

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Aug-27-2014 13:20:07.026

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Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Blair Jason
Franklin
8ULE8J

Digitally signed by Blair Jason Franklin
8ULE8J
DN: c=CA, cn=Blair Jason Franklin
8ULE8J, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=8ULE8J
Date: 2014.08.21 16:17:21 -0700'

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

Alyssa Bandurka
Johnston Franklin
210-3260 Norwell Drive
Nanaimo

BC V9T1X5

Phone: 250-756-3823
File No.: 9043-090
SUB00942

Document Fees: \$147.00

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

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

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

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

CITY OF NANAIMO

A MUNICIPAL CORPORATION INCORPORATED UNDER THE LOCAL GOVERNMENT ACT

455 WALLACE STREET

NANAIMO

BRITISH COLUMBIA

V9R 5J6

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

SEE SCHEDULE

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)

Blair J. Franklin
Barrister & Solicitor
210 - 3260 Norwell Drive
Nanaimo, BC V9T 1X5

Execution Date		
Y	M	D
14	03	12

Transferor(s) Signature(s)

Insight Holdings Ltd.
by its authorized signatory

Charles Ho Tung Koo

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. 1996, c.124, 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 ACT
FORM D
EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Nancy Skeels
Commissioner for Taking Affidavits in BC
455 Wallace Street
Nanaimo, BC V9R 5J6

Y	M	D
14	08	13
14	04	11

City of Nanaimo
by its authorized signatory(ies)

Name: John Ruttan, Mayor

Name: Kristin King, Deputy Corporate
Officer

Colleen Frame
Commissioner for Taking Affidavits in BC
#101 - 6475 Metral Drive
Nanaimo, BC V9T 2L9
Expiry Date: December 31, 2014

Canadian Western Bank
by its authorized signatory(ies)

Name: Kevin Wilson

Name: Patricia Wagner

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. 1996, c.124, 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.

FORM_E_V19

**LAND TITLE ACT
FORM E**

SCHEDULE

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2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND

Related Plan Number: **EPP36660**

STC for each PID listed below? YES

[PID] [LEGAL DESCRIPTION – must fit in a single text line]

NO PID NMBR LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP36660

NO PID NMBR LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN EPP36660

NO PID NMBR LOT 3, SECTION 1, NANAIMO DISTRICT, PLAN EPP36660

NO PID NMBR LOT 4, SECTION 1, NANAIMO DISTRICT, PLAN EPP36660

FORM_E_V19

LAND TITLE ACT
FORM E

SCHEDULE

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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Modification	FB399487	

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting the Modification herein priority over Mortgage FB329411 and Assignment of Rents FB329412

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION

**LAND TITLE ACT
FORM E****SCHEDULE**

PAGE 5 OF 7 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

WHEREAS:

A. By a covenant dated January 20, 2011 and registered in the Victoria Land Title Office on February 11, 2011 under Number FB399487 (hereinafter called the "Covenant"), the Transferor did grant a covenant to the Transferee, its successors and assigns, forever, all and singular, that certain parcel or tract of land and premises situate in the City of Nanaimo in the Province of British Columbia, more particularly known and described as:

PID: 028-051-688

Legal Description: Lot 5, Section 1, Nanaimo District, Plan 87165
(hereinafter called the "lands" or the "said lands")

B. The Transferor and the Transferee have agreed to modify the terms of the Covenant as herein provided.

WITNESS that in consideration of the premises and the agreement of each of the parties hereto it is hereby agreed as follows:

1. The Covenant shall be modified and amended as follows:

(a) Paragraph 1.(a) on page 4 of the Covenant shall be modified to read: Lots 1, 2 and 4 each can have up to 2 residential dwelling units or strata lots; lot 3 can have up to 10 residential dwelling units or strata lots.

(b) Paragraph 1.(c) on page 4 of the Covenant shall be deleted.

(c) Paragraph 1.(d) on page 4 of the Covenant shall be modified and only apply to Lot 3 and shall read: it will not remove any vegetation or construct any building or structure on Lot 3, and will not apply to the Grantee for a building permit to construct any building or structure upon Lot 3, unless and until a development permit has been issued by the Grantee that addresses to the satisfaction of the Grantee (i) site grading that respects and protects the wetland setback area to the west of Lot 3, (ii) a rain water management plan that preserves the pre-development flows and patterns of Lot 3, (iii) an erosion and sediment control plan and (iv) landscaping requirement.

(d) Paragraph 1.(e) on page 4 of the Covenant shall be deleted.

2. This agreement shall from the date hereof be read and construed along with the Covenant and be treated as a part thereof and shall be read together and constitute one instrument.

**LAND TITLE ACT
FORM E****SCHEDULE**

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ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

3. If there is any inconsistency or conflict between the provisions of the Covenant and the provisions of this agreement, the provisions of this agreement and the intent of the parties as evidenced hereby shall prevail.

4. Except as expressly amended hereby, all of the covenants, agreements, conditions and provisions of the Covenant are hereby ratified and confirmed and shall remain in full force and effect.

5. This agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

CONSENT AND PRIORITY OF CHARGE HOLDER

GIVEN THAT Canadian Western Bank (the "First Chargeholder") is the holder of a mortgage and assignment of rents registered against the lands described in item 2 of Part 1 of the Form C to which this Agreement is attached (the "Lands") under instrument number FB329411 and FB329412 (the "First Charge"),

This Consent and Priority Agreement is evidence that in consideration of payment to it of \$1.00 by the Transferee, the First Chargeholder agrees with the Transferee as follows:

1. The First Chargeholder consents to the granting and registration of the Modification and the First Chargeholder agrees that the Modification binds its interest in and to the Lands.
2. The First Chargeholder grants to the Transferee priority for the Modification over the First Chargeholder's right, title and interest in and to the Lands and the First Chargeholder postpones the First Charge, and all of its right, title and interest thereunder, to the Modification as if the Modification had been executed, delivered and registered prior to the execution, delivery and registration of the First Charge.

As evidence of its agreement with the Transferee to be bound by the Consent and Priority Agreement, as a contract and deed executed and delivered under seal, the First Chargeholder has executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C or the Form D to which this Agreement is attached and which forms part of this Agreement.

FORM_E_V19

**LAND TITLE ACT
FORM E**

SCHEDULE

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ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. Transferor(s)

Insight Holdings Ltd., Inc. No. BC0781305
(as to Modification)

and

Canadian Western Bank
(as to Priority)