

is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of _____
this _____ day of _____ in the Province of Alberta
A. D. 19 _____ }

A Commissioner for Oaths in and for the
Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

AFFIDAVIT OF EXECUTION

I, ^{Witness's Name} ROBERT H ELLIOTT of the CITY
of CALGARY, in the Province of
ALBERTA, make oath and say:

1. THAT I was personally present and did see Michael Elliott and Dorothy Elliott named in the within instrument, who they are personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.
2. THAT the same was executed at CITY of CALGARY in the Province of ALBERTA, and that I am the subscribing witness thereto.
3. THAT I, ROBERT ELLIOTT, know the said Michael and Dorothy Elliott and they are is in my belief of the full age of 18 years.

To be signed by Commissioner

SWORN before me at Calgary
in the Province of Alberta
Canada, this 10th day of August
A.D., 19 94

Witness to sign here in front of Commissioner
[Signature]

George Barry Maynard
A Commissioner for Oaths in and for the
Province of Alberta

Expiry Date: MAY 14, 1996

is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of _____
this _____ day of _____ in the Province of Alberta
A.D. 19 _____

A Commissioner for Oaths in and for the Province of Alberta.
(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

DOWER ACT
CONSENT OF SPOUSE

I, _____, being married to the above named _____, do hereby give my consent to the disposition of our homestead, made in this (of the annexed instrument), and I have executed this document for the purpose of giving up my life estate and other dower rights in the said property given to me by the Dower Act, to the extent necessary to give effect to the said disposition.

Not Applicable

Signature of Spouse

is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of _____
this _____ day of _____ in the Province of Alberta
A.D. 19 _____

A Commissioner for Oaths in and for the
Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

Caveat

ROAD ALLOWANCE

TO THE REGISTRAR OF ALBERTA, MOUNTED POLICE DISTRICT

TAKE NOTICE that I, for the Municipal District of Spirit River, do hereby certify that the following is a true and correct copy of the original of the instrument referred to in the above certificate of title, and I specify the estate therein claimed:

An Easement for the **100m CONSTRUCTION EASEMENT**
and **30m MAINTENANCE EASEMENT**

The North West quarter of Section Thirty One (31) Township Sixty (60) North, Range Six (6), West of the Sixth Meridian containing 64.7 Hectares (160 acres) more or less, excepting therefrom the roads and materials and the right to use the same.

being lands described in Certificate of Title No. 292041-001 standing in the register in the name of Michael John Elliott and to be used for the purpose of the said certificate of title, and I forbid the registration of any person as transferee of the said estate or instrument affecting the said estate or interest, unless the instrument or instrument of title as the case may be, is expressed to be subject to the claim.

652 m

of Section 31, Township 60 North, Range 6 West, of the Sixth Meridian, in the Province of Alberta, in which the above proceedings relative to the said lands are pending.

DATED this twelfth day of October

NOTE: Distances Are Calculated From Air Photos and Are Approximate.

Approx. $\frac{1}{2}$ Length of Right-of-Way **950m**

RE: **MACDOUGALL DRAINAGE II**

LOCATION: **N.W. 31 - TWP. 77 - R.6 - W6M**

SCALE: **1:5000** DATE: **JUNE 1993** FILE:

THAT I believe that I have a good and valid claim upon the said lands and that the same is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of _____ in the Province of Alberta this _____ day of _____ A.D. 19 _____

A Commissioner for Oaths in and for the Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)

CANADA
 PROVINCE OF ALBERTA
 Mr. P.C. Reeve, Town and Municipal Administrator
 Veronica Andrichiv
 of Spirit River
 in the Province of Alberta,

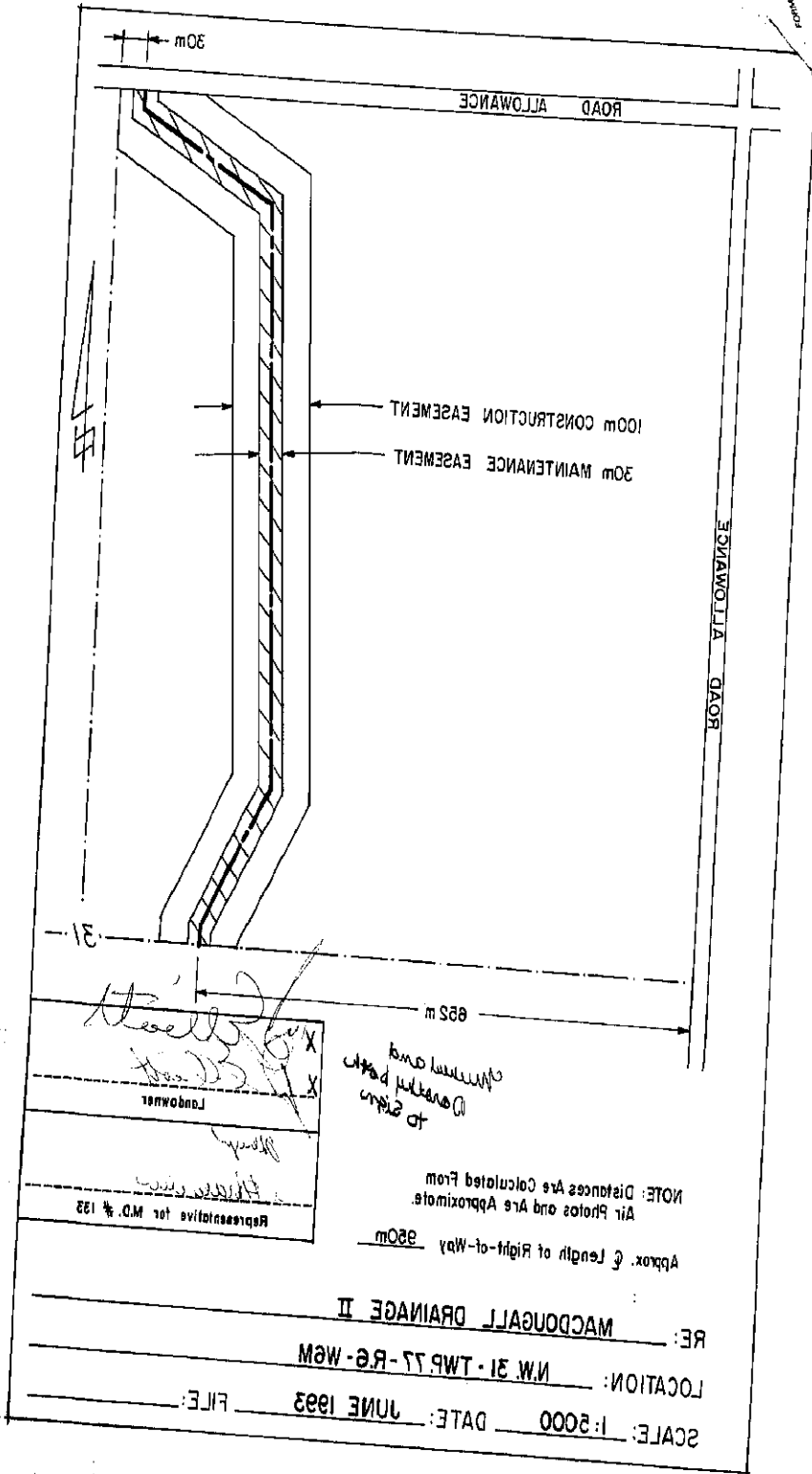
TO WIT:

- 1.
2. or prior
- say that

SWORN
 before me
 this

EX-ORIG
 ACT. R.S.

04



Caveat

TO THE REGISTRAR OF NORTHERN ALBERTA LAND REGISTRATION DISTRICT

TAKE NOTICE that ~~XX~~ WE, for the Municipal District of Spirit River No. 133
(their name and addition or creation)
of Box 389, SPIRIT RIVER in the Province of Alberta, TCH 300
claim (specify the estate or interest claimed)

DRAD

An Easement for the construction and maintenance of the Drainage Ditch Project called
"FACTORY CALL DRAINAGE 11".

in

The North West Quarter of Section Thirty One (31) Township Seventy Seven (77) Range Six (6)
West of the Sixth Meridian Containing 64.7 hectares (160) acres) more or less.
Excepting thereout all mines and minerals and the right to work the same.

being lands described in Certificate of Title, 792 081 068 standing in the register in
the name of Michael John Elliott and Dorothy June Elliott and I forbid
the registration of any person as transferee or owner of, or of any instrument affecting the said estate
or interest, unless the instrument or certificate of title, as the case may be, is expressed to be subject
to my claim.

WE ~~do~~ APPOINT the Municipal Administrator of THE MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133
at Box 389, SPIRIT RIVER, TCH 300 in the Province of Alberta, as the place at which

notices and proceedings relating hereto may be served.

DATED this twelfth day of October

A.D. 1994

REEVE *[Signature]*

MUNICIPAL ADMINISTRATOR *[Signature]*
Signature of the Caveator or his Agent

CANADA }
PROVINCE OF ALBERTA } of the
TO WIT: } in the Province of Alberta,

make oath and say:

1. THAT I am the within-named Caveator.
2. THAT I believe that I have a good and valid claim upon the said lands and I say this Caveat is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the _____ of
this _____ day of _____ in the Province of Alberta
A.D. 19 _____

A Commissioner for Oaths in and for the Province of Alberta.

(*addition is defined as something attached to a man's name to show his rank, occupation, or place of residence, or otherwise to distinguish him.)