

29 MAY 2017

Our Ref: 17-077894/A7295142  
Contact: s 22  
Direct Dial: [REDACTED]  
Email: [REDACTED]



17 May 2017

s 22

Property Law Group  
ASIC  
GPO Box 9827  
BRISBANE QLD 4001

Dear s 22

**Re: Volume 11252 Folio 769 - Reserves 1 to 6 on LP3274  
Transfer of Land**

I refer to previous correspondence and discussions regarding the above matter and enclose:

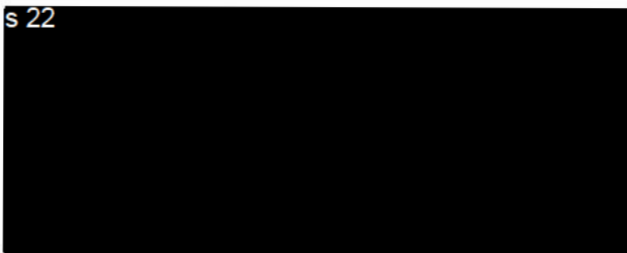
- a Transfer of Land form signed on behalf of the Mornington Peninsula Shire Council;
- the Deed Poll Indemnity signed on behalf of the Mornington Peninsula Shire Council;
- a recent Title Search relating to Volume 11252 Folio 769; and
- Plan of Subdivision LP3274 with Reserves 1, 2, 3, 4, 5 and 6 shown highlighted.

I look forward to receiving the return of the Transfer of Land form in due course.

If you require any additional information or have any queries please do not hesitate to contact me.

Yours sincerely

s 22



Enc

# Transfer of Land

ASIC FOI 112-2022

## Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Section 45 Transfer of Land Act 1958

### 1. Land/s

Land Title

Volume 11252 Folio 769

### 2. Estate and Interest

FEE SIMPLE

### 3. Transferor/s

Transferor

Name THE AUSTRALIAN SECURITIES  
AND INVESTMENTS COMMISSION  
ACTING UNDER S601AE(2) OF  
THE CORPORATIONS ACT 2001

ACN 0 0 4 0 3 6 0 6 0

Name on Title THE RAILWAY ESTATE  
SORRENTO COMPANY LIMITED

Reason for Difference COMPANY DEREGISTERED ON  
30 SEPTEMBER 1898

### 4. Transferee/s

Transferee

Name MORNINGTON PENINSULA SHIRE  
COUNCIL

ACN 5 3 1 5 9 8 9 0 1 4 3

Australian  
Credit Licence

### 5. Manner of Holding

SOLE PROPRIETOR

### 6. Address/es of Transferee/s

Address of Transferee

Unit Street No 90

Street Name BESGROVE

Street Type STREET

Locality ROSEBUD

State VIC Postcode 3939

### 7. Directing Party

None

### 8. Consideration

Other, please specify

DESIRE TO DO SO

### 9. Signing

The transferor transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Transferor

The Common Seal of the Australian Securities and Investments Commission is affixed under s601AE(2) of the Corporations Act 2001

.....  
A Delegate of the Australian Securities and Investments Commission

Witness:.....  
Solicitor ASIC  
Level 20, 240 Queen Street BRISBANE QLD 4001

# Transfer of Land

ASIC FOI 112-2022

## Privacy Collection Statement

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Section 45 Transfer of Land Act 1958

*Transferee*

Signed for and on behalf of the Mornington  
Peninsula Shire Council by

s 22

s 22

In the presence of:

s 22

10. Date

Date: (DD/MM/YYYY)

## 11. Lodging Party

Customer Code 14563X

Reference FB:SKB:101456

*Duty Use Only*

NOTE: You are encouraged to seek your own legal advice before signing this indemnity

## DEED POLL INDEMNITY

THIS DEED POLL is made on the 17 day of MAY 2017

BY MORNINGTON PENINSULA SHIRE COUNCIL of 90 BESGROVE STREET, ROSEBUD, VICTORIA 3939

### RECITALS:

- A. The Australian Securities and Investments Commission (ASIC) acting pursuant to section 601AE(2) of the *Corporations Act 2001* will execute a transfer in favour of MORNINGTON PENINSULA SHIRE COUNCIL of the Property which is registered in the name of THE RAILWAY ESTATE SORRENTO COMPANY LIMITED ACN 004 036 060 a company deregistered on 30 September 1898.
- B. We have agreed to assume responsibility for all Financial Obligations and to provide an indemnity to ASIC and each of its members, staff members and agents in the following terms.

### NOW THIS DEED WITNESSES:

#### 1. Definitions

For the purposes of this Deed:

**"Financial Obligations"** means a liability imposed on the Property and includes, without limitation, a liability that arises under a law that imposes rates, taxes or other charges and any other levies or fees for the Property.

**[NOTE: Examples of Financial Obligations include outstanding council rates, water charges, land tax and body corporate/owners corporation fees]**

**"Losses"** means Financial Obligations, liabilities, losses, suits, damages, demands, expenses, costs and claims and includes, without limitation, legal costs on a full indemnity basis whether incurred by or awarded against a party and claims of creditors of THE RAILWAY ESTATE SORRENTO COMPANY LIMITED ACN 004 036 060.

**"Property"** means the property more particularly set out in the schedule below.

**"Transfer"** means the transfer of the Property described in Recital A above.

#### 2. Responsibility for Financial Obligations

We hereby assume full responsibility for all Financial Obligations whether they be outstanding as at or after the date of the Transfer.

#### 3. Indemnity

- 3.1 We will at all times indemnify, hold harmless and defend ASIC and each of its members, staff members and agents from and against any and all Losses that any of them directly or indirectly sustain or incur arising out of or as a consequence of or in relation to the Transfer.

3.2 The right of each of ASIC, its members, staff members and agents to be indemnified under clause 3.1 is in addition to, and not exclusive of, any other right, power or remedy provided by statute, common law, equity or otherwise.

**4. Enforcing right of indemnity**

We acknowledge and agree that it is not necessary for ASIC to incur expense or make payment before enforcing a right of indemnity conferred by this Deed.

**5. Governing Law**

This Deed shall be governed by the law of Victoria and each person making this Deed submits to the non-exclusive jurisdiction of the courts of that place.

**The Schedule**

Volume 11252 Folio 769 – Reserves 1, 2, 3, 4, 5 and 6 on PS003274

**SIGNED SEALED AND DELIVERED** as a Deed for the benefit of the Australian Securities and Investments Commission and each of its members, staff members and agents

Signed for and on behalf of the )  
**Mornington Peninsula Shire Council** )  
by s 22

s 22 in the presence of:

s 22

s 22

**NOTE: a witness must not be a party to this Deed Poll**

## Register Search Statement - Volume 11252 Folio 769

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## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11252 FOLIO 769

Security no : 124066033394A

No CofT exists

Produced 17/05/2017 10:44 am

## LAND DESCRIPTION

Reserves 1,2,3,4,5 and 6 on Plan of Subdivision 003274.

## PARENT TITLES :

Volume 01279 Folio 682      Volume 01355 Folio 985

Created by instrument AH763466L 03/02/2011

## REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

THE RAILWAY ESTATE SORRENTO COMPANY LTD of 9 PHOENIX CHAMBERS MARKET STREET  
MELBOURNE

0258343 05/08/1889

## ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

## DIAGRAM LOCATION

SEE LP003274 FOR FURTHER DETAILS AND BOUNDARIES

## ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

Delivered from the Landata © System by SAI Global Property Division Pty Ltd  
Delivered at 17/05/2017, for Order Number 44116762. Your reference: JC - Railway Estate Resrves.



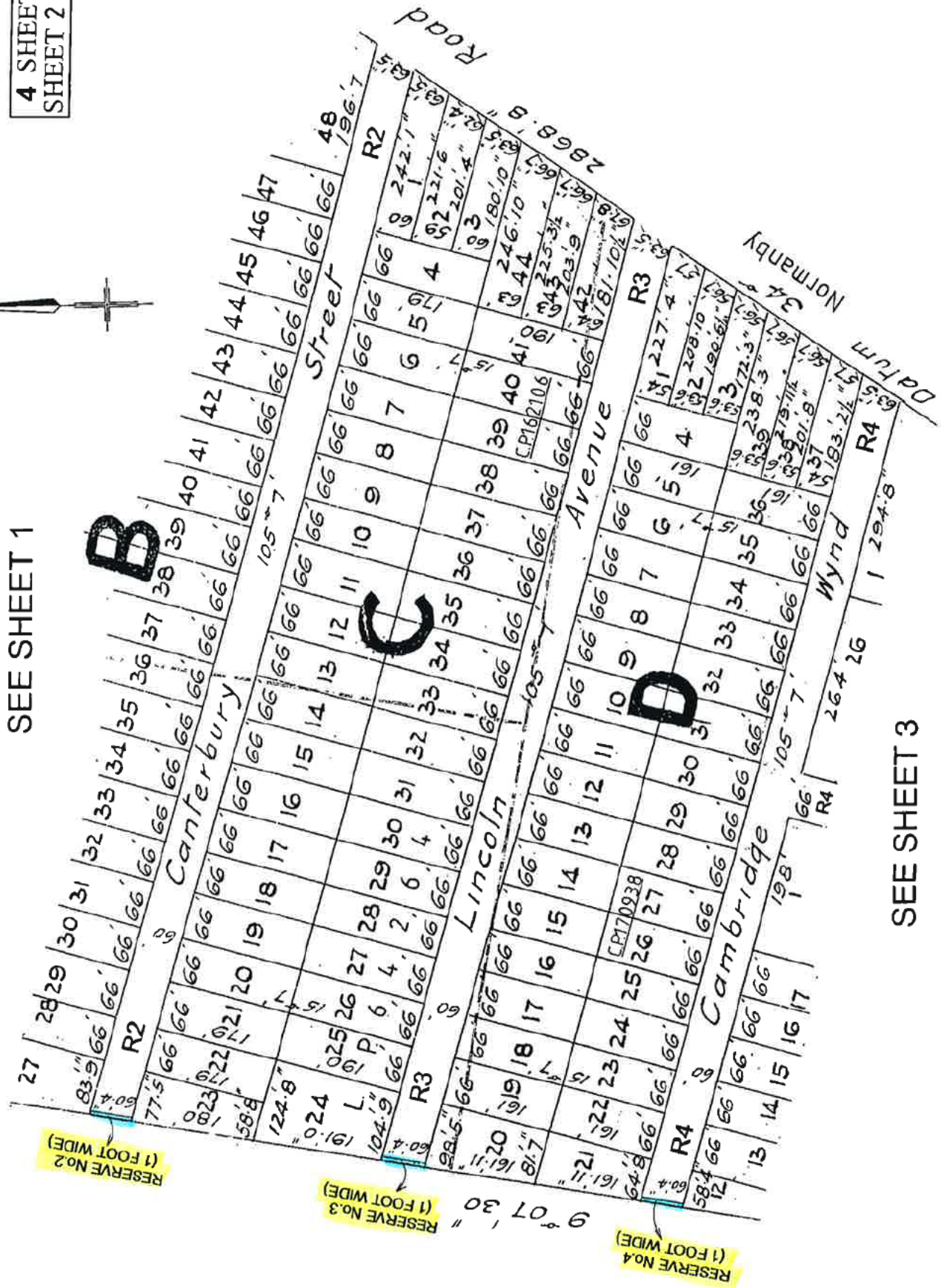
SEE SHEET 2

LP 3274

4 SHEETS  
SHEET 2

SEE SHEET 1

SEE SHEET 3





LP 3274

4 SHEETS  
SHEET 3

SEE SHEET 2

