

**Land Title Act**

FORM 35 (Section 220(1))

**DECLARATION OF BUILDING SCHEME**

NATURE OF INTEREST CHARGE: Building Scheme

HEREWITH FEES OF: \$65.65

Address of person entitled to apply to register this building scheme:  
#106 - 1121 McFarlane Way, Merritt, BC V1K 1B9

Full name, address, and telephone number of person presenting application:  
MORELLI CHERTKOW, Barristers & Solicitors  
300-180 Seymour Street, Kamloops, BC V2C 2E3 #374-3344  
File #18424154



\_\_\_\_\_  
Signature of Authorized Agent

We, NICOLA LAKESHORE ESTATES INC., (Inc. No. 470906) declare that:

1. We are the registered owners in fee simple/lessee of the following lands (hereinafter called "the Lots")

<i>(PID)</i>	<i>(LEGAL DESCRIPTION)</i>
026-344-238	Lot 34 DL 530 KDYD Plan KAP78483
026-877-074	Lot A DL 530 KDYD Plan KAP82406
026-877-023	Lot B DL 530 KDYD Plan KAP82405
026-485-567	Lot 62 DL 530 KDYD Plan KAP79399
026-485-621	Lot 68 DL 530 KDYD Plan KAP79399
026-485-630	Lot 69 DL 530 KDYD Plan KAP79399
026-485-648	Lot 70 DL 530 KDYD Plan KAP79399
026-485-656	Lot 71 DL 530 KDYD Plan KAP79399
026-485-664	Lot 72 DL 530 KDYD Plan KAP79399
026-485-672	Lot 73 DL 530 KDYD Plan KAP79399
026-485-681	Lot 74 DL 530 KDYD Plan KAP79399
026-485-729	Lot 78 DL 530 KDYD Plan KAP79399
026-485-737	Lot 79 DL 530 KDYD Plan KAP79399

2. We hereby create a building scheme relating to the Lots.
3. A sale of any of the Lots is subject to the restrictions enumerated in the schedule attached or annexed hereto.
4. The restrictions shall be for the benefit of all the Lots.

ABSTRACT REGISTRY  
10330

EXECUTION(S):

Officer Signature(s)



**SKY R. ANDERSON**  
Barrister & Solicitor  
300 - 180 SEYMOUR STREET  
KAMLOOPS, BC V2C 2E3  
(250) 374-3344

Execution Date

Y	M	D
2007	08	16

NICOLA LAKESHORE  
ESTATES INC.

By its authorized signatory:

  
FRANK RIZZARDO

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.

## SCHEDULE OF BUILDING RESTRICTIONS AND CONDITIONS

THE LAND AND PREMISES TO WHICH THIS BUILDING SCHEME BINDS AND ATTACHES ARE:

<i>(PID)</i>	<i>(LEGAL DESCRIPTION)</i>
026-344-238	Lot 34 DL 530 KDYD Plan KAP78483
026-877-074	Lot A DL 530 KDYD Plan KAP82406
026-877-023	Lot B DL 530 KDYD Plan KAP82405
026-485-567	Lot 62 DL 530 KDYD Plan KAP79399
026-485-621	Lot 68 DL 530 KDYD Plan KAP79399
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026-485-729	Lot 78 DL 530 KDYD Plan KAP79399
026-485-737	Lot 79 DL 530 KDYD Plan KAP79399

1. It is expressly understood and agreed that the covenants and agreements herein shall run with the land and shall be binding upon all owners and all persons claiming through, under or in trust for them, and for the purpose of assuring that the said covenants shall continue to run with the land, or any part thereof, express notice of the said covenants and agreements are hereby given.
  
2. Buildings or other improvements (including any and all fences, driveways) shall not be constructed or erected until the plans for such buildings and/or improvements have been submitted to the Developer, hereinafter referred to as "NLSE", at #106-1121 McFarlane Way, Merritt, BC V1K 1B9, for approval and until the said plans have in fact been approved in writing by NLSE. Without limitation, no plans will be approved unless the exterior of the building is finished with fire resistant material and unless such plans address exterior colors, siding style and roofing materials. No roofing shall be approved unless it be earth tone metal or stone or alternate roofing to reduce fire hazard, and be predominately peaked with not more than 27% of the roof square surface at the height identified in the Thompson Nicola Regional District ("TNRD") building codes. Without limitation, no plans will be approved for construction unless meeting the specifications listed in TNRD Zoning Bylaws and National Fire Code and the supply of water.

3. No Lot shall be used for extraction, removal or processing of soil, sand, gravel, aggregates or minerals. No excavation shall be made on any Lot except excavation for the purpose of building on the Lot at the time of commencement of construction of such building, or for the improvement of the garden and landscaping of the Lot. NLSE, as owner of the mineral rights, or its assigns is exempt from this clause.
4. No Lot owner shall cut down trees until the plans for such tree removal or logging have been submitted to NLSE for approval and until the said plans have been approved by NLSE. Without limitation, it is the intention of NLSE to maintain the natural vegetation of all Lots and to strictly limit cutting or removal of trees.
5. No Lot shall be used for a pet boarding or breeding kennel. No Lot owner shall keep a barking dog or allow a pet to escape his Lot.
6. No Lot shall be used for a refuse or waste disposal site, except for composting normally associated with a single family residence. No building waste or other material of any kind shall be dumped or stored on any Lot, except for clean earth for the purpose of leveling for the construction of a building on the Lot or for the purpose of creating a yard or garden around any residence.
7. No Lot shall be used for the purpose of major repairs of motor vehicles or equipment unless the repairs are carried out within a building which has walls and a roof. No residence shall be constructed unless it has sufficient parking as required by the TNRD Bylaws. No driveways or walkways shall be constructed without the use of permeable materials.
8. No poultry, swine, sheep, cattle, horses or other livestock are permitted (except for domestic dogs and cats), subject to restriction 5 above.
9. No residence shall be constructed unless it has a minimum of twelve hundred square feet (1,200 sq. ft) of living space on the main floor area (excluding garage). No residence shall be constructed without NLSE's approval of plans, driveway locations, sewer pump and installation details. Without limiting the generality of the Developers discretion to approve or withhold approval of the design pans for any residence to be constructed, no plans will be approved unless such plans include provision for the installation of a grinder pump, which pump will be provided by the Developer, at the Owner's cost, prior to closing.
10. No well shall be constructed on any Lot. No Lot may be used for habitation unless it is connected to the sewer disposal system using an approved grind and pump system.

11. No residence shall be constructed without an enclosed double garage. No carports are permitted.
12. No residence or other structure shall be left in an incomplete state on the exterior for more than one year from the date of issuance by the TNRD of a Building Permit. No construction shall commence or continue unless silt fences are installed for the entirety of construction on a lot.
13. No single or double wide trailers or modular homes shall be permitted.
14. No Lot shall have a clothesline erected thereon, save and except for the umbrella style clothesline.
15. No fences shall be erected, except that small dog runs will be allowed.
16. No residence shall be constructed with wood heating as their primary source of heat.
17. No satellite dishes (with the exception of 12"-18" dishes) or sheds are to be constructed or erected in the front yard of any Lot.
18. No signs or billboards shall be permitted on any Lot, save and except for real estate signs advertising the property for sale.
19. No plans for the construction of a residence will be approved without the use of low volume flush 6 litre or dual flush toilets in any part of the development.
20. No owner shall allow trees to grow in such a manner as to cause a fire hazard. Trees shall be deemed to constitute a fire hazard for the purposes of this section if they have limbs over eight (8) inches in diameter, have branches below a point which is ten (10) feet above the ground or accumulate debris.
21. No plumbing connections to the domestic water and irrigation systems may be carried out other than by an approved certified plumber, approved and certified by Nicola Lakeshore Water Utility Co. Ltd., to ensure non-cross connection of the domestic and irrigation water systems.
22. No lot owner shall irrigate an area greater than 2,000 square feet.
23. No water meter may be installed that has not been approved by Nicola Lakeshore Utility Co. Ltd. Without limitation, no water meter shall be installed that is not capable of being remotely read.

24. No recreational vehicles shall be used as living quarters for more than two (2) years from the date of purchase of a Lot from the Developer.

**END OF DOCUMENT**