

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION

No. S CI 2015 04303

In the matter of an application under s 84 of the *Property Law Act* 1958.

In the matter of an application by Eva Bedelis for declarations in relation to and the modification of the restrictive covenants contained in Instrument of Transfer No. A133970 registered in the Land Titles Office in the Register Book and imposed upon the land more particularly described in Certificate of Title Volume 8131 Folio 781.

EVA BEDELIS

Plaintiff

and

RUSSELL MAYNARD CLARE & ORS
(according to Schedule attached)

AMENDED ORIGINATING MOTION

Date of document: ~~30 September~~ ~~17 August~~ 2015
Filed on behalf of: The Plaintiff
Prepared by:
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Attention: Jamie Bedelis
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TAKE NOTICE the plaintiff will apply to the Court in Court 4, Ground Floor, 436 Lonsdale Street, Melbourne on 18 August 2015 at 12pm. for:

1. An order pursuant to section 84(1) of the *Property Law Act* 1958 (**Act**) that the restrictive covenant contained in Instrument of Transfer No. A133970 in the Register kept by the Registrar of Titles under the *Transfer of Land Act* 1958 (**Covenant**) be modified insofar as it affects the land described in Certificate of Title Volume 08131 Folio 781 situated at 8 Yvonne Court, Wheelers Hill so that the following underlined words shall be added:

... will not erect or cause to be erected on the said land hereby transferred any dwelling other than one having walls of brick, brick veneer or stone and such house not to be more than one storey in height and all outbuildings to be of similar construction, but it will not be a breach of the

Covenant to construct a building generally in accordance with the plans prepared by Bellemore Homes and described as 1307-504 Pages 01-08 (inclusive) dated 11.07.2014.

2. Alternatively, the Plaintiffs seek a declaration pursuant to s84(2) of the Act that the Covenant does not prevent the construction of a building generally in accordance with the plans prepared by Bellemore Homes and described as 1307-504 Pages 01-08 (inclusive) dated 11.07.2014.
3. Directions pursuant to section 84(3) of the *Property Law Act* 1958 as to any inquiry to be made by the plaintiff.
4. Such other orders or directions as the Court may consider appropriate.

FILED: ~~30 September 18 August~~

2015

BEDELIS LAWYERS

The address of the Plaintiff is: 874 Waverley Road, Wheelers Hill VIC 3150.

This originating motion was issued by Bedelis Lawyers of Shop 6, 33-39 Centreway, Mt Waverley, the Solicitors for the Plaintiff.

SCHEDULE

SCI 2015 04303

EVA BEDELIS

Plaintiff

-and-

RUSSELL MAYNARD CLARE

Firstnamed Defendant

-and-

LOUISE MCDONOUGH

Secondnamed Defendant

-and-

LAY CHENG KHOO

Thirdnamed Defendant

-and-

CHUAN LAM ONG

Fourthnamed Defendant

-and-

KREITEL PTY LTD ACN

Fifthnamed Defendant

-and-

CHERRYL KAYE MARTIN

Sixthnamed Defendant

-and-

ELISABETH JOAN MIGLIC

Seventhnamed Defendant

-and-

GEOFFREY ALBERT WELLER

Eighthnamed Defendant

-and-

BERNICE LOUISE WELLER

Ninthnamed Defendant

-and-

PETER ROBERT MURRAY

Tenthnamed Defendant

-and-

JEAN ANNE MURRAY

Eleventhnamed Defendant

-and-

RAYMOND WILLIAM CAHILL

Twelfthnamed Defendant

-and-

LORENZ CORNELL MILLSOM

Thirteenthnamed Defendant

-and-

JULIANNE STEWARD MILLSOM

Fourteenthnamed Defendant

-and-

DAVID JAMES LIDDLE

Fifteenthnamed Defendant

-and-

MARY MILLNER LIDDLE

Sixteenthnamed Defendant

-and-

MICHAEL JOHN RALPH

Seventeenthnamed Defendant
