

Land Title Act
Form C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)

Page 1 of 7 pages

SUBMITTED BY
KERSHAW KUROYAMA

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

PETRARIOIA LANGFORD RUSH LLP, 800 – 1708
Dolphin Avenue, Kelowna, British Columbia V1Y 9S4,
Phone (250) 861-5332 Client No. 10576
File No. 23897

Signature of Applicant's Agent

2. **PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*** 01 06/12/18 11:33:58 01 KL 969711
(PID) (LEGAL DESCRIPTION) CHARGE \$65.20
See Schedule See Schedule

3. **NATURE OF INTEREST:***

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

Section 221 – Restrictive Covenant

Entire Document

Registered Owner: Lot 1, DL 4109s,
SDYD, Plan KAP738834. **TERMS:** Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms
(b) Express Charge Terms
(c) Release

- ☐ D.F. No.
☒ Annexed as Part 2
☐ 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 4 is released or discharged as a charge on the land described in item 2.

5. **TRANSFEROR(S):* FEATHERTOP DEVELOPMENTS LTD.**, (Inc. No. 0693465), 1337 Green Bay Road,
Westbank, British Columbia V4T 2B6

6. **TRANSFeree(S): BIG WHITE SKI RESORT LTD.** (Inc. No. 286951), PO Box 2039, Station R, Kelowna,
British Columbia V1X 4K5

7. **ADDITIONAL OR MODIFIED TERMS:*** N/A

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
2006	12	11

Party(ies) Signature(s)

FEATHERTOP DEVELOPMENTS LTD.
by its authorized signatory

Paul Plocktis

DOMINIC A. PETRAROIA
Barrister & Solicitor
800-1708 Dolphin Ave.
Kelowna, B.C. V1Y 9S4

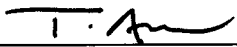

Officer Certification:

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

SUBMITTED BY: KERSHAW
KUROYAMA REGISTRY

Land Title Act
FORM D
EXECUTIONS CONTINUED

Page 2

Officer Signature(s)	Y	M	D	Party(s) Signature(s)
 Theresa Arsenault Lawyer 3 rd Floor, 1665 Ellis Street Kelowna, BC V1Y 2B3	2006	12	13	BIG WHITE SKI RESORT LTD. by its authorized signatory:  Kate Davies

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

TMA/44076.1/lxs

**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 DOCUMENT FORM.

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
026-905-744	Strata Lot 1, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-752	Strata Lot 2, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-761	Strata Lot 3, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-779	Strata Lot 4, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-787	Strata Lot 5, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-795	Strata Lot 6, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-809	Strata Lot 7, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-817	Strata Lot 8, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-825	Strata Lot 9, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-833	Strata Lot 10, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-841	Strata Lot 11, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-850	Strata Lot 12, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-868	Strata Lot 13, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-876	Strata Lot 14, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-884	Strata Lot 15, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-892	Strata Lot 16, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-906	Strata Lot 17, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-914	Strata Lot 18, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-922	Strata Lot 19, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-931	Strata Lot 20, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-949	Strata Lot 21, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-957	Strata Lot 22, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-965	Strata Lot 23, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-973	Strata Lot 24, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-981	Strata Lot 25, District Lot 4222, SDYD, Strata Plan KAS3134
026-905-990	Strata Lot 26, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-007	Strata Lot 27, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-015	Strata Lot 28, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-023	Strata Lot 29, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-031	Strata Lot 30, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-040	Strata Lot 31, District Lot 4222, SDYD, Strata Plan KAS3134

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

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2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
026-906-058	Strata Lot 32, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-066	Strata Lot 33, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-074	Strata Lot 34, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-082	Strata Lot 35, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-091	Strata Lot 36, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-104	Strata Lot 37, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-112	Strata Lot 38, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-121	Strata Lot 39, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-139	Strata Lot 40, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-147	Strata Lot 41, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-155	Strata Lot 42, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-163	Strata Lot 43, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-171	Strata Lot 44, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-180	Strata Lot 45, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-198	Strata Lot 46, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-201	Strata Lot 47, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-210	Strata Lot 48, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-228	Strata Lot 49, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-236	Strata Lot 50, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-244	Strata Lot 51, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-252	Strata Lot 52, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-261	Strata Lot 53, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-279	Strata Lot 54, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-287	Strata Lot 55, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-295	Strata Lot 56, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-309	Strata Lot 57, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-317	Strata Lot 58, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-325	Strata Lot 59, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-333	Strata Lot 60, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-341	Strata Lot 61, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-350	Strata Lot 62, District Lot 4222, SDYD, Strata Plan KAS3134

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

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2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
026-906-368	Strata Lot 63, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-376	Strata Lot 64, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-387	Strata Lot 65, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-392	Strata Lot 66, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-406	Strata Lot 67, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-414	Strata Lot 68, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-422	Strata Lot 69, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-431	Strata Lot 70, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-449	Strata Lot 71, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-457	Strata Lot 72, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-465	Strata Lot 73, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-473	Strata Lot 74, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-481	Strata Lot 75, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-490	Strata Lot 76, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-503	Strata Lot 77, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-511	Strata Lot 78, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-520	Strata Lot 79, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-538	Strata Lot 80, District Lot 4222, SDYD, Strata Plan KAS3134
026-906-546	Strata Lot 81, District Lot 4222, SDYD, Strata Plan KAS3134

TERMS OF INSTRUMENT – PART 2**W H E R E A S :**

- A. The Transferor is the registered owner in fee simple of those certain parcel(s) of land in the Penticton Assessment Area, in the Province of British Columbia, legally described as:

Strata Lots 1 to 81, inclusive
District Lot 4222
Similkameen Division Yale District
Strata Plan KAS3134;

(collectively referred to as the “**Transferor’s Lands**” and individually referred to by Strata Lot number)

- B. The Transferee is the registered owner in fee simple of those certain parcel(s) of land in the Penticton Assessment Area, in the Province of British Columbia, legally described as:

Lot 1, District Lot 4109s
Similkameen Division Yale District
Plan KAP73883

(the “**Transferee’s Lands**”)

In consideration of the covenants contained in this Covenant and for other valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties covenant and agree with each other as follows:

1. The Transferor will not allow, at any time, nor in any manner, without the prior written consent of the Transferee, which consent may be withheld without reason, multi-family dwellings of any kind on the Transferor’s Lands. Residential dwellings are restricted to one single-family residence for each lot or strata lot.
2. The Transferor or any of his heirs, executors, administrators and assigns, as the case may be, shall give written notice of this Covenant to any person to whom they propose to dispose of the Lands, which notice shall be received by that person prior to such disposition. For the purposes of this paragraph the word “dispose” shall have the meaning given to it under Section 29 of the *Interpretation Act*, S.B.C. 1996 c.238.
3. No term, condition, covenant or other provision of this Covenant will be considered to have been waived by the Transferee unless the waiver is expressed in writing by the Transferee. Any waiver by the Transferee of any term, condition, covenant or other provision of this Covenant or any waiver by the Transferee of any breach, violation or non-performance of any term, condition, covenant or other provision of this Covenant does not constitute and will not be construed as a waiver of any further or other term, condition, covenant or other

provision of this Covenant or any further or other breach, violation or non-performance of any term, condition, covenant or other provision of this Covenant.

4. Wherever the expression "Transferor" and "Transferee" are used, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context of the parties so require.
5. Pursuant to Section 221 of the Act, the restrictions and covenants in this Covenant shall be covenants running with the Lands and shall be perpetual and shall be registered in the Land Title Office as covenants in favour of the Transferee's Lands.
6. This Covenant will be interpreted in accordance with the laws of the Province of British Columbia.
7. The Transferor will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Covenant.

END OF DOCUMENT