

**Transfer of land - creating an easement and/or restrictive covenant**

**Section 45 Transfer of Land Act 1958**



Lodged by

Name: *Herbert Smith Freehills*

Phone:

Address:

Reference:

Customer code: *2961C*

The transferor transfers to the transferee the estate and interest specified in the land described for the consideration expressed:

- together with any easements created by this transfer;
- subject to the encumbrances affecting the land, including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio)

CERTIFICATE OF TITLE VOLUME 10560 FOLIO 131

Estate and interest: (e.g. all my estate in fee simple)

ALL MY ESTATE IN FEE SIMPLE

Consideration:

\$8,000,000

Transferor: (full name)

THE ROMAN CATHOLIC TRUSTS CORPORATION FOR THE DIOCESE OF MELBOURNE

Transferee: (full name and address, including postcode)

ST VINCENT'S HEALTHCARE LIMITED, LEVEL 22, 100 WILLIAM STREET, WOOLLOOMOOLOO NSW 2011

Creation and/or reservation of easement and/or restrictive covenant

AND THE TRANSFEEE FOR ITSELF AND ITS HEIRS, EXECUTORS, ADMINISTRATORS, ASSIGNS AND TRANSFEEES AND THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING CERTIFICATE OF TITLE VOLUME 10560 FOLIO 131 HEREBY TRANSFERRED AND EACH AND EVERY PART OF IT DO COVENANT WITH THE TRANSFEROR AND THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF CERTIFICATES OF TITLE VOLUME 2209 FOLIOS 644 AND 677 AND VOLUME 2394 FOLIO 704 AND EACH AND EVERY PART OF IT THAT THE TRANSFEEE

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**THE BACK OF THIS FORM MUST NOT BE USED**

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WILL NOT:

(A) USE OR PERMIT OR ALLOW TO BE USED THAT PART OF THE LAND HATCHED ON THE PLAN ATTACHED AS ANNEXURE ONE (ST MARY OF THE CROSS MEMORIAL GARDEN) FOR ANY PURPOSE OTHER THAN A MEMORIAL GARDEN;

(B) DO ANYTHING OR PERMIT OR ALLOW ANY PERSON TO DO ANYTHING WHICH WOULD PREVENT MEMBERS OF THE PUBLIC FROM HAVING ACCESS TO THE ST MARY OF THE CROSS MEMORIAL GARDEN BETWEEN THE HOURS OF 9.00 AM, AND 5.00 PM MONDAY TO FRIDAY, EXCLUDING PUBLIC HOLIDAYS;

(C) DO ANYTHING OR PERMIT OR ALLOW ANY PERSON TO DO ANYTHING WHICH ALLOWS THE ST MARY OF THE CROSS MEMORIAL GARDEN TO FALL INTO DISREPAIR,  
AND IT IS INTENDED THAT THIS COVENANT WILL BE SET OUT AS AN ENCUMBRANCE ON THE CERTIFICATE OF TITLE TO THE LAND HEREBY TRANSFERRED AND WILL RUN WITH THE LAND.

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Signing:

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Certifications

- 1.The Certifier has taken reasonable steps to verify the identity of the applicant.
- 2.The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- 3.The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 4.The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of THE ROMAN CATHOLIC TRUSTS CORPORATION FOR THE DIOCESE OF MELB

Signer Name *MELBOURNE*  
*Alison Howard Kennedy*

Signer Organisation CLAYTON UTZ

Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature

Execution Date

*20/6/18*

Signing:

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- 4.The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of ST VINCENT'S HEALTHCARE LIMITED

Signer Name JULIA ORBACH

Signer Organisation HERBERT SMITH FREEHILLS

Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature

A handwritten signature in black ink, appearing to read 'Julia Orbach', written over a horizontal line.

Execution Date

21/6/2018

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# ANNEXURE ONE

## LEASE PLAN - ST MARY OF THE CROSS MEMORIAL GARDEN

**POSTAL ADDRESS**

DODGHUN HOUSE  
7 BRUNSWICK STREET  
FITZROY

**LOCATION OF LAND**

TITLE REFERENCES VOL. 10167 FOL. 796  
LOT 1 ON PS439965J

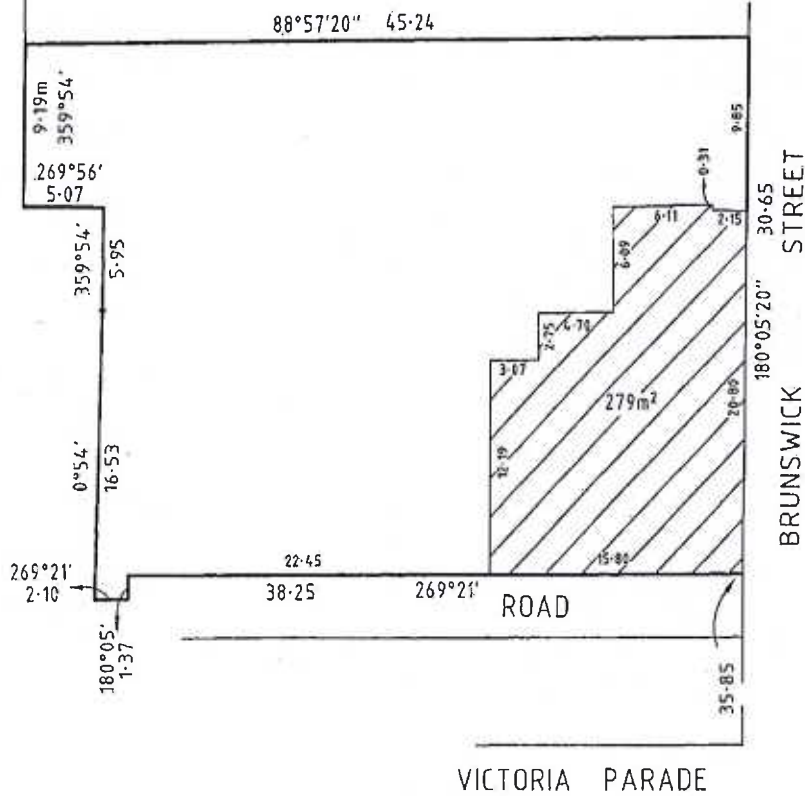
**NOTATIONS**



IS THE ST MARY OF THE  
~~TO BE RELEASED~~ CROSS  
(INCLUDING HIGH BRICK FENCE ON MEMORIAL GARDEN  
THE BRUNSWICK STREET FRONTAGE)

**AR267384S**

20/07/2018 \$3606 45



ORIGINAL SHEET SIZE: A3		CERTIFICATION BY SURVEYOR	SHEET 1 OF 2
SCALE 1:250			
SURVEYORS FILE REF: CG110395-2verE			
<p>Level 4, 861 Bourke Street, Melbourne, VIC Australia 3000 Phone: 03 9488 8888 Fax: 03 9488 1000 Email: <a href="mailto:info@cardno.com.au">info@cardno.com.au</a> Web: <a href="http://www.cardno.com.au">www.cardno.com.au</a></p>		Peter Sullivan / 2 VERSION E	