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21 MAY 2003 09 24

F V050895

Land Title Act

Form 35

(section 220(1))

DECLARATION OF BUILDING SCHEME

NATURE OF INTEREST: CHARGE: MODIFICATION OF BUILDING SCHEME ET4538

HEREWITH FEE OF: \$50.00

01 03/05/21 09:23:43 01 VI 484800
CHARGE

PID: SEE ATTACHED SCHEDULE

Address of person entitled to apply to register this Modification of Building Scheme:

3536696 Canada Inc., 3730 Fairwinds Drive, Nanoose Bay, B.C., V9P 9J6 and
Intracorp Fairwinds Development Ltd., Park Place, Suite #900 – 666 Burrard Street,
Vancouver B.C., V6C 2X8

Full name, address and telephone number of person presenting application:

Donna Dulaba, Real Property Legal Assistant, McCarthy Tétrault LLP
Barristers and Solicitors, Suite 1300 – 777 Dunsmuir Street
Vancouver, B.C., V7Y 1K2, (604) 643-7100, Client No. 010452



Signature of Applicant

DYE & DURHAM CO. INC.

WE, **3536696 CANADA INC.** (Inc. No. 3536696) of 3730 Fairwinds Drive, Nanoose Bay, B.C., V9P 9J6, and **INTRACORP FAIRWINDS DEVELOPMENT LTD.** (Inc. No. 640467), of Park Place, Suite #900 – 666 Burrard Street, Vancouver B.C., V6C 2X8, hereby declare that:

1. We are the registered owners in fee simple of the following lands (hereinafter collectively called the "Lots" and each a "Lot"):

3536696 Canada Inc. as to:

Lots 1 to 12 inclusive,
Lots 14 to 19, inclusive
and Lots 21 to 26, inclusive
District Lot 78
Nanoose District
Plan VIP73214

and

Intracorp Fairwinds Development Ltd. as to:

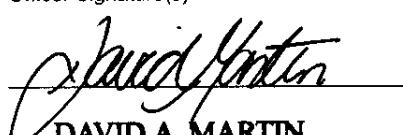
Lots 13 and 20
 District Lot 78
 Nanoose District
 Plan VIP73214

2. We hereby modify a building scheme relating to the Lots, being the Declaration of Building Scheme registered in the Victoria Land Title Office under instrument no. ET4538 (the "Building Scheme").
3. A sale of any of the Lots is subject to the restrictions enumerated in the Schedule of Restrictions attached to the Building Scheme, as modified hereby.
4. The restrictions shall be for the benefit of all the Lots.
5. The registered owners consent to a modification of the Building Scheme, as follows:
 Subsection 4(e) of the Schedule of Restrictions attached to the Building Scheme is deleted and replaced with the following:
 "(e) unless the roof of the Building is constructed of cedar shakes, cedar shingles, laminated fibreglass shingles, clay tiles, concrete tiles or as otherwise provided for in the Architectural Guidelines. In any event, no duroid shingles, asphalt shingles or standard straight line metal roofing shall be permitted;".

EXECUTIONS:

USE BLACK INK ONLY

Officer Signature(s)



DAVID A. MARTIN
 BARRISTER AND SOLICITOR
STIKEMAN ELLIOTT LLP
 SUITE 1700 PARK PLACE 666 BURRARD STREET
 VANCOUVER, BRITISH COLUMBIA, CANADA
 V6C 2X8 (604) 631-1300
 An Ontario Limited Liability Partnership
 (as to both signatures)

Execution Date

Y	M	D
03	05	14

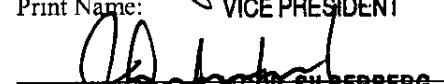
USE BLACK INK ONLY

Party(ies) Signature(s)

3536696 CANADA INC.
 by its authorized signatories:



ROGER S. ANDREWS
 Print Name: **VICE PRESIDENT**



JACOB SILBERBERG
 Print Name: **VICE PRESIDENT**
 (as registered owner of Lots 1 to 12
 inclusive, Lots 14 to 19 inclusive
 and Lots 21 to 26 inclusive, and as
 holder of Mortgage ET117025 and
 Mortgage EV34657)

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.

Note:

1. The consent and grant of priority of charge holders may be in separate counterparts of Form 35.
2. The execution of all declaring or consenting parties must be witnessed in accordance with Part 5 of the *Land Title Act*.
3. The type and registration number of the charge must be typed or printed immediately below the signature of the owner of the charge.

LAND TITLE ACT

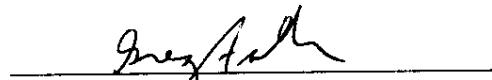
FORM D

EXECUTIONS CONTINUED

Page 3 of 5 pages

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Officer Signature(s)



GREG FABBRO
Barrister & Solicitor
McCarthy Tétrault LLP
1300 - 777 DUNSMUIR STREET
VANCOUVER, B.C. V7Y 1K2
DIRECT 604-643-7190

Execution Date

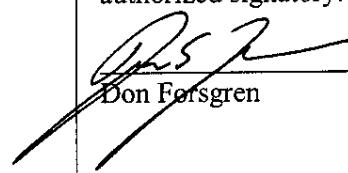
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USE BLACK INK ONLY

Party(ies) Signature(s)

**INTRACORP FAIRWINDS
DEVELOPMENT LTD.** by its
authorized signatory:


Don Forsgren

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.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Page 4 of 5 pages

USE BLACK INK ONLY

Officer Signature(s)


DAVID A. MARTIN
BARRISTER AND SOLICITOR
STIKEMAN ELLIOTT LLP
SUITE 1700 PARK PLACE 666 BURRARD STREET
VANCOUVER, BRITISH COLUMBIA, CANADA
V6C 2X8 (604) 631-1300
An Ontario Limited Liability Partnership
(as to both signatures)

Execution Date

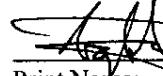
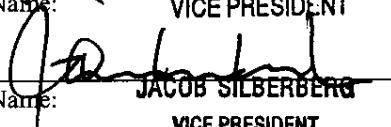
Y M D

03	05	14
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USE BLACK INK ONLY

Party(ies) Signature(s)

3170497 CANADA INC. by its
authorized signatories:


ROGER S. ANDREWS
Print Name: **VICE PRESIDENT**

JACOB SILBERBERG
Print Name: **VICE PRESIDENT**

The owner of Rent Charge ET116388

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.

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

(PID)	(LEGAL DESCRIPTION)
025-278-720	Lot 1, District Lot 78, Nanoose District, Plan VIP73214
025-278-762	Lot 2, District Lot 78, Nanoose District, Plan VIP73214
025-278-771	Lot 3, District Lot 78, Nanoose District, Plan VIP73214
025-278-789	Lot 4, District Lot 78, Nanoose District, Plan VIP73214
025-278-797	Lot 5, District Lot 78, Nanoose District, Plan VIP73214
025-278-801	Lot 6, District Lot 78, Nanoose District, Plan VIP73214
025-278-819	Lot 7, District Lot 78, Nanoose District, Plan VIP73214
025-278-827	Lot 8, District Lot 78, Nanoose District, Plan VIP73214
025-278-835	Lot 9, District Lot 78, Nanoose District, Plan VIP73214
025-278-843	Lot 10, District Lot 78, Nanoose District, Plan VIP73214
025-278-851	Lot 11, District Lot 78, Nanoose District, Plan VIP73214
025-278-878	Lot 12, District Lot 78, Nanoose District, Plan VIP73214
025-278-886	Lot 13, District Lot 78, Nanoose District, Plan VIP73214
025-278-894	Lot 14, District Lot 78, Nanoose District, Plan VIP73214
025-278-908	Lot 15, District Lot 78, Nanoose District, Plan VIP73214
025-278-916	Lot 16, District Lot 78, Nanoose District, Plan VIP73214
025-278-924	Lot 17, District Lot 78, Nanoose District, Plan VIP73214
025-278-932	Lot 18, District Lot 78, Nanoose District, Plan VIP73214
025-278-941	Lot 19, District Lot 78, Nanoose District, Plan VIP73214
025-278-959	Lot 20, District Lot 78, Nanoose District, Plan VIP73214
025-278-967	Lot 21, District Lot 78, Nanoose District, Plan VIP73214
025-278-975	Lot 22, District Lot 78, Nanoose District, Plan VIP73214
025-278-983	Lot 23, District Lot 78, Nanoose District, Plan VIP73214
025-278-991	Lot 24, District Lot 78, Nanoose District, Plan VIP73214
025-279-009	Lot 25, District Lot 78, Nanoose District, Plan VIP73214
025-279-033	Lot 26, District Lot 78, Nanoose District, Plan VIP73214

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