

SUPPLEMENTARY DEED OF AGREEMENT

ST CATHERINE'S COLLEGE, KILBIRNIE

THIS DEED OF AGREEMENT is made on the 7th day of October two thousand and ten (2010) BETWEEN **THE MCAULEY TRUST** a "Corporation Sole" (hereinafter with his successors referred to as "the Proprietor") of the first part and **HER MAJESTY THE QUEEN** acting by and through the Minister of Education (hereinafter referred to as "The Minister") of the second part.

WHEREAS

- A** By Deed of Agreement bearing date the 26th day of March, one thousand, nine hundred and eighty three (1983) as varied by any subsequent supplementary agreements (hereinafter referred to as "the Deed of Agreement"), the Minister and the Proprietor pursuant to section 7(2) of the Private Schools Conditional Integration Act 1975 established **St Catherine's College, Kilbirnie** as an integrated school (hereinafter referred to as "the School").
- B** The Proprietor and the Minister are now agreed on the need to amend the Deed of Agreement pursuant to section 7(9) of the Private Schools Conditional Integration Act 1975.

NOW THIS DEED OF AGREEMENT WITNESSETH THAT IT IS HEREBY COVENANTED AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

- 1. THAT** the Plan attached to the Second Schedule of the Deed of Agreement be deleted and replaced by the Plan attached hereto.
- 2. THAT** the covenants conditions and restrictions contained and implied in the Deed of Agreement shall be read and construed subject to the modifications herein contained but in all other respects the Deed of Agreement is confirmed.

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IN WITNESS WHEREOF these presents have been executed the day and the year first hereinbefore written.

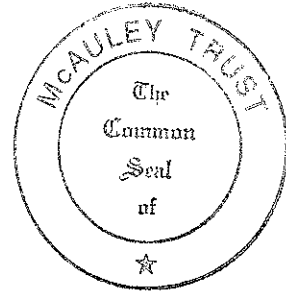
THE COMMON SEAL OF McAULEY TRUST
was affixed in the presence of:

M. M. Murphy

Trustee

M. T. Talbot

Trustee



Witnessed by: *Matthew Murfitt - manager*
M.R. Murfitt
35 Dorking Rd Brooklyn Wgtn

[Signature]
Signed by **JEREMY WOOD**
Group Manager, Education Curriculum
and Performance Early Childhood and
Regional Education, Ministry of Education
pursuant to authority delegated by the
Minster of Education acting on behalf
of **HER MAJESTY THE QUEEN**
in the presence of:

Samantha Raichan

Assistant Advisor

Wellington

FIRST SCHEDULE

Description of total land, buildings and other improvements comprising the Proprietor's land of which the School premises form part.

The Proprietor's Land

All that land, buildings and other improvements owned by the Sisters of Mercy (Wellington) Trust Board situate in Upper Bourke Street, Kilbirnie, Wellington being known as **St. Catherine's College** and being more particularly described as follows and delineated in green on the plan forming part of the **Second Schedule** hereto.

FIRSTLY all that parcel of land containing 3326 square metres more or less situate in the City of Wellington being part of Section 5 Evans Bay District and being part of Lot 15 on Deposited Plan No. 2333 and being the balance of the land in Certificate of Title Volume 281 Folio 195 (Wellington Registry).

Subject to

1. Agreement as to fencing agreement contained in Transfer 126447.
2. Electricity rights created by Transfer 572769
3. Gazette notice declaring part of the land taken for electricity purposes No. 623572.

Handwritten signatures and initials:
Edwards
P. B. V.
D. M. J.

SECONDLY all that parcel of land containing 417 square metres more or less situate in the City of Wellington being part Section 5 Evans Bay District and being part Lot 15 on Deposited Plan No. 2333 and comprising all the land in Certificate of Title Volume 281 Folio 196 (Wellington Registry)

Subject to

1. Agreement as to fencing contained in Transfer 126447.

THIRDLY all that parcel of land containing 524 square metres more or less situate in the City of Wellington being part of Section 5 Evans Bay District and being Lot 30 on Deposited Plan No. 1791 and being all the land in Certificate of Title Volume 264 Folio 252 (Wellington Registry).

Subject to

1. Drainage Rights granted by Transfer 60185.

FOURTHLY all that parcel of land containing 524 square metres more or less situate in the City of Wellington being part section 5 Evans Bay District and being Lot 31 on Deposited Plan No. 1791 and being all the land in Certificate of Title Volume 260 Folio 42 (Wellington Registry).

Subject to

1. Drainage Rights reserved by Transfer 60185

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FIFTHLY all that parcel of land containing 359 square metres more or less situate in the City of Wellington being part section 5 Evans Bay District and comprising Lot 16 and part of Lot 15 on Deposited Plan No. 2333 and being all the land in Certificate of Title Volume 239 Folio 87 (Wellington Registry).

Subject to

1. Covenant as to Fencing contained in Transfer 77660

SIXTHLY all that parcel of land containing 524 square metres more or less situate in the City of Wellington being part of Section 5 Evans Bay District and being Lot 29 on Deposited Plan No. 1791 and being all the land in Certificate of Title Volume 203 Folio 102 (Wellington Registry).

Subject to

1. Drainage Rights in Transfer 60185.

SEVENTHLY all that parcel of land containing 594 square metres more or less situate in the City of Wellington being part of Section 5 Evans Bay District and being Lot 10 on Deposited Plan No. 2333 and being all the land in Certificate of Title Volume 198 Folio 229 (Wellington Registry).

Subject to

1. Covenant as to Fencing contained in Transfer 77626.

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EIGHTHLY all that parcel of land containing 295 square metres more or less situate in the City of Wellington being Lot 1 on Deposited Plan 70452 and being all the land in Certificate of Title Volume 39B Folio 19 (Wellington Registry).

Subject to

1. Drainage rights (in gross) in favour of the Wellington City Council—created by Transfer 60185

NINTHLY all that parcel of land containing 300 square metres more or less situate in the City of Wellington being Lot 2 on Deposited Plan 70452 and being all the land in Certificate of Title Volume 39B Folio 20 (Wellington Registry).

Subject to

1. Drainage rights (in gross) in favour of the Wellington City Council —created by Transfer 60185

TENTHLY all that parcel of land containing 577 square metres more or less situate in the City of Wellington being Lot 3 on Deposited Plan 70452 and being all the land in Certificate of Title Volume 39B Folio 21 (Wellington Registry).

Subject to

The within land has no frontage to a Public Road — See Resolution B.178560.3

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Subject to drainage rights (in gross) in favour of the Wellington City Council — created by Transfer 60185.

B.178560.5 Mortgage to Her Majesty the Queen.

B.183388.1 Certificate pursuant to Section 308 (3) Local Government Act 1974 preventing the disposal of the within land without C.T. 169/88

ELEVENTHLY all that parcel of land containing 2175 square metres more or less being part of section 5 Evans Bay District and being Lots 27, 28, 35 and 36 on Deposited Plan No. 1791 and being all the land in Certificate of Title Volume 169 Folio 88 (Wellington Registry).

Subject to

1. Grant of Easement (Drainage) granted by Transfer 60185 in favour of Wellington City Corporation.
2. Transfer 572774 Grant of Electricity Rights (in gross) over part to the Mayor, Councillors, and citizens of the City of Wellington.

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TWELFTHLY all that parcel of land containing 377 square metres more or less being part of Section 5 Evans Bay District and comprising Lot 17 on Deposited Plan No. 2333 and being all the land in Certificate of Title Volume 197 Folio 180 (Wellington Registry).

Subject to

1. Mortgage B178560.5

Handwritten signature and initials:
P. L. V.
W. S. J.

SECOND SCHEDULE

Description of land, buildings and other improvements comprising the School premises

The School Premises :

All that part of the Proprietor's land as described in the **First Schedule** hereto, delineated in red on the annexed plan of the Proprietor's land, which forms part of this Schedule, TOGETHER WITH all the School buildings and other improvements thereon, SAVE AND EXCEPT Block G and the land immediately surrounding the same TOGETHER WITH a reservation in favour of the non-integrating areas of full rights of access inter-see and of ingress and egress to and from those areas over the access ways thereto shaded yellow on the annexed plan from and to Naughton Terrace.

Handwritten notes:
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