

Mortgage 35051 John & Duncan Sinclair to William Hooper Barnard 10 Jul 1879

Wellington District Deeds Volume 57 folio 258

Archives New Zealand Wellington Reference AFIH 22395 W5691/156

This Deed made the tenth day of July one thousand eight hundred and seventy nine between John Sinclair and Duncan Sinclair both of Wainuiomata in the County of Hutt in the Colony of New Zealand Mill sawyers who with their executors administrators and assigns unless where the context requires a different construction are hereinafter referred to as an included in the term "the mortgagors" of the one part and William Hooper Barnard of the City of Wellington in the Colony of New Zealand aforesaid Customs Officer who with his executors administrators and assigns unless where the context requires a different construction is hereinafter referred to as and included in the term "the Mortgagee" of the other part

Witnesseth that in consideration of the sum of one thousand nine hundred pounds sterling advanced and lent by the mortgagee to the mortgagors (the receipt whereof is hereby acknowledged) the mortgagors do and each of them doth hereby convey and assure unto the mortgagee and his heirs all those pieces or parcels of land severally described in the schedule hereto to hold the same premises unto the mortgagee his heirs and assigns in order to secure the payment by the mortgagors to the mortgagee of the said principal sum of one thousand nine hundred pounds on the thirtieth day of September which will be in the year one thousand eight hundred eighty two and for the payment of the interest thereon in the meantime after the rate of ten pounds per centum per annum by equal quarterly payments on the last day of the months of September, December, March and June the first of such payments to be made on the last day of September next

And the mortgagors do hereby for themselves their heirs executors administrators and assigns and each of them doth hereby for himself his heirs executors administrators and assigns covenant with the mortgagee that they the mortgagors or some one or other of them so long as any moneys shall remain owing on the security shall and will pay interest thereon after the rate at the time and in manner hereinbefore provided and shall and will in the event of the destruction or damage by fire of any of the buildings for the time being erected on the said premises forthwith rebuild repair or reinstate the same provided always and it is hereby declared and agreed by and between the said parties to these presents that the Power of Sale and other powers and provisions directed by the Conveyancing Ordinance of New Zealand Session II Number X to be implied in every conveyance of land by way of Mortgage shall be implied herein but modified as follows (that is to say) that the said powers and provisions or any of them may be exercised by the Mortgagee immediately or at any time after the expiration of twenty eight days after default shall have been made in payment of the principal or interest moneys hereby secured or any part thereof respectively on any of the days hereinbefore appointed for payment thereof

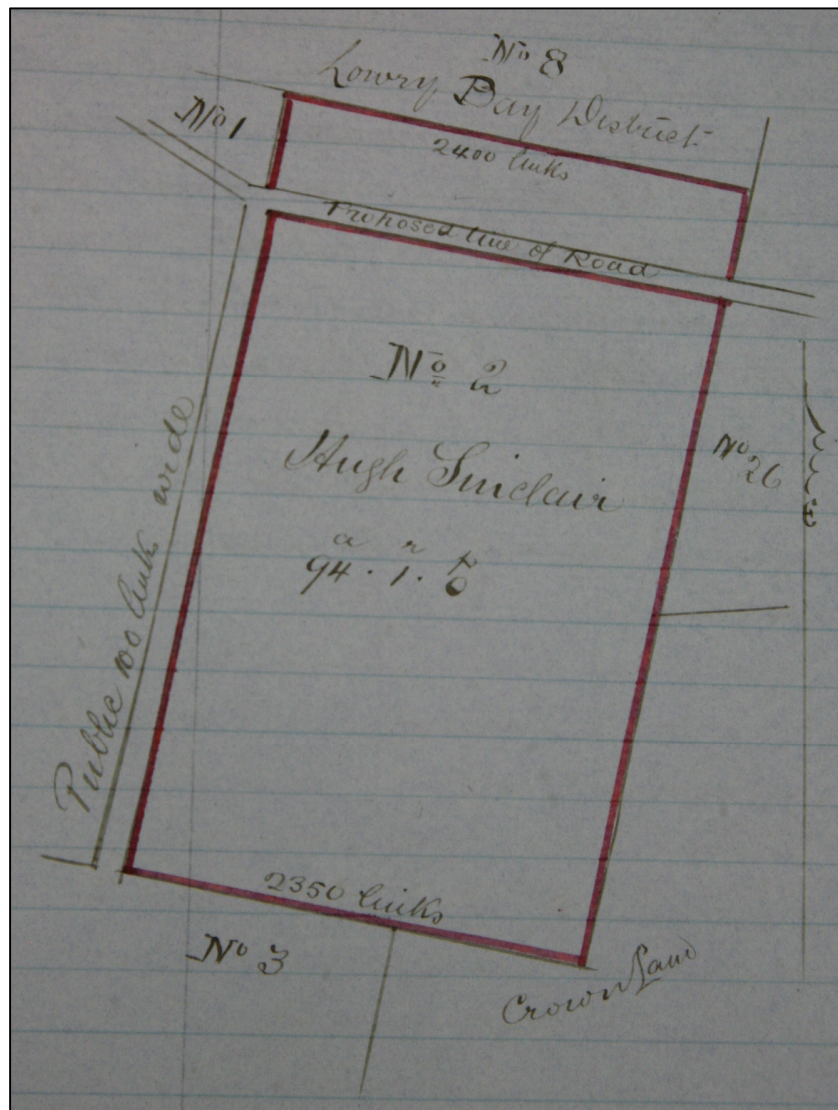
And that without waiting any further period giving any notice or making any demand whatsoever anything in the said ordinance to the contrary notwithstanding and also that in the event of the sale or sales of the said lands and premises or any part thereof under and by virtue of the said powers and provisions it shall be lawful for the mortgagee to retain out of the proceeds on any such sale or sales all or any part of the moneys then owing on this security whether the same shall be then actually due or not together with interest thereon after the rate aforesaid up to the day of the date of the actual receipt of such moneys

In witness whereof the parties here to have hereunto subscribed their names the day and year first before written

The Schedule above referred to –

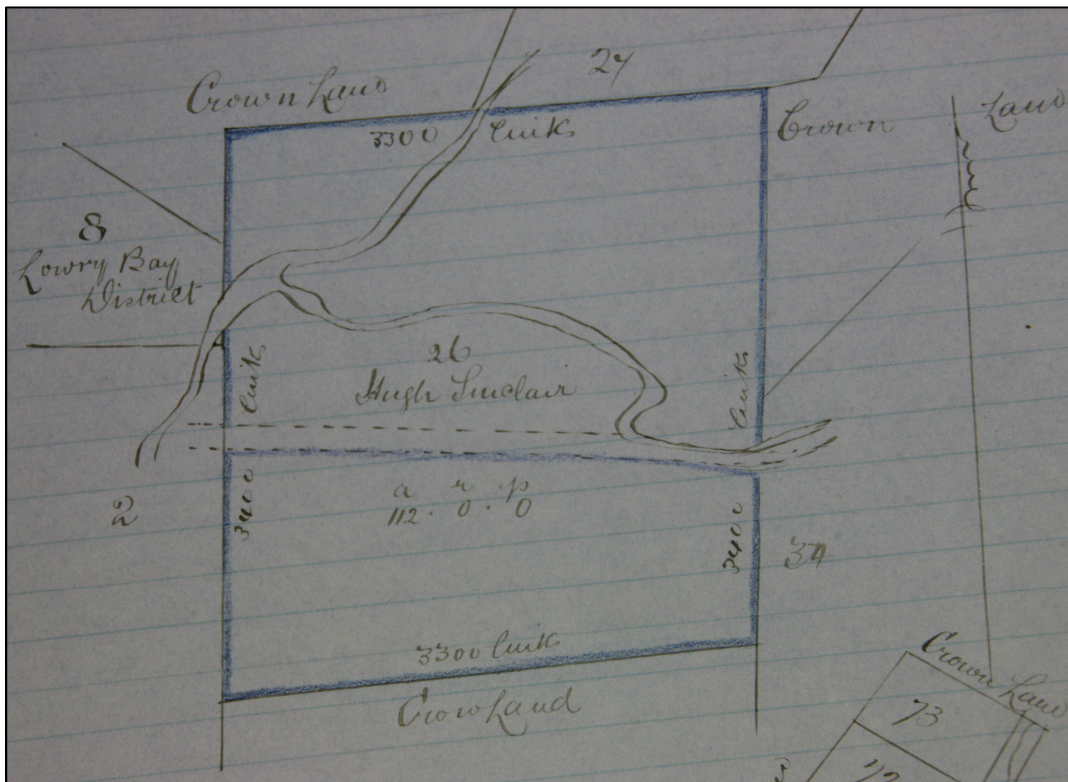
Firstly

All that piece or parcel of land in the Wainuiomata District in the Colony of New Zealand being that part of the section numbered two (2) on the plan of the Wainuiomata District south of a proposed line of road bounded towards the east partly by section number twenty six and partly by Crown Land towards the south partly by section number three and partly by Crown Land towards the west by a public road and towards the north by said proposed line of road as the same is delineated on the plan drawn in the margin of the Crown Grant to the said section referred number 2900 together with the appurtenances thereunto belonging or appertaining



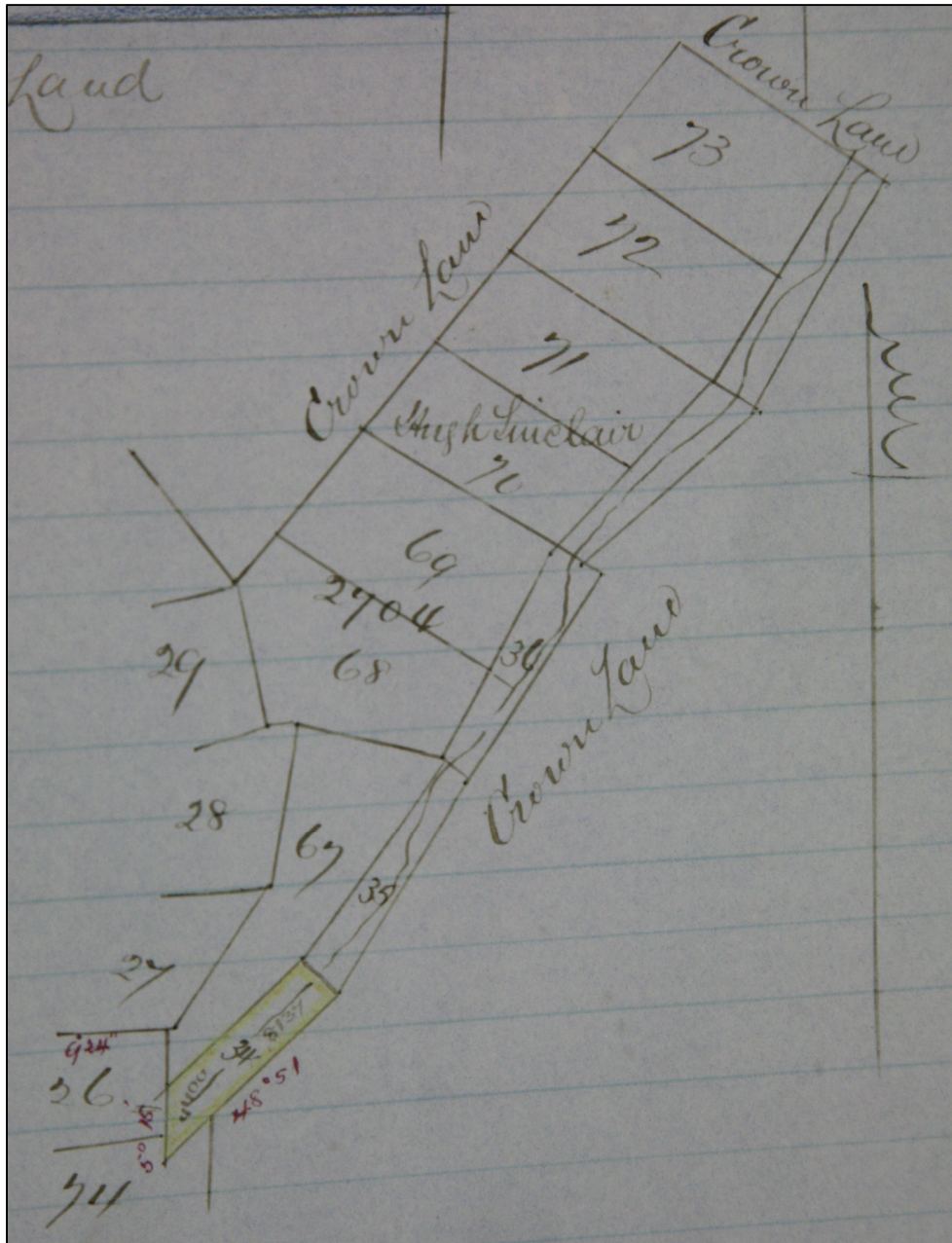
Secondly

All that piece or parcel of land in the Wainuiomata District in the Colony of New Zealand being that part of section numbered twenty six (26) on the plan of the Wainuiomata District south of the Right of Way shewn on the plan of the said section drawn on the margin of the and referred to in Crown Grant thereof registered number 28704 bounded towards the north by the said right of way towards the east by section thirty four (34) towards the south by Crown Lands and toward the west by Section two (2) as the same is drawn in the plan drawn hereon and bordered blue with all the rights easements and appurtenances thereto belonging or appertaining



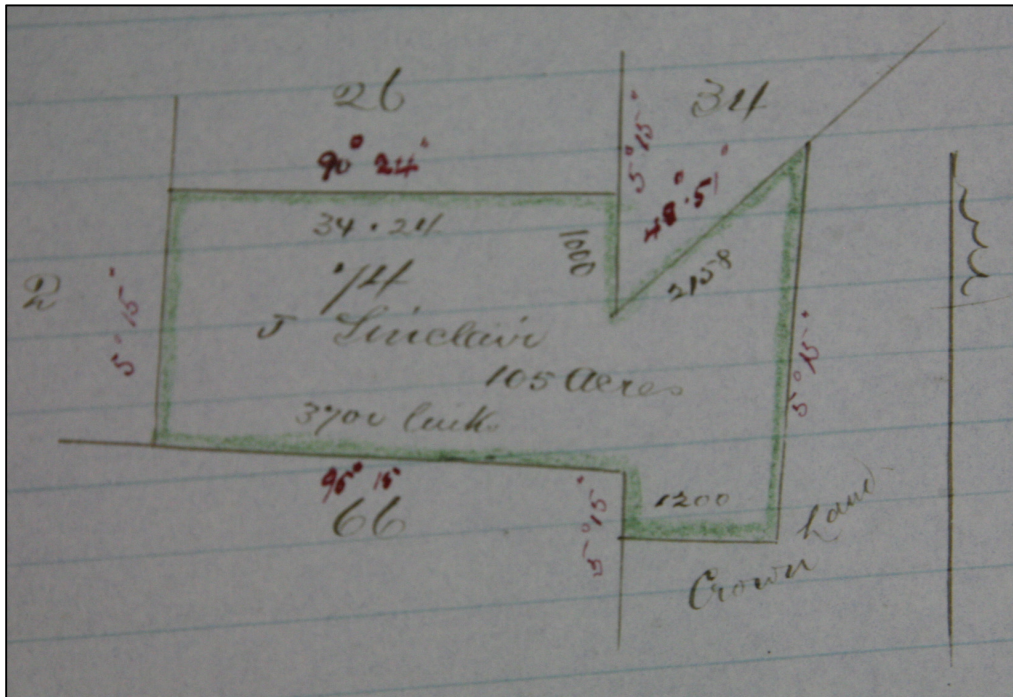
Thirdly

All that piece of parcel of land in the Wainuiomata District in the Colony of New Zealand being section numbered thirty four (34) on the plan of the Wainui-omata District bounded towards the north east by section number thirty five (35) towards the north west by section number sixty seven (67) towards the west partly by section number twenty six (26) and partly by section number seventy four (74) and partly by Crown Land as the same is delineated on the plan drawn hereon and bordered yellow with all the rights easements and appurtenance thereunto belonging or appertaining



Fourthly

All that piece or parcel of land in the Wainuiomata District in the Colony of New Zealand containing one hundred and five (105) acres more or less being the section numbered seventy four (74) on the plan of the Wainuiomata District bounded towards the north east by section number twenty six (26) three thousand four hundred twenty four (3424) links towards the north west by section number two (2) one thousand nine hundred and fifteen (1915) links by section sixty six (66) five hundred (500) links and by section number thirty four (34) two thousand one hundred and fifty eight (2158) links towards the south west by section number sixty six (66) three thousand seven hundred (3700) links and by Crown Land one thousand two hundred (1200) links and towards the south east by section number thirty four (34) one thousand (1000) links and by Crown Land three thousand two hundred and sixty seven (3267) links as the same is delineated on the plan drawn hereon and bordered green with all the rights easements appurtenances thereto belonging or appertaining



Signed by the said John Sinclair and Duncan Sinclair in the presence of J. M. Speed, articulated clerk, Wellington

No.35051

Received for Registration 1 p.m. 14 July 1879 George B. Davy, Registrar of Deeds

Recorded 57D fo 258 Index 3 Vol fo 429,405 & 437 and Index15 Vol fo 506