

Land Title Act

10 MAY 2007 12 43

LB053002

C-65.65
RC**Form C**

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)

Page 1 of 5 pages

1. 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:*

(PID)

See Schedule

(LEGAL DESCRIPTION)

See Schedule

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

Section 221 – Restrictive Covenant
over Part on Plan KAP **83803**

Entire Document

Registered Owner: Lot 1, DL 4109s,
SDYD, Plan KAP73883 ✓

4. 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

01 07/05/10 12:46:43 01 KL
CHARGE

993615
\$65.65

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 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)

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

Execution Date

Y	M	D
2006 2007	04	27

Party(ies) Signature(s)

FEATHERTOP DEVELOPMENTS LTD.
by its authorized signatory:

Paul Plocktis

SUBMITTED BY
KERSHAW KUROYAMA

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.

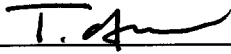
Land Title Act
FORM D
EXECUTIONS CONTINUED

Page 2

Officer Signature(s)

Y M D

Party(s) Signature(s)



THERESA M. ARSENAULT
BARRISTER & SOLICITOR
301-1065 ELLIS ST.
KELOWNA, BC V1Y 2B3

2007

04

30

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.

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

Page 3

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
026-905-779	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
026-905-914	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

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, 2 , 4 to 16, inclusive, and 18 to 26, 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 on Strata Lots 1, 2 , 4 to 16, inclusive, and 18 to 26, inclusive, at any time, nor in any manner, without the prior written consent of the Transferee, which consent may be withheld without reason, improvements of any kind constructed or placed on the lot or strata lot except in the areas shown outlined in bold on Reference Plan of Covenant over Strata Lots 1 to 26, Strata Plan KAS3134, DL. 4222, S.D.Y.D. prepared by Neil R. Denby, B.C.L.S., and dated the 26th day of April, 2007, and filed under Plan Number KAP ~~83803~~
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

No NUMBER
PLAN 54

FORM NO. LTA 11 (a) APPLICATION FOR DEPOSIT OF REFERENCE OR
EXPLANATORY PLAN (CHARGE) FORM 11(a) (Section 99 (1)(e), (j) and (k))

I, NICOLE STECIUK, legal assistant, of
PETRAROIA LANGFORD RUSH, LLP, Barristers and Solicitors,
Suite 800 - 1708 Dolphin Ave., Kelowna, British Columbia
V1Y 9S4 Client No. 10576

agents of

BIG WHITE SKI RESORT LTD., Inc. No. 286951
PO Box 2039 Station R
Kelowna, B.C. V1X 4K5

01 07/05/10 12:46:51 01 KL 993615
S/S/OT PLANS \$54.00

the owners of a registered charge apply to deposit:

Reference Plan of Covenant over part of Strata Lots 1 to 26, Strata Plan
KAS3134, D.L. 4222, S.D.Y.D., prepared and certified by Neil R. Denby,
B.C.L.S., and dated April 26, 2007.

We enclose:

1. The reference/explanatory plan;
2. The reproductions of the plan required by section 67(s);
3. Fees of \$54.00.

Dated May 7, 2007

ASSIGNED PLAN NO.

KAP 83803


For: Petraroia Langford Rush, LLP
Barristers and Solicitors,
800 - 1708 Dolphin Avenue
Kelowna, British Columbia, V1Y 9S4

File: 10500-30-670
Surveyor's File: 12027
Neil Denby, B.C.L.S.

LAND TITLE ACT

Section 69

ORDER
(Covenant Plans)

I, Rick Hargraves, Surveyor General of the Province of British Columbia, do hereby consent, pursuant to the provisions of section 69 of the *Land Title Act*, Chapter 250, R. S. 1996, to the posting of covenants over Part of Strata Lots 1 to 26, Strata Plan KAS3134, District Lot 4222, Similkameen Division of Yale District, in the following manner and subject to the following conditions:

- (a) Instead of requiring a post or a monument at each intersection of the right of way with a lot or parcel boundary, the surveyor making the survey shall reference the intersections by calculation ties to monuments on the subdivision plan.
- (b) The plan of such survey shall in all other respects conform with the provisions of the *Land Title Act* and, before deposit thereunder, shall be approved by me. The plan shall show evidence that the subdivider agrees to abide by all the provisions of this order.
- (c) Not later than one year from the date of the completion of the block outline survey, or within such further time as I may, upon application, allow, the surveyor shall post each intersection as required by the General Survey Instruction Rules.
- (d) A plan of the posting required by clause (c) made in all respects to comply with the survey and plan drafting provisions of the *Land Title Act* shall upon approval by me, be tendered for deposit by the subdivider in the Land Title Office in Kamloops, British Columbia.
- (e) The Registrar, shall, upon the deposit of the posting plan, make reference to its deposit upon the plan referred to in clause (b) hereof, and, thereupon the two plans shall thenceforth for all purposes be deemed complementary and be read as one plan of the survey.
- (f) This order shall accompany the deposit of the plan referred to in clause (b) hereof and the Registrar shall make an appropriate reference to this order on that plan.

IN WITNESS WHEREOF, I have hereto set my hand at Victoria, British Columbia, this 1st day of May, 2007.



Jeff Beddoes, B.C.L.S., C.L.S. or
Tony de Bruyne, B.C.L.S., C.L.S.
for Surveyor General

PETRAROIA LANGFORD RUSH LLP

BARRISTERS ♦ SOLICITORS
TRADEMARK AGENTS

May 8, 2007

File No. 23897

Kamloops Land Title Office
114 - 455 Columbia Street
Kamloops, BC V2C 6K4

Direct Line
250.869.3851

Email
dpetraroia@plrllp.com

Attention: Mr. Ron Lejeune

Dear Sirs/Mesdames:

Re: Section 221 Restrictive Covenant in favour of Lot 1 Plan KAP73883 over Strata Lots 1, 2, 4 to 16 and 18 to 26, Strata Plan KAS3134 (the "Restrictive Covenant")

We ask that you register the Reference Plan of Covenant over Part of Strata Lots 1 to 26, Strata Plan KAS3134, D.L. 4222 S.D.Y.D. prepared by Neil R. Denby, B.C.L.S. dated April 26, 2007 along with the Restrictive Covenant, notwithstanding the fact that we do not have the Form C Section 221 Restrictive Covenant for Strata Lots 3 and 17 (the "Strata Lots 3 and 17 Restrictive Covenants") to register concurrently therewith. The Strata Lots 3 and 17 Restrictive Covenants have been forwarded to the current owners for execution. We advise that receipt and registration of the Strata Lots 3 and 17 Restrictive Covenants are imminent.

We believe our only other option would be to obtain a revised Reference Plan of Covenant over Strata Lots 1, 2, 4 to 16 and 18 to 26. The problem with this option is that the Surveyor General is required to sign the Reference Plan, and by the time we obtain that signature, additional titles will be transferred and we would then have to acquire additional signatures on the document.

Please advise as soon as possible whether or not you will proceed with the registration of the Reference Plan of Covenant and Restrictive Covenant.

We appreciate your time in considering this request.

Yours truly,

PETRAROIA LANGFORD RUSH LLP

Per:


DOMINIC A. PETRAROIA
(PRACTICING AS A PROFESSIONAL LAW CORPORATION)

DAP/ns

ACCEPTED WITHOUT COVENANTS
FOR LOTS 3 & 17.
