

This Indenture

made (in duplicate) the 11th day of December
one thousand nine hundred and seventy-four

In Pursuance of The Short Forms of Conveyances Act
Between

Dye & Durham
Co. Limited
Toronto, Canada
Form I to 4

BENJAMIN DYACK, of the City of St. Catharines,
in the Regional Municipality of Niagara, and
LUCY DYACK, his wife, of the same place

Hereinafter called the GRANTORS

OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the GRANTEE

OF THE SECOND PART

WHEREAS the hereinafter described lands were conveyed to the
Grantors as joint tenants and not as tenants in common.

Witnesseth that in consideration of -----

---other valuable consideration and the sum of TWO (\$2.00) --

----- Dollars
of lawful money of Canada now paid by the said Grantee to the said
Grantors (the receipt whereof is hereby by them acknowledged),
the said Grantors do Grant unto the said Grantee in fee simple.

All and Singular that a certain parcel or tract of land and premises
situate lying and being in the City of Hamilton, in the Regional
Municipality of Hamilton-Wentworth, in the Province of
Ontario and being composed of all of Lot 7 according to
Kenilworth Survey registered in the Land Registry Office for
the Registry Division of Wentworth as Plan No. 395.

SUBJECT TO a right-of-way in favour of the Grantors in, over,
along and upon the northerly 8 feet in perpendicular width
of the said Lot 7. The said right-of-way to be used for
the purpose of ingress and egress from an existing public
~~alley~~ ^{highway} to the west of the herein conveyed lands to the
remaining lands of the Grantors, being all of Lot 8, Block 6,
Kenilworth Survey. DESCRIPTION OF LANDS REGISTERED

To have and to hold unto the said Grantee its ^{successors} / heirs and assigns, to and for its and their sole and only use for ever. **Subject**
Nevertheless to the reservations, limitations, provisoies and conditions, expressed in the original grant thereof from the Crown.

The said Grantors Covenant with the said Grantee That they have the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantors.

And that the said Grantee shall have quiet possession of the said lands, free from all encumbrances.

And the said Grantors Covenant with the said Grantee that they will execute such further assurances of the said lands as may be requisite.

And the said Grantors Covenant with the said Grantee that they have done no act to encumber the said lands.

And the said Grantors Release to the said Grantee All their claims upon the said lands.

In Witness Whereof the said parties do hereby set their hands and seals.

Signed, Sealed and Delivered
IN THE PRESENCE OF

Benjamin Dyack

Benjamin Dyack

Lucy Dyack

Lucy Dyack

AFFIDAVIT OF SUBSCRIBING WITNESS

I, **LOIS KIT**
 of the **City of Burlington**
 in the **Regional Municipality of Halton**

make oath and say:

I am a subscribing witness to the attached instrument and I was present and saw it executed
 at **ST. CATHARINES, ONTARIO** by **Lucy Dyack**

*See footnote

*See footnote

I verily believe that each person whose signature I witnessed is the party of the same name referred to in the instrument.

SWORN before me at the **City of Burlington** }
 in the **Regional** }
 Municipality of Halton this **3rd day of December 1974** }

SHIRLEY ANN LANGTON, a Commissioner, etc., Judicial District of Halton for Harry W. Zahoruk, Barrister.

* COMMISSIONED FOR TAXING AFFIDAVITS, ETC.

Expires October 3rd, 1977.

* Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add "after the instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney insert "(name of attorney)" as attorney for (name of party), and for next clause substitute "I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for (name)"

AFFIDAVIT AS TO AGE AND MARITAL STATUS

I/WE **LUCY DYACK**
 of the **City of St. Catharines**
 in the **Regional Municipality of Niagara**

* I/We make oath and say:

When I executed the attached instrument,

I/WE was at least eighteen years old.

* Single, not
applicable
divorced

I was married ~~XXXXXXXXXXXXXX~~

Benjamin Dyack was my wife / husband

We were married to each other.

We held the land as Joint Tenants ~~XXXXXXXXXXXXXX~~

Resident of
Canada, etc.

I was a resident of Canada as defined in Section 116 of
The Income Tax Act.

(REDACTED) SWORN before me at the **City of** }
ST. CATHARINES in the **Regional** }
 Municipality of **NIAGARA** this **14th day of December 1974** }

Lucy Dyack
 Lucy Dyack

* Where affidavit made by attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was (marital status, and if married, name of spouse), and when he/she executed the power of attorney, he/she had attained the age of majority"

IN THE MATTER OF SUBSECTION 3 OF SECTION 5 OF
THE LAND SPECULATION TAX ACT, 1974

AFFIDAVIT

I, BENJAMIN DYACK & LUCY DYACK of 5 Seymour
(print name)

Avenue, St. Catharines, Ontario
(print address)

MAKE OATH AND SAY THAT:

1. I verily believe that the disposition of designated land evidenced in the attached instrument or writing is exempt from the tax imposed by subsection 1 of section 2 of the above Act by virtue of the disposition being:

describe
nature of
disposition The lands are being conveyed to The City of Hamilton

as provided for by section 4, clause (j),
subclause of the above Act.

2. I am the transferor making the disposition referred to in paragraph 1 hereof.

delete
this
paragraph
if in-
applicable

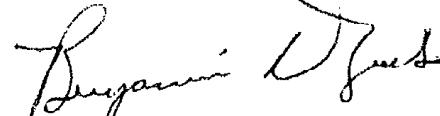
Since the acquisition of my interest in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.

3. ~~I am authorized in writing by the transferor making the disposition referred to in paragraph 1 hereof to make this affidavit.~~

~~Since the acquisition of the interest of the transferor in the designated land that is referred to in paragraph 1 hereof and that is being disposed of to the transferee named in the attached instrument or writing, no disposition with respect to such designated land has occurred prior to the disposition to the said transferee.~~

Sworn before me at the
City of Burlington
in the County of
of Halton
this 13th
day of December 1974


A Commissioner, etc.


Benjamin Dyack


Lucy Dyack

AFFIDAVIT OF SUBSCRIBING WITNESS

AMENDED MARCH 1972

I, **LOIS KIT**
 of the **City of Burlington**
 in the **Regional Municipality of Halton** make oath and say:

I am a subscribing witness to the attached instrument and I was present and saw it executed

at **Burlington** by **Benjamin Dyack**

*See footnote

*See footnote

I verily believe that each person whose signature I witnessed is the party of the same name referred to in the instrument.

SWORN before me at the **City of Burlington**
 in the **Regional**
 Municipality of Halton this **30th** day of **December** **1974**

SHIRLEY ANN LANGTON, a Commissioner of Oaths, etc., Judicial District of Halton for Harry W. Zahoruk, Barrister.
 Expires October 3rd, 1977.

A COMMISSIONER FOR THE ATTORNEY, ETC.

*Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add "after the instrument had been read to him and he appeared fully to understand it" Where executed under a power of attorney insert "name of attorney as attorney for name of party", and for next clause substitute "I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for (name)."

Amended, May, 1973

AFFIDAVIT IN THE MATTER OF THE LAND TRANSFER TAX ACT

PROVINCE OF ONTARIO

*The place of residence (insert appropriate County, District, Regional Municipality, etc.)

This affidavit may be made by the purchaser or vendor or by any one acting for them under power of attorney or as agent accredited in writing by the purchaser, or vendor or by the solicitor of either of them or by some other person approved by the Minister of Revenue.

I, **BENJAMIN DYACK**of the **City of St. Catharines**in the **Regional Municipality of Niagara**

To Wit:

named in the within (or annexed) transfer make oath and say:

- I am **one of the Grantors** named in the within (or annexed) transfer.
- I have a personal knowledge of the facts stated in this affidavit.
- (1) The total consideration for this transaction has been allocated as follows:

(a) Land, building, fixtures and goodwill	\$ 18,500.00
(b) Chattels — items of tangible personal property (see note)	\$ nil
TOTAL CONSIDERATION	
	\$ 18,500.00
- (2) The true consideration for the transfer or conveyance for Land Transfer Tax purposes is as follows:

(a) Monies paid in cash	\$ 18,500.00
(b) Property transferred in exchange (Detail Below)	\$ nil
(c) Securities transferred to the value of (Detail Below)	\$ nil
(d) Balances of existing encumbrances with interest owing at date of transfer	\$ nil
(e) Monies secured by mortgage under this transaction	\$ nil
(f) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ nil
(g) Other (Detail Below)	\$ nil
TOTAL CONSIDERATION (should agree with 3(1)(a) above)	
	\$ 18,500.00

All
blanks
must
be filled
in.

- If consideration is nominal, is the transfer for natural love and affection? **n/a**
- If so, what is the relationship between Grantor and Grantee? **n/a**
- Other remarks and explanations, if necessary **n/a**

SWORN before me at the **City of**
in the Regional Municipality
 of **Burlington** day of **December** **1974**

(signature)

At Commissioner, etc.

Chattels: Retail sales tax is payable on the valuation of items shown in 3(1)(b) unless otherwise exempted under the provisions of The Retail Sales Tax Act. For the purpose of this affidavit, insert above only the value of chattels, the total value of which in the opinion of the depositor exceeds \$100.00. This does not exempt a purchaser from the payment of Retail Sales Tax on any tangible personal property as part of this transaction. When chattels are purchased as part of this transaction with a value of less than \$100.00, the applicable tax should be paid by the purchaser to the Treasurer of Ontario and remitted to the Minister of Revenue.

AFFIDAVIT AS TO AGE AND MARITAL STATUS

17
I, **BENJAMIN DYACK**,
of the **City of St. Catharines**
in the **Regional Municipality of Niagara**
make oath and say: **When I executed the attached instrument,**

• Ji အိမ်
ပုံး ပေါ်မှု

I/WK was at least eighteen years old.

**Strike out
Inapplicable
clauses.**

I was married / ~~XXXXXXXXXXXX~~

Lucy Dyack was my wife / *lʌsɪ dʌk*

We were married to each other.

We held the land as Joint Tenants / ЯИМЕМЪ ТЕРРИТОРИИ КОМПАНИИ

Results of counts, etc.

I was a resident of Canada as defined in Section 116 of
The Income Tax Act.

(SEVEN AND TWENTY) SWORN before me at the City of
in the Regional
Municipality of this 13th day of December 19 74

Benjamin Dyaek

* Where affidavit made by attorney substitute. "When I executed the attached instrument as attorney for (name), he/she was (marital status, and if married, name of spouse), and when he/she executed the power of attorney, he/she had attained the age of majority."

532102 AB 1974
Date: December 11 BENJAMIN DYACK and
LUCY DYACK

4275 505 15 21 11

THE CORPORATION OF THE CITY
OF HAMILTON

Annex

Book of Land

STATE

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127-75072
LAND REGISTRIES
IN CONNECTION WITH PROPERTY
Lat 7 Dian 205

No. 100 - Owners of Wentworth (No. 52)
and the first Iris - establishment - suggested
P.M. 2 3618 JAN 1975
Property Office
P. D. Johnson
united
Gatton

HARRY W. ZAHORUK
BARRISTER AND SOLICITOR
1077 NEW STREET

BURRARDINGTOON, Ontario L7N 1M6

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Oct 27 - 1906 Lett & Hough

REGISTRATION FEE	10.00
LAND TRANSFER TAX	55.50
RETAIL SALES TAX	7.30