

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

4159HG .

ORDER NUMBER: 34309306

ADVISORY

This electronic image is a reproduction of the original document registered at the Land Titles Office. Please compare the registration number on this coversheet with that on the attached document to ensure that you have received the correct document. Note that Land Titles Staff are not permitted to interpret the contents of this document.

Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.

THE LAND TITLES ACT

(Section 21)

CERTIFICATE

Dear Sir/Madam:


Re: Missing Instrument

Pursuant to Section 21 of the Land Titles Act, I hereby certify that registered document:

Numbered **4159 H.G.**

has been lost, mislaid or destroyed and has not been micro photographed.

Yours truly,



Brian D. Hanning
Assistant Deputy Registrar
Land Titles South

BDH/jd

4159 H. G.

Certificate under

Dec. 21 issued:

Jan. 24th, 2007 JG

TAYLOR, ZINKHOFFER & CONWAY

BARRISTERS AND SOLICITORS

#440, 7220 Fisher Street S.E., Calgary, Alberta, T2H 2H8
Phone 403-259-2822, Fax 403-640-0103

Thomas J. Taylor, BA, LLB, Prof. Corp.
Frederick Zinkhofer, B.Sc., (Hons.), LLB
Brian W. Conway, B.Ed., LLB

Fred Zinkhofer Direct: 259-2822 Assistant: Cari Henschel: Direct: 537-7480 E-mail: fzinkhofer@tzc.ca

May 20, 2003

Registrar of Land Titles
Calgary

Re: Restrictive Covenant 4159 HG

It appeared the above RC was lost. You issued a s. 21 certificate, enclosed. I enquired of the successor of the original registrant, who referred me to Steve Raby of Macleod Dixon, who provided me a copy of the missing document, which I enclose.

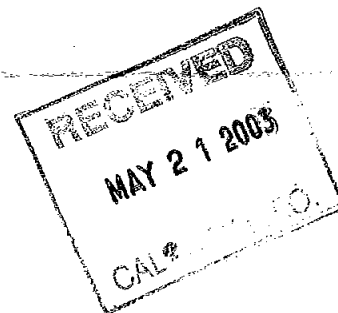
Mr Raby may be able to provide you a more clear copy.

Yours truly,

TAYLOR, ZINKHOFFER & CONWAY

Per:


Frederick Zinkhofer



MAY-20-2003 15:09

MACLEOD DIXON

P.01/06

Macleod Dixon ^{Lawyers} LLP

3700 Canterra Tower
400 Third Avenue S.W.
Calgary, Alberta, Canada T2P 4H2

Telephone: (403) 267-8222
Fax: (403) 264-5973
Website: www.macleoddixon.com

FACSIMILE TRANSMISSION

DATE: May 20, 2003

FILE NUMBER: 187239/SGR

TO:

NAME/FIRM	FAX NO.	PHONE NO.
FRED ZINKHOFFER TAYLOR ZINKHOFFER & COMPANY	640-0103	259-2822

FROM: Steve G. Raby

PHONE: (403) 267-8226

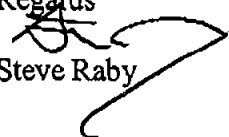
RE: R.C. # 4159 HG

NUMBER OF PAGES WITH COVER PAGE: 6	ORIGINAL WILL NOT FOLLOW
------------------------------------	--------------------------

MESSAGE:

Copy attached.

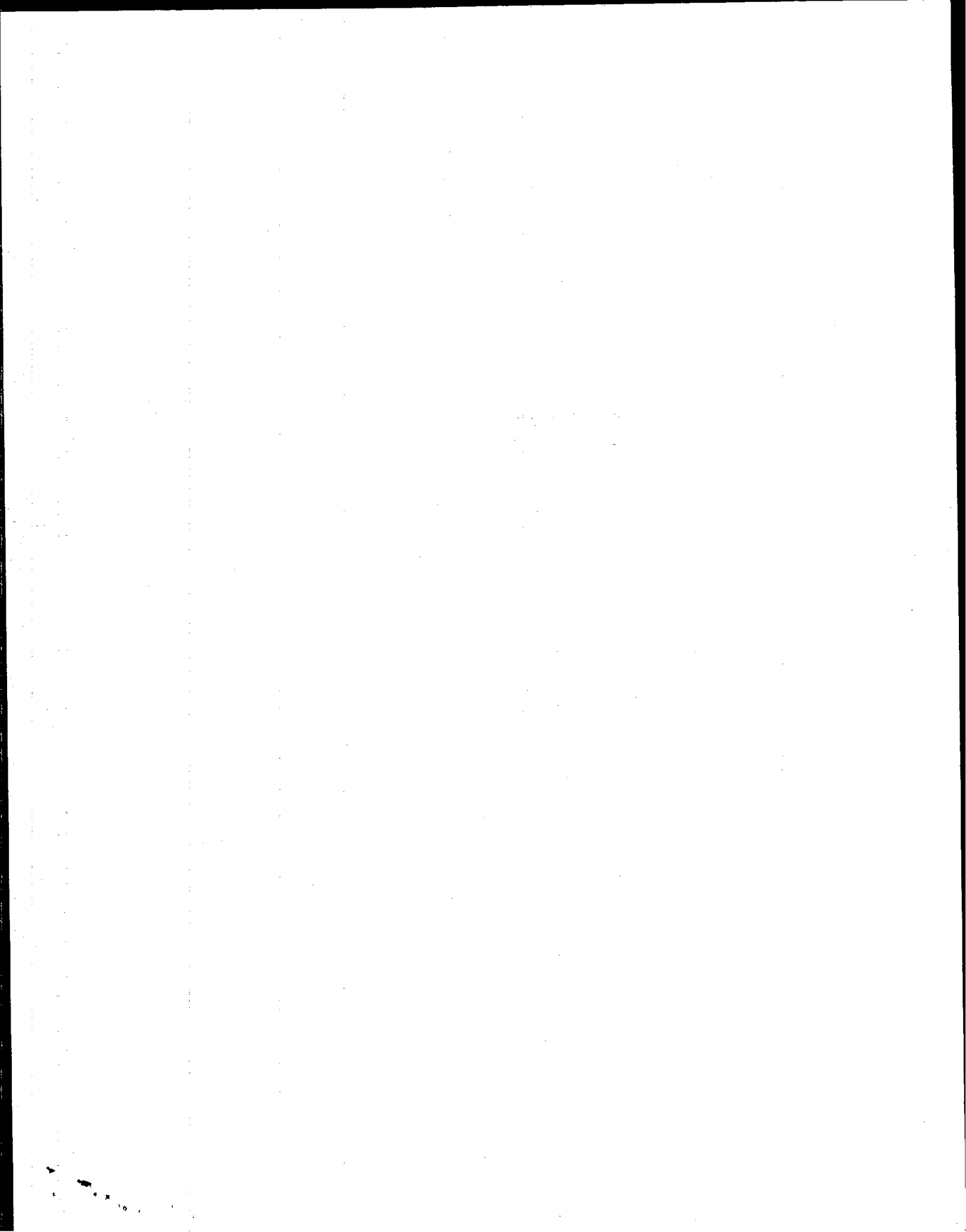
Regards



Steve Raby

NOTES: The information contained in this facsimile transmission is confidential information intended solely for the use of the individual or entity named above and may be legally privileged. Any use, dissemination, distribution or copying of this information by a person other than the intended recipient is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately and return the original transmission to us by mail. Any text and/or signature contained herein may be computer generated.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
_____ AT _____ AS SOON AS POSSIBLE.



MAY-20-2003 15:09

MACLEOD DIXON

P.02/06

4159H.C

AGREEMENT made this 16th day of July, A.D. 1957.

BETWEEN:

KELWOOD CORPORATION LIMITED, a body corporate with its registered office at the City of Calgary in the Province of Alberta, (hereinafter called "the Transferor")

OF THE ONE PART

WILLIAM JAGER, of the said City of Calgary, Builder, (hereinafter called "the Transferee")

OF THE OTHER PART.

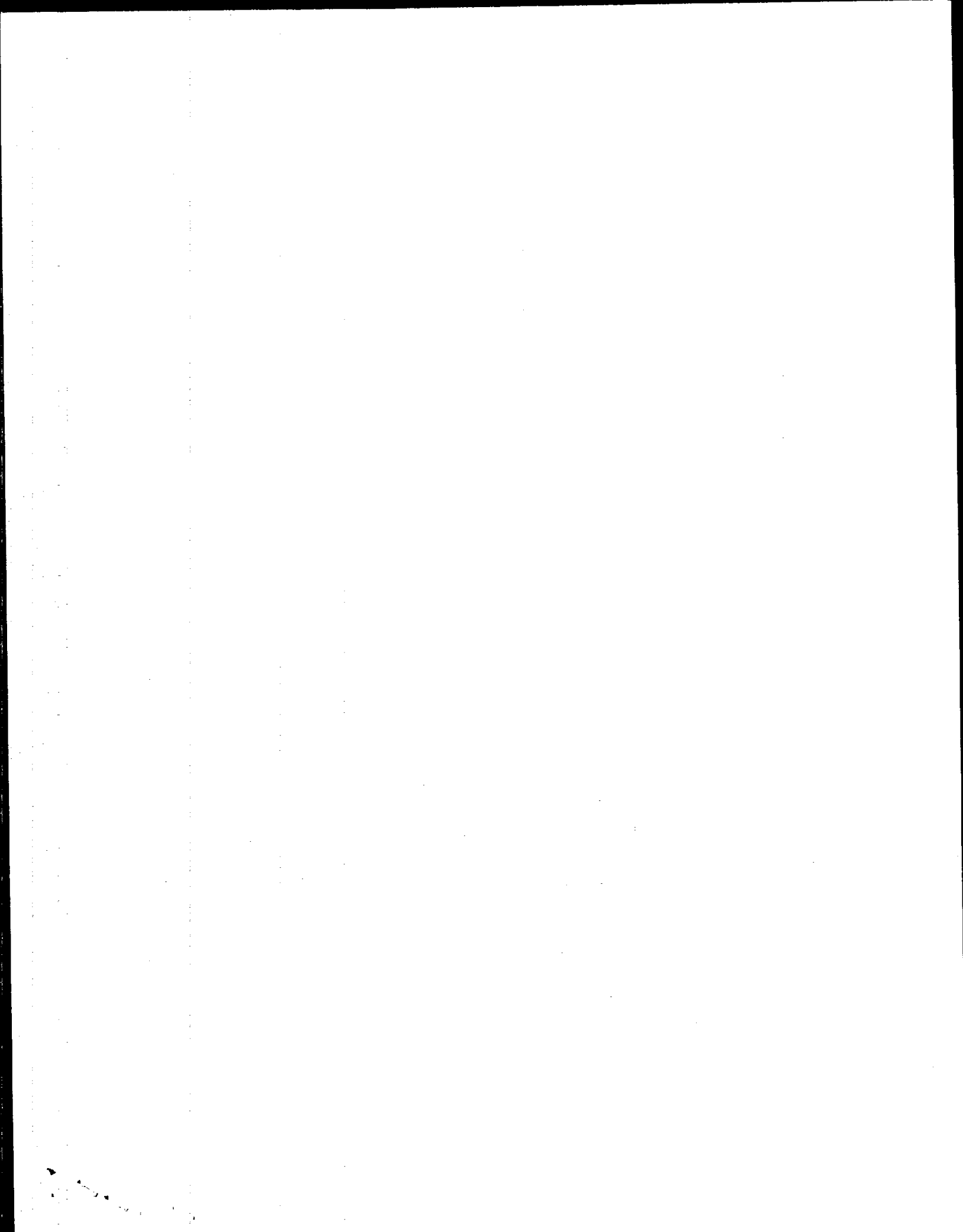
WHEREAS the Transferor has sold to the Transferee and the Transferee has purchased from the Transferor the lands mentioned in a certain transfer bearing even date herewith which said lands are described as :-

Lot-Eight (8) in Block Seven (7) according to a Plan of part of the City of Calgary, of record in the Land Titles Office for the South Alberta Land Registration District as "Mayfair 8375-H.F." Excepting thereout all mines and minerals;

AND WHEREAS the said lands form part of "Mayfair" as shown on a plan of record in the Land Titles Office for the South Alberta Land Registration District as Plan 8375-H.F.;

AND WHEREAS it is part of the consideration of the said sale and purchase that said Lot Eight (8) together with all the remaining lands of the said Plan except for Blocks "A" and "B" and Lots Thirty-Nine (39), Forty (40) and Forty-One (41) in Block Two (2) and Lot One (1) in Block Four (4) should be subject to the covenants hereinafter contained;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the sum of One Dollar (\$1.00) paid by each of the parties hereto to the other party hereto (the receipt of which is hereby by each of them acknowledged) the Transferor, as to the lots and blocks in said plan except for said Blocks "A" and "B" and Lots Thirty-Nine (39), Forty (40) and Forty-One (41) in said Block Two (2) and Lot One (1) in Block Four (4) (hereinafter referred to



2.

as "the subdivision") for itself, its successors and assigns and the transferee, as to the lands hereinbefore described and transferred to him by the said hereinbefore in part recited transfer, for himself, his executors, administrators and assigns, mutually covenant each with the other, and each of them also hereby covenants with the owners or owner for the time being of any part of the subdivision, including the lands hereinbefore described, and their respective executors, administrators or assigns, to observe and be bound by the hereinafter mentioned covenants, but so that the said covenants shall not be personally binding upon the Transferor and the Transferee respectively, or their respective executors, administrators, successors or assigns, except while they remain the owners of any portion of the subdivision, and then only in respect of such part thereof as is owned by them or either of them, but the said covenants shall be construed to be covenants running with the land, and shall be appurtenant to all the land in the subdivision now remaining vested in the Transferor as aforesaid with the lands hereinbefore described, and for the benefit of all the respective owners thereof from time to time.

COVENANTS ABOVE REFERRED TO:

1. That not more than one single family dwelling house, with private garage attached or unattached thereto shall be erected or stand at any one time on any one lot in the subdivision. This restriction shall not prohibit a single family dwelling house being erected on any lot resulting from a re-subdivision of lots provided the frontage and area of any building site are not reduced by such re-subdivision.
2. No such dwelling house shall be erected or stand on any of the following lots, namely, Lots 2 to 10 inclusive in Block 1, Lots 1, 2 and 38 in Block 2, and Lots 22 to 33 inclusive in Block 7, all in said Plan which occupies a ground area of less than:
 - (a) 1,200 square feet if dwelling house is of single storey construction;
 - (b) 1,000 square feet if dwelling house is of one and one-half storey construction or split level;
 - (c) 850 square feet if dwelling house is of two-storey construction.

3

And no such dwelling house shall be erected or stand on any of the remaining ³ lots which occupies a ground area of less than:

- (a) 1,400 square feet if dwelling house is of single storey construction;
- (b) 1,150 square feet if dwelling house is of one and one-half storey construction or split level;
- (c) 1,000 square feet if dwelling house is of two storey construction.

The dimensions of any attached garage, porch, veranda, sun-room or other appurtenant structure shall be excluded in computing such ground area.

3. That no dwelling house or private garage shall be erected or stand at any time on any lot:

- (a) fronting on Malibou Road, within 30 feet of Malibou Road; or
- (b) fronting on Massey Place, Medford Place, or Maryland Place, within 25 feet of the same; or
- (c) closer to the side boundary of such lot than a distance equivalent to 10% of the width of such lot.

All measurements shall be made in the same manner as similar measurements are made pursuant to the building bylaws of the City of Calgary.

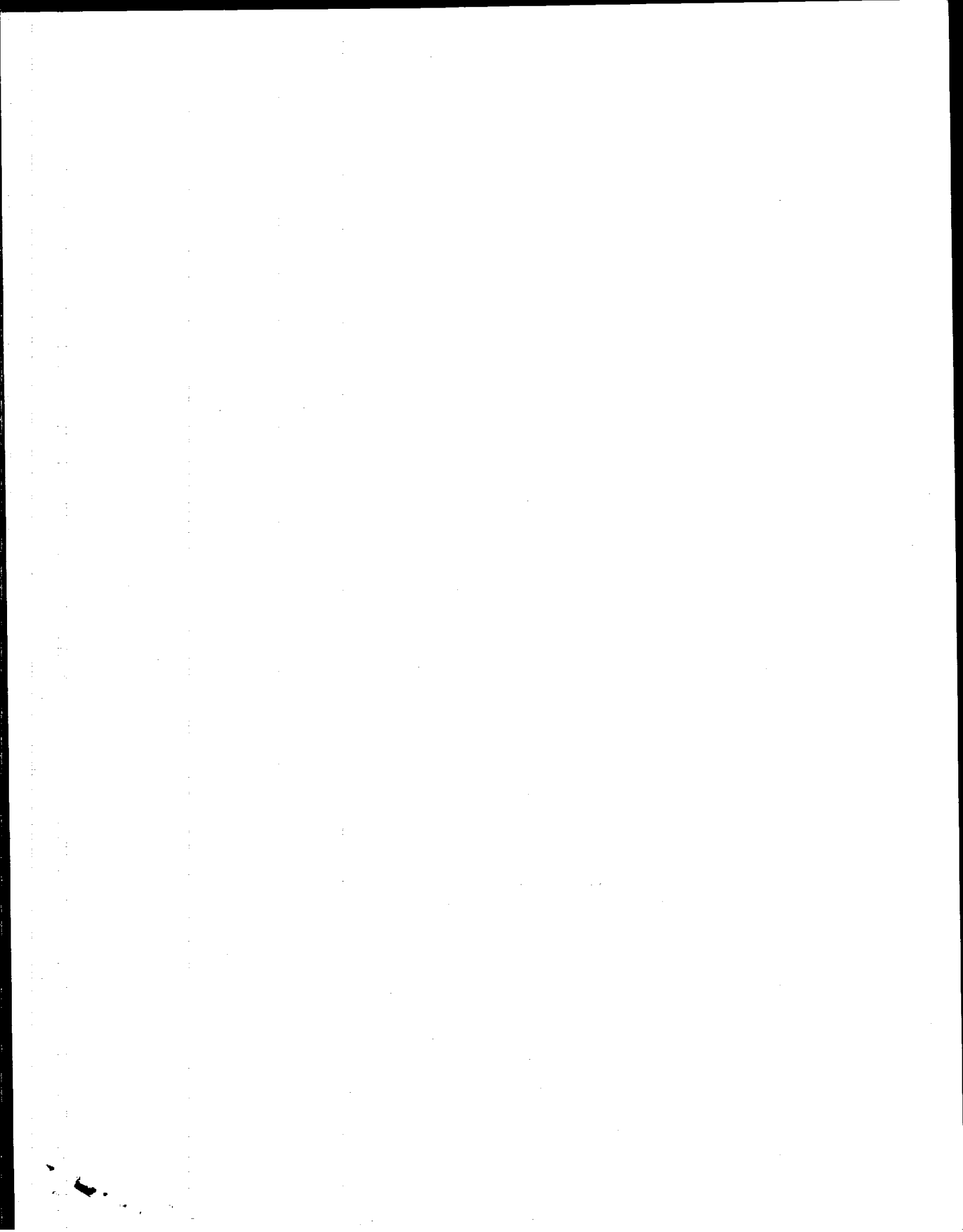
4. That no lot except for Lots 39, 40 and 41 in Block 2, and Lot 1 in Block 4, shall be used for any trade or business or otherwise than for private residential purposes, or for public park purposes.

5. That no portion of Lots 6 to 14 inclusive and Lot 33 all in Block 7 shall be used as a service yard unless the part so used is screened from view by a fence at least five feet in height; the expression "service yard" shall include, without limiting the generality of such expression, an area used for drying laundry or storing garbage cans.

6. That no fence or hedge shall be erected or stand at a height greater than 2 feet on the portion of any lot between the front property line of such lot and the wall of the dwelling house or garage closest to such front property line.

7. That no part of the whole front of Lots 22 to 28 inclusive in Block 7 and no part of the east 42.25 feet of the front of Lot 29 in said Block 7 shall be used for the purpose of a driveway and no garage fronting on 66th Avenue S.W. shall be erected or stand on such lots.

IN WITNESS WHEREOF, KELWOOD CORPORATION LIMITED has caused its



4
corporate seal to be hereunto affixed and these presents to be signed by its proper officer thereunto authorized, and WILLIAM JAGER has set his hand and seal the day and year first above written.

SIGNED SEALED AND DELIVERED by the
said WILLIAM JAGER in the presence
of;

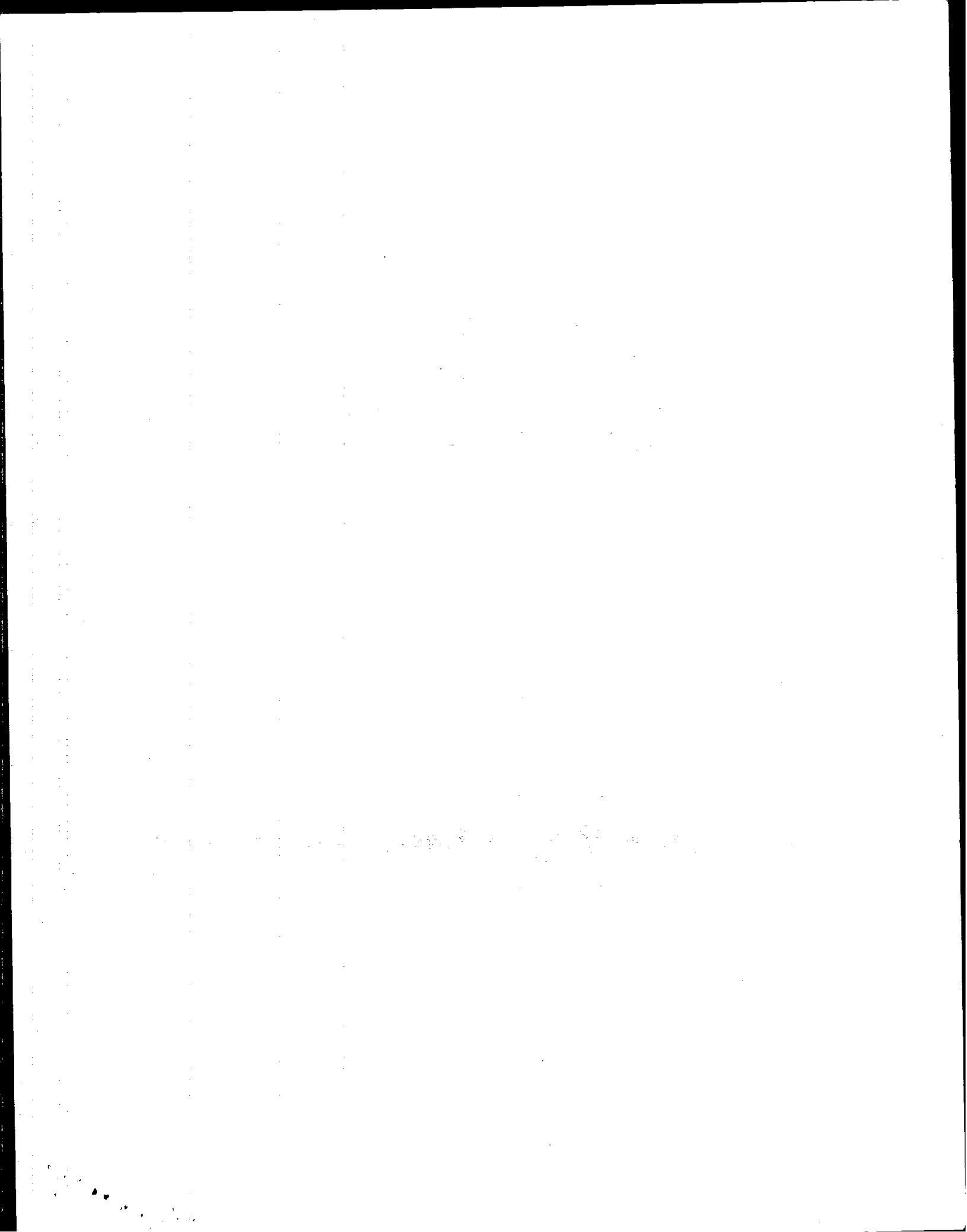
KELWOOD CORPORATION LIMITED

[Signature]
President

[Signature]
William Jager.

[Handwritten signature]







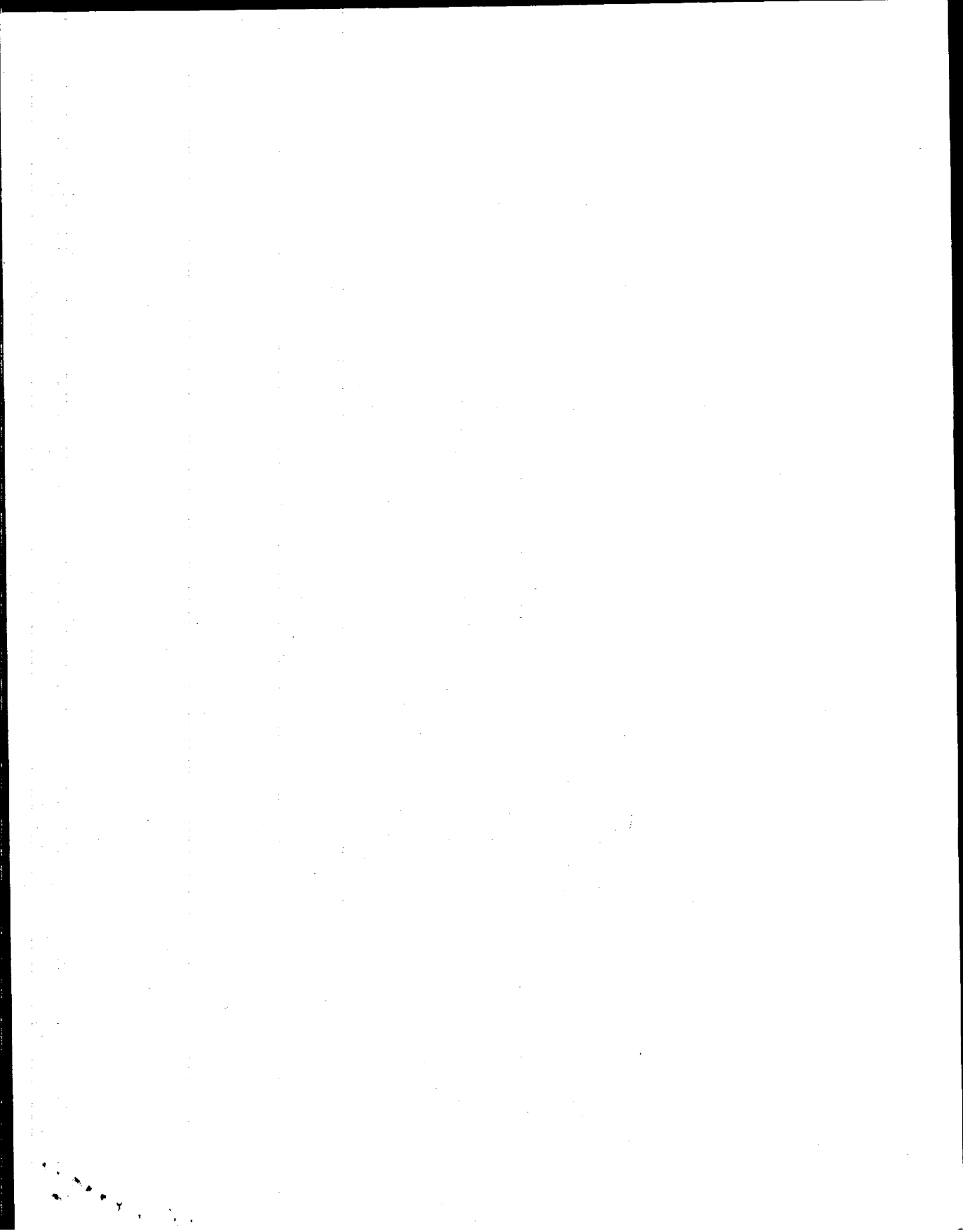
MACLEOD DIXON
ATTORNEYS AT LAW
1500 14TH AVENUE
SUITE 1000
DENVER, CO 80202
TEL: 303.733.1500
FAX: 303.733.1501
WWW.MACLEODDIXON.COM

MACLEOD DIXON
ATTORNEYS AT LAW
1500 14TH AVENUE
SUITE 1000
DENVER, CO 80202
TEL: 303.733.1500
FAX: 303.733.1501
WWW.MACLEODDIXON.COM

4159/HG

A.D. 1997

5 pages





Registries

Land Titles

South Land Titles
Registration District

Main Fl., J.J. Bowlen Building
620 - 7th Avenue S.W.
Calgary, Alberta
T2P 0Y8

Telephone (403) 297-6511
Fax (403) 297-2476

AUG 20 2002

THE LAND TITLES ACT

(Section 21)

CERTIFICATE

Dear Sir/Madam:

Re: Missing Instrument

Pursuant to Section 21 of the Land Titles Act, I hereby certify that the registered document:

Numbered 4159 H.G.

has been lost, mislaid or destroyed and has not been microphotographed.

Yours



Brian D. Hamming
Assistant Deputy Registrar

BDH/jd

Exhibit " B " to the Affidavit
of Margaret Macalister King
Sworn Before me this 17
day of September, 2002

A Commissioner for Oaths / Notary Public

FREDERICK ZINKHOFER
Barrister & Solicitor

4159 H.G.

COPY OF INSTRUMENT
RECORDED AT 4159 H.G.
LAND TITLES OFFICE