

26th September 2012

The CEO
Shire of Denmark
PO Box 130
DENMARK WA 6333

Att: Robert Whooley

Dear Rob

RE: SHIRE FOOTPATH ENCROACHMENT – KARRI BAY ESTATE

The Karri Bay Estate strata 17136 was registered on 31 March 1989, pursuant to the Strata Titles Act, 1985. The estate consists of 22, single tier lots - developed as a residential scheme.

Since inception, owners have come and gone and there have been some challenges along the way. In 2008, Karri bay estate (KBE) engaged strata consultant, Ian Laird, to analyse and provide a written report and recommendations regarding many issues.

From Mr Laird's detailed report, as adopted by the KBE Body Corporate, the KBE Council of Owners have been systematically working to deliver all recommendations.

A *survey strata* was the way forward for KBE. In 2009, KBE Engaged "John Kinnear & Associates Consulting Surveyors" to assist us with converting to a survey strata plan. As you can appreciate this has taken some time.

It has now come to our attention that the public pathway built within Lot 41 (Recreation Reserve) has encroached about 300m² into KBE's Lot 42. *See attachments: Dia 75290 & Aerial overlay as provided by surveyor.*

The Secretary
Strata Plan No 17136
PO Box 487
Denmark WA 6333

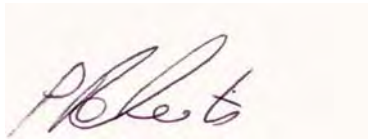
1

As we are nearing the final stages of our *survey strata* conversion, the COO's is hoping to work through this issue as quickly as possible.

Currently, we hold public liability insurance required for the common land areas within the estate, but this will not cover any issues faced on a public pathway.

At this time, with respect, we ask that you assess the possible solutions to all issues and advise of the various options we may consider in order to best reach resolution to this problem.

We look forward to your speedy reply.



Penny Roberts
Secretary

For Queries please contact

Tanya Ricketts

Marie Redman



JOHN KINNEAR & ASSOCIATES
Consulting Surveyors

234 STIRLING TERRACE
PO BOX 293
ALBANY WA 6331
PHONE (08) 9842 1353 FAX (08) 9842 1570
ABN 43 094 693 473
EMAIL jka@jkalb.com

PROPOSED BOUNDARY ADJUSTMENT

LOTS 1,2,7,8 ON SP 17136

SHIRE OF DENMARK

NOTE: DISTANCES & AREAS
SUBJECT TO SURVEY

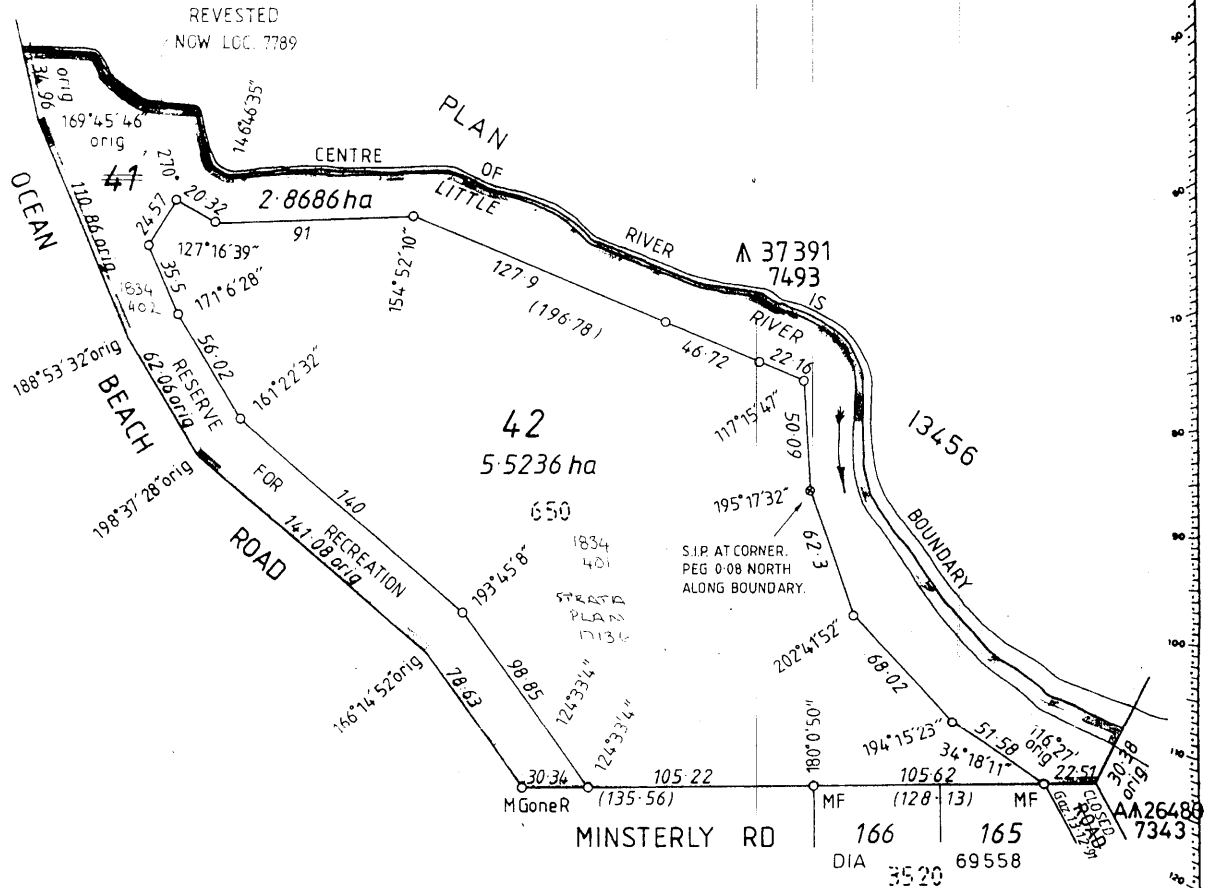
Date: July 2011

DWG214t

 RESERVE FOR RECREATION - Approx 300m².

Town or District.	Number of Lot or Location.	Field Book.	Scale.	Certificate in which Land is Vested.	Area
PLANTAGENET	LOT 3 OF LOC650	57075	1:2500	Vol. 1477 Fol. 651	TOTAL = 8.3922 ha

LIMITED IN DEPTH TO 609.6 METRES



LOT 41 TO VEST IN THE CROWN UNDER SECTION 20A OF THE T.P. & D ACT AS A RESERVE FOR RECREATION.

HARLEY, HEDDERWICK & WEBBER PTY LTD
LICENSED SURVEYORS

ALBANY 098 417333 BUNBURY 097 219477 BUSSELTON 097 521847

DRAWN JBdS 21-12-88

IN ORDER FOR DEALINGS
Subject to sec. 20A, T.P. & D act
Dwg 13/2/89
for. MANAGER CADASTRAL EXAMINATION BRANCH

DIA 75290



<p>CERTIFICATE</p> <p>I hereby certify that this survey was performed by me personally (or under my own personal supervision, inspection and field check) in strict accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations, 1961.</p> <p>Date <u>21/12/88</u> <i>[Signature]</i> Licensed Surveyor</p>		<p>Approved by State Planning Commission</p> <p>77119</p> <p>STATE PLANNING COMMISSION</p> <p>11 JAN 1989</p> <p>Date _____ For Chairman <i>[Signature]</i> 17/1/89</p>	
<p>Approved _____</p> <p>Inspector of Plans and Surveys</p> <p>Examined <i>[Signature]</i> Date <u>31.3.89</u></p>	<p>On _____</p> <p>Plan Diagram <u>43640</u></p> <p>Index Plan LINDESAY 2000.19.08.20.08</p>	<p>Registered OFFICE OF TITLES</p> <p>FEES PAID \$85</p> <p>7311</p> <p>18.1.89</p>	<p>Diagram No.</p> <p>75290</p>

CP27424/12/87 7998 Dkt. Dia. 75178

WKO