



Province of Ontario

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Document General

Form 4 — Land Registration Reform Act

74883

DYE & DURHAM CFS POLARIS 1995

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FOR OFFICE USE ONLY

0074883

CERTIFICATE OF REGISTRATION
MANITOULIN (21) CORE BAY

2005 SEP 15 PM 2 18

[Signature]
LAND REGISTRAR

New Property Identifiers

Additional:
See
Schedule

Executions

Additional
See
Schedule

(1) Registry	<input checked="" type="checkbox"/>	Land Titles	(2) Page 1 of 3	pages	14
(3) Property Identifier(s)		Block	Property	Additional: See Schedule	
(4) Nature of Document AGREEMENT					
(5) Consideration TWO DOLLARS—00/100 Dollars \$ 2.00					
(6) Description Part of Lot 10, Concession 12 Being Part of Lot 4 on Registered Plan #71 Township of Tehkummah The Corporation of the Township of Tehkummah District of Manitoulin					
(7) This Document Contains:	(a) Redescription New Easement Plan/Sketch	(b) Schedule for: Description	<input checked="" type="checkbox"/>	Additional Parties	Other <input checked="" type="checkbox"/>

(8) This Document provides as follows:

ENCROACHMENT AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF TEHKUMMAH AND JURGEN KORTMANN AND SUSAN EMILY KORTMANN DATED THE 13th DAY OF SEPTEMBER, 2004.

Continued on Schedule ☒

(9) This Document relates to instrument number(s)

#72860

(10) Party(ies) (Set out Status or Interest)
Name(s)

MIDDLETON, Brad

(solicitor for the registered owners)

Signature(s)

[Signature]

Date of Signature

Y 5 M 09 D 15

(11) Address for Service

P.O. Box 173, 6163 Hwy 542/King Street, Mindemoya, Ontario P0P 1S0

(12) Party(ies) (Set out Status or Interest)
Name(s)

Signature(s)

Date of Signature

Y M D

(13) Address for Service

(14) Municipal Address of Property

46 First Street North
South Bay Mouth, Ontario
P0P 1Z0

(15) Document Prepared by:

Brad Middleton
Barrister & Solicitor
6163 Hwy 542/King Street
P.O. Box 173
Mindemoya, Ontario P0P 1S0

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Fees and Tax

Registration Fee	60.00
Total	60.00

283

THIS AGREEMENT MADE THIS ^{13th} DAY OF SEPTEMBER, 2004

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TEHKUMMAH
(hereinafter referred to as the "Township" of the first part)

and

JURGEN KORTMANN AND SUSAN EMILY KORTMANN
(hereinafter referred to as the "Landowners" of the second part)

WHEREAS Jurgen Kortmann and Susan Emily Kortmann are the registered owners of Part of Lot 10, Concession 12, more particularly described as the north half of Lot 4 on Registered Plan #71, Township of Tehkumma, The Corporation of the Township of Tehkumma, District of Manitoulin;

AND WHEREAS the Corporation of the Township of Tehkumma is the owner of the sixty-six (66') foot marine road allowance between the aforesaid lands and the body of water known as South Bay off of Lake Huron;

AND WHEREAS part of the building and/or any additions attached thereto as owned by Jurgen Kortmann and Susan Emily Kortmann appear to encroach on the sixty six (66') marine road allowance;

AND WHEREAS the parties hereto agree that the encroachment may continue in accordance with the terms of this agreement;

NOW THEREFORE this Agreement witnesseth that, in consideration of the sum of one (\$1.00) paid by Jurgen Kortmann and Susan Emily Kortmann to the Corporation of the Township of Tehkumma, receipt of which is hereby acknowledged, the parties agree as follows:

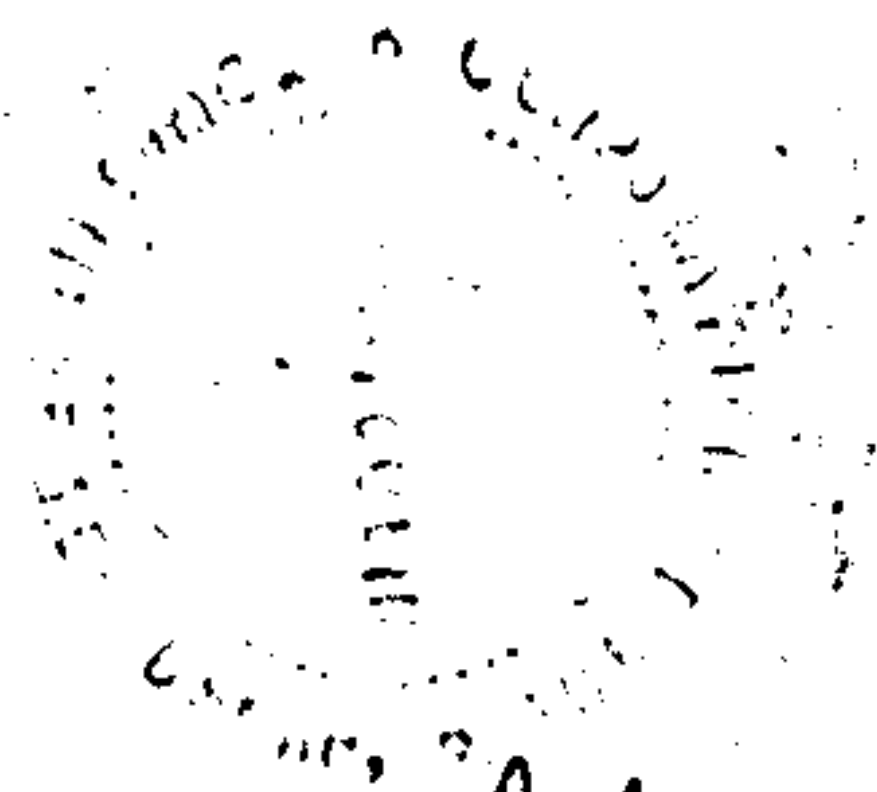
1. The encroachment will be tolerated by the Township and allowed to continue until such time as the lands may be required for municipal purposes;
2. In the event that the Township wishes to cancel this agreement, 90 days notice shall be given to owner of the said property to remove any encroachment at the Landowners' expense and to restore the land to its natural state;
3. The Landowners shall have the right to assign the benefit of this agreement to any subsequent Landowner, and any subsequent Landowner shall then be deemed to be a party to this agreement;
4. The Landowners hereby agree to indemnify and save harmless the Township against all claims, demands, expenses, loss, damage and liability which may result directly or indirectly from the said encroachment;

5. The Township consents to the registration of this agreement against title to the lands belonging to the Landowners;

6. This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators and assigns of the parties.

IN WITNESS WHEREOF the parties hereto have set their hands, seals, and signatures this 13th day of September, 2004.

Signed, sealed and delivered
in the presence of:



Maggie
Witness as to the signature of
Jurgen Kortmann

Maggie
Witness as to the signature of
Susan Emily Kortmann

THE CORPORATION OF THE
TOWNSHIP OF TEHKUMMAH

Jim Anstice
JIM ANSTICE
Reeve

Ratsy Gilchrist
RATSY GILCHRIST
Clerk

Jurgen Kortmann
JURGEN KORTMANN
(Landowner)

Susan Emily Kortmann
SUSAN EMILY KORTMANN
(Landowner)