

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
PROPERTY LIST

No. S CI 2017 03254.

IN THE MATTER of an application under section 84 of the *Property Law Act 1958* (Vic)

- and-

IN THE MATTER of an application for the discharge or modification of a restriction arising under a covenant in a transfer of land registered no. 1933713 affecting the land at 22 Studley Road, Brighton East, being the land in Certificate of Title Volume 6740 Folio 973 by:

PAUL MCQUEENEY

Plaintiff

ORIGINATING MOTION

Date of document:	
Filed on behalf of:	Plaintiff
Prepared by:	Solicitor's code: 109401
MPW Lawyers	Phone: (03) 5427 1484
Suite 7, 93 High Street	Email: myles@mpwlawyers.com.au
WOODEND 3442	Ref: MPW:mw:17033

1. TAKE NOTICE the Plaintiff will apply to the Associate Judge of the Supreme Court in Court No. 2 Ground Floor, 436 Lonsdale Street, Melbourne on 31 August 2017 at 10:30am for an order pursuant to section 84(1) of the *Property Law Act 1958* (Vic).
2. The Plaintiff is registered proprietor of the land known as 22 Studley Road, Brighton East, more particularly described in Certificate of Title Volume 6740 Folio 973.
3. The Plaintiff seeks:
 - a) an order pursuant to section 84(1)(c) of the *Property Law Act 1958* (Vic) that the restrictive covenant contained in Instrument of Transfer No. 1933713 registered in the Register Book kept by the Register of Titles under the *Transfer of Land Act 1958* (Vic) be discharged or, in the alternative, be modified insofar as it affects the land described in Certificate of Title Volume 6740 Folio 973, situated at 22 Studley Road, Brighton East as follows:

... AND the said Marion Whelan for herself her heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land hereby transferred DOTH HEREBY COVENANT with the said Coburg Lands Proprietary Limited its successors and transferees the registered proprietor or proprietors for the time being of so much of the land as is comprised in Certificate of Title Volume 5694 Folio 1138620 and is shown on the said Plan of Subdivision other than the land hereby transferred that she will not ...

erect more than ~~one~~ two dwelling houses ~~which shall be built of brick~~ on the said Lot hereby transferred ...

DATED the 6th day of November One thousand nine hundred and forty-four.

- b) such directions pursuant to section 84(3) of the *Property Law Act 1958* (Vic) as to any inquiry to be made by the Plaintiff and what notices ought to be given by advertisement.
- c) Such further or other orders this Honourable Court deems fit.

FILED: 14 August 2017



MPW Lawyers

MPW Lawyers
Solicitors for the Plaintiff

- 1. Place of Trial: Melbourne
- 2. This Originating Motion is issued by the Plaintiffs' solicitors: MPW Lawyers
Suite 7, 93 High Street
Woodend
Victoria, 3442.
- 3. The address of the Plaintiff is: 22 Studley Road
Brighton East VIC 3187.
- 4. The address of service for the Plaintiffs is: MPW Lawyers
Suite 7, 93 High Street
Woodend
Victoria, 3442.

