

**ALBERTA GOVERNMENT SERVICES  
LAND TITLES OFFICE**

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**932224594**

**ORDER NUMBER: 44375530**

**ADVISORY**

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932224594 REGISTERED 1993 07 29  
CAVE - CAVEAT  
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**Municipal District of Sturgeon No. 90**

9601 - 100 Street, Morinville, Alberta T0G 1P0 Telephone 939-4321

May 11, 1993

YOUR FILE:

OUR FILE:

Darrell Hyska  
R.R. #2, Site 208, Box 39  
St. Albert, Alberta  
T8N 1M9

Dear Sir:

Re: Consent to Right-Of-Way Landscaping  
Between Mid-West Gas Transmission Ltd.  
and Darrell Hyska and M.D. of Sturgeon No. 90

S1/2 Lot R-7,  
Plan 762-1623, Between Lots 1 & 2  
Block 4  
Upper Manor Estates

This letter is to confirm Mid-West Gas Transmission Ltd's (hereinafter referred to as "Mid-West") consent to the landscaping of the pipeline right-of-way by Darrell Hyska, whereby such public utility lot is ownership by the M.D. of Sturgeon, (hereinafter referred to as "M.D.") as specifically outlined is red on the attached plan.

This consent to Right-Of-Way Landscaping agreement is given subject to and upon the express conditions that all parties accept the following:

1. Darrell Hyska will indemnify and save harmless Mid-West from all loss or damage, claims, costs, demands, actions, suits or other proceedings by whomsoever made arising out of your operations.
2. At least forty-eight (48) hours notice is to be given to Mid-West by telephone prior to the commencement of construction. This telephone notice is to be directed to Al Kremer, St. Albert office, phone 459-2233 and a district representative may be required to be "on-site" at the time of construction.
3. Mid-West will allow the use of a bobcat for the landscaping involved provided that the minimum coverage over mid-West's pipeline is maintained.
4. Mid-West's pipeline will be located and flagged prior to the installation of trees on the right-of-way.

1. I am the within-named Caveator (Agent for the above-named Caveator).

2. I believe that I have (The Caveator has) a good and valid claim on the land (Mortgage or Encumbrance), and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN before me L.E. Kirkpatrick

at Town of Morinville  
in the Province of Alberta,  
this 22nd day of July  
1993

L.E. Kirkpatrick  
A Commissioner for Oaths for Alberta

L.E. KIRKPATRICK  
My Commission Expires  
September 22, 1994

5. Darrell Hyska agrees to maintain the right of way for Mid-West and the M.D.
6. It is understood by Darrell Hyska that Mid-West may be required at any time to reenter the right-of-way for their operations needs and will not be held responsible for any damages resulting from these operations. Mid-West agrees to provide Darrell Hyska with five (5) days notice prior to reentering the right-of-way in order that Darrell Hyska may remove and/or relocate trees etc. (emergencies excepted)
7. Darrell Hyska shall not assign all or any part of his rights or obligations hereunder without Mid-West's consent which consent shall not be unreasonable withheld. Subject to the foregoing this agreement shall be binding upon the parties hereto and their respective successors and assigns.
8. Darrell Hyska and Brenda Hyska do and hereby indemnify and save harmless the M.D. from any loss, damage, claims, demands, actions, suits or other proceedings whatsoever, arising out of the operations of Darrell Hyska and Brenda Hyska in landscaping and maintaining the said lot.
9. The M.D. retains the right to reenter and use said Lot, as the M.D. may deem necessary, and the M.D. shall not be responsible for any damage resulting therefrom to the landscaping thereon.
10. The M.D. or Darrell Hyska and Brenda Hyska may terminate this agreement upon thirty (30) days written notice to the other party.
11. Darrell Hyska and Brenda Hyska shall pay to the M.D. the sum of One (\$1.00) Dollar per year as consideration for the right to use the said Lot for landscaping, and Darrell Hyska and Brenda Hyska hereby charge their lands described as LOT 1, BLOCK 4, PLAN 762-1623 as security for the said payments.

1. I am the within-named Caveator (Agent for the above named Caveator).

2. I believe that I have (The Caveator has) a good and valid claim on the land (Mortgage or Encumbrance), and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN before me L.E. Kirkpatrick

at Town of Morinville  
in the Province of Alberta,  
this 22nd day of July  
1993

L.E. Kirkpatrick  
A Commissioner for Oaths for Alberta

12. The M.D. shall be entitled to file and maintain a Caveat at the North Alberta Land Registration District, against LOT 1, BLOCK 4, PLAN 762-1623, regarding this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document this 11<sup>th</sup> day of May, 1993.

MUNICIPAL DISTRICT OF STURGEON NO 90

Per: Frank Schenberger

Per: [Signature]

SIGNED, SEALED AND DELIVERED  
in the presence of

[Signature]  
WITNESS

[Signature]  
DARRELL HYSKA

SIGNED, SEALED AND DELIVERED  
in the presence of

[Signature]  
WITNESS

[Signature]  
BRENDA HYSKA

MID-WEST GAS TRANSMISSION LTD.

Per: [Signature]  
VICE PRESIDENT

Per: [Signature]  
ASST. SECRETARY



1. I am the within-named Caveator (Agent for the above named Caveator).  
2. I believe that I have (The Caveator has) a good and valid claim on the land (Mortgage or Encumbrance), and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN before me L.E. Kirkpatrick

at Town of Morinville  
in the Province of Alberta,  
this 22nd day of July  
1993

[Signature]  
A Commissioner for Oaths for Alberta

[Signature]

L.E. KIRKPATRICK  
My Commission Expires  
September 22, 1994

AFFIDAVIT OF EXECUTION

CANADA  
PROVINCE OF ALBERTA  
TO WIT:

I, WENDY COHAM MILLER of the City/Town of M.D. OF STURGEON  
Province of Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see DARRELL HYSKA who on the basis of identification provided to me, [who is personally known to me], I believe to be the person named in this within (or annexed) instrument, duly sign the instrument.
2. THAT the same was executed at the City/Town of MANOR ESTATES in the Province of Alberta, and that I am subscribing witness thereto.
3. THAT I believe that the person whose signature I witnessed is at least eighteen years of age.

Sworn before me at the City/Town of  
of Manor Estates, Province of  
Alberta, this 13 day of  
MAY, A.D. 1993.

Gilbert J. Boddez  
A Commissioner For Oaths for Alberta

GILBERT J. BODDEZ  
Justice of the Peace #2880

1. I am the within-named Caveator (Agent for the above named Caveator).

2. I believe that I have (The Caveator has) a good and valid claim on the land (Mortgage or Encumbrance), and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN before me L.E. Kirkpatrick

at Town of Morinville  
in the Province of Alberta,  
this 22nd day of JULY  
19 93

L.E. Kirkpatrick  
A Commissioner for Oaths for Alberta

L.E. KIRKPATRICK  
My Commission Expires  
September 22, 1994

AFFIDAVIT OF EXECUTION

CANADA  
PROVINCE OF ALBERTA  
TO WIT:

I Mendy G. Ham Miller of the City/Town of M.D. of Sturgeon, Province  
of Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see Brenda Hyska who on the basis of identification provided to me [who is personally known to me], I believe to be person named in this within (or annexed) instrument, duly sign the instrument.
2. THAT the same was executed at the City/Town of MANOR ESTATES, in the Province of Alberta, and that I am the subscribing witness thereto.
3. THAT I believe that the person whose signature I witnessed is at least eighteen years of age.

Sworn before me at the City  
of Edmonton, Province of  
Alberta, this 13 day of  
MAY, A.D. 1993

A Commissioner for Oaths For Alberta

GILBERT J. BODDEZ  
Justice of the Peace #2880

1. I am the within-named Caveator (Agent for the above named Caveator).
2. I believe that I have (The Caveator has) a good and valid claim on the land (Mortgage or Encumbrance), and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN before me L.B. Kirkpatrick

at Town of Morinville  
in the Province of Alberta,  
this 22nd day of JULY  
1993

A Commissioner for Oaths for Alberta

L.B. KIRKPATRICK  
My Commission Expires  
September 22, 1994

2. I believe that I have (The Caveror has) a good and valid claim on the land (Mortgage or Encumbrance), and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

*L. L. Kirkpatrick*  
A Commissioner for Oaths for Alberta

L. E. KINKADEE  
My Commission Expires  
September 22, 1994



## CAVEAT FORBIDDING REGISTRATION

To the Registrar of the Northern Alberta Land Registration District

Take Notice that I, Municipal District of Sturgeon No. 90

of Town of Morinville in the Province of Alberta, (Occupation)  
claim

by virtue of Consent to Right-of-Way Landscaping Agreement  
dated May 11th, 1993

In the land described as follows:

Lot 1, Block 4, Plan 752-1623  
Upper Manor Estates

standing in the register in the name of

Darrell Hyska and Brenda Hyska

and I forbid the registration of any person as transferee or owner of, or of any instrument affecting that estate or interest, unless the Certificate of Title is expressed to be subject to my claim.

I designate the following address as the place at which notices and proceedings relating hereto may be served:

Municipal District of Sturgeon No. 90  
9601 - 100 Street  
Morinville, Alberta  
T0G 1P0

IN WITNESS WHEREOF I (we) have hereunto subscribed my (our) name(s) this 22nd  
day of July, A.D. 1993.

(Signature of Caveator or his Agent)

### AFFIDAVIT IN SUPPORT OF CAVEAT Form 27, Section 131

CANADA  
PROVINCE OF ALBERTA  
To Wit:

I, Ken Gwozdz  
of Morinville  
in the Province of Alberta,

Development Officer  
(Occupation)

MAKE OATH AND SAY AS FOLLOWS:

1. I am the within-named Caveator (Agent for the above named Caveator).
2. I believe that I have (The Caveator has) a good and valid claim on the land (Mortgage or Encumbrance), and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN before me, L.E. Kirkpatrick

at Town of Morinville  
in the Province of Alberta,  
this 22nd day of July  
1993

L.E. Kirkpatrick  
A Commissioner for Oaths for Alberta

L.E. KIRKPATRICK  
My Commission Expires 1994  
September 22, 1994