

**PROVINCE OF BRITISH COLUMBIA**

**Ministry of Forests**

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**IN THE MATTER OF TREE FARM LICENCE NUMBER 46**

**INSTRUMENT NUMBER 17**

**Amendment**

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THIS AGREEMENT is dated the 5<sup>th</sup> day of November, 1997.

**BETWEEN:**

**THE MINISTER OF FORESTS**, on behalf of  
HER MAJESTY THE QUEEN IN RIGHT OF THE  
PROVINCE OF BRITISH COLUMBIA, Parliament Buildings,  
Victoria, British Columbia, V8V 1X4

(the "Licensor")

OF THE FIRST PART

**AND:**

**TIMBERWEST FOREST LIMITED**  
Suite 2300, 1055 West Georgia Street  
P.O. Box 11101  
Vancouver, British Columbia  
V6E 3P3

(the "Licensee")

OF THE SECOND PART

**WHEREAS:**

- A. The Province, as represented by the Minister of Environment, Lands and Parks, and the Licensee entered into an exchange agreement dated the 3rd day of June 1994, as amended (the "Land Exchange Agreement"); and
- B. Pursuant to the Land Exchange Agreement, and Sections 39(1)(e) and 60(1)(b) of the *Forest Act*, the Licensee now agrees to amend TFL 46 to account for certain deletions of land from TFL 46 for their anticipated addition to the Juan de Fuca Marine Trail Park.

NOW THEREFORE, pursuant to the *Forest Act*, the parties hereto agree as follows:

## ARTICLE I

### DEFINITIONS

1.01 In this Agreement and the recitals:

- (a) "Juan de Fuca Marine Trail Park" means the park established and declared by such name under the *Park Act*; and
- (b) "TFL 46" means Tree Farm Licence Number 46 made between the Licensor and the Licensee as of July 1, 1997.

## ARTICLE II

### AMENDMENT OF SCHEDULE "A" OF TFL 46

2.01 The lands described in Appendix I of this Agreement are hereby deleted from the lands described in Schedule "A" of TFL 46.

## ARTICLE III

### AMENDMENT OF SCHEDULE "B" OF TFL 46

3.01 The lands described in Appendix II of this Agreement are hereby deleted from the lands described in Schedule "B" of TFL 46.

## ARTICLE IV

### INTERPRETATION

4.01 Statutes

A reference to a statute in this Agreement is a reference to a statute of the Province of British Columbia unless otherwise stated and includes every amendment to it, every regulation made under it and any enactment passed in substitution therefore or in replacement thereof.

#### 4.02 References

Unless the context otherwise requires, any reference to "this Agreement" means this instrument and all of the appendices attached to it and any reference to any section or subsection by number is a reference to the appropriate section or subsection in this Agreement.

#### 4.03 Headings

The headings or captions in this Agreement are inserted for convenience only and do not form a part of this Agreement and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Agreement.

#### 4.04 Schedules

Each schedule attached to this Agreement is an integral part of this Agreement as if set out at length in the body of this Agreement.

#### 4.05 Further Acts and Assurances

Each of the parties will, upon the reasonable request of the other, make, do, execute or cause to be made, done or executed all further and other lawful acts, deeds, things, devices, documents, instruments and assurances whatever for the better or more perfect and absolute performance of the terms and conditions of this Agreement.

#### 4.06 Severability

If any provision of this Agreement or the application thereof to any person or circumstances is invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to any other person or circumstance will not be affected or impaired thereby and will be valid and enforceable to the extent permitted by law.

#### 4.07 No Waiver

No waiver by either party of a breach or default by the other party in the observance, performance or compliance of any of its obligations under this Agreement will be effective unless it is in writing and no such waiver will be deemed or construed to be a waiver of any other breach or default and failure or delay on the part of either party to complain of an act or failure of the other party or to declare such other party in default, irrespective of how long such failure or delay continues, will no constitute a waiver by such party of any of its rights against the other party.

4.08 Governing Law

This Agreement will be governed by and construed and interpreted in accordance with the laws of the Province of British Columbia.

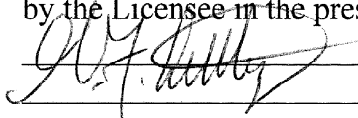
IN WITNESS WHEREOF the parties have executed this Agreement as of the 5th day of November, 1997.


SIGNED, SEALED AND DELIVERED )  
by the Minister of Forests on behalf of )  
Her Majesty the Queen in Right of the )  
Province of British Columbia in the )  
presence of: )  
Bill Duvall )  
\_\_\_\_\_)  
\_\_\_\_\_)

  
\_\_\_\_\_  
Minister of Forests




THE COMMON SEAL (C/S) of the )  
Licensee was affixed in the presence of: )  
\_\_\_\_\_)  
Authorized Signatory ) C/S  
\_\_\_\_\_)  
Authorized Signatory )  
\_\_\_\_\_)

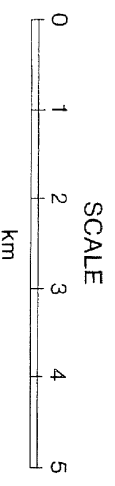
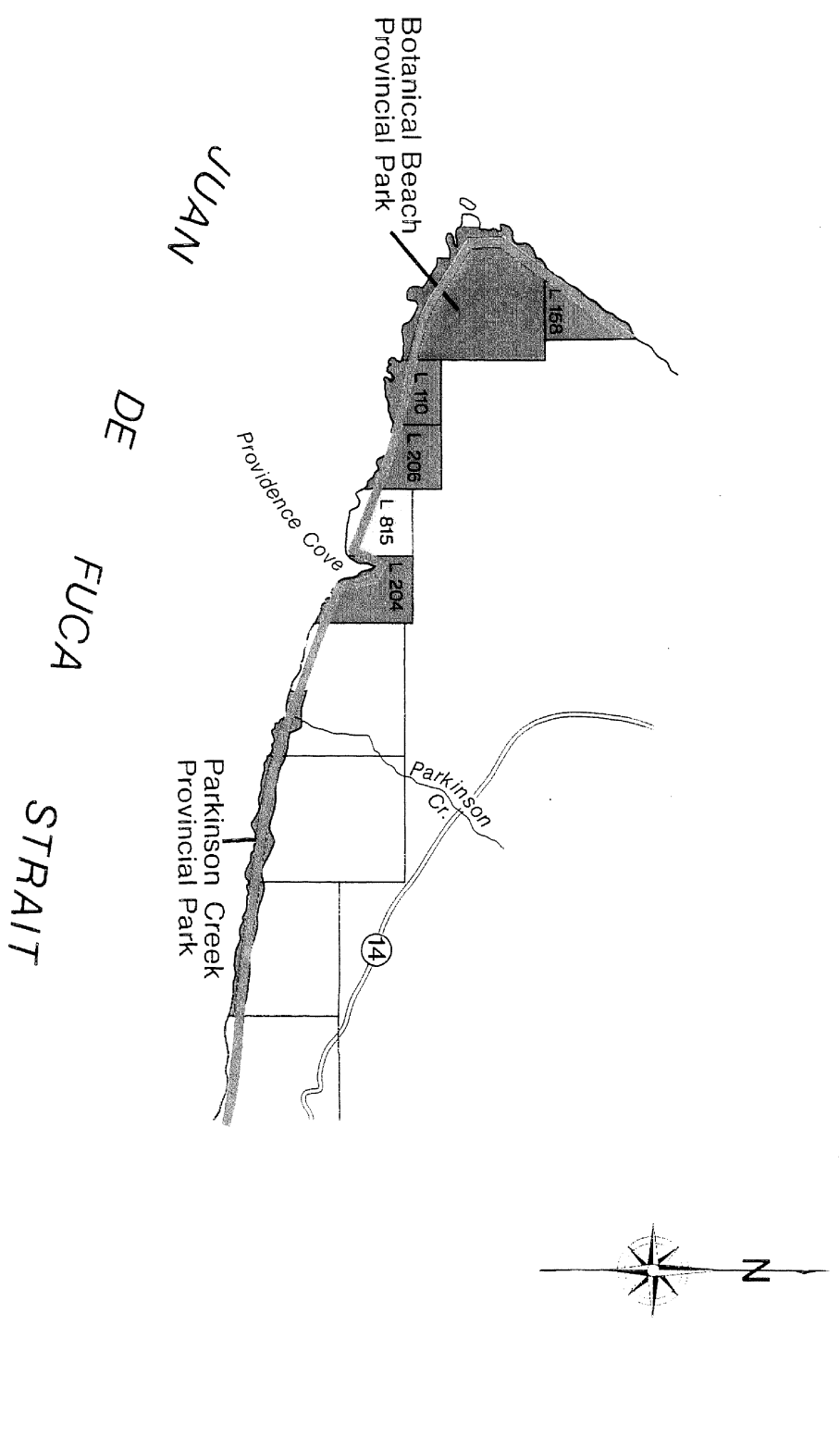
(OR)

SIGNED, SEALED AND DELIVERED )  
by the Licensee in the presence of: )  
  
\_\_\_\_\_)  
\_\_\_\_\_)

  
\_\_\_\_\_  
Authorized Signatory  
\_\_\_\_\_  
President & CEO  
\_\_\_\_\_  
Title

# TIMBERWEST HOLDINGS JUAN DE FUCA MARINE PARK TRAIL

-  FEE SIMPLE - TimberWest (TFL 46)
-  SCHEDULE 'B' - TimberWest - TFL 46
-  Trail (150m Corridor)



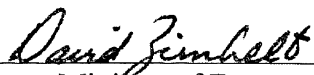
**NOTICE  
OF  
CANCELLATION  
OF  
LEGAL NOTATION  
PROVINCE OF BRITISH COLUMBIA  
Ministry of Forests**

TO THE REGISTRAR OF THE VICTORIA LAND TITLE OFFICE

Pursuant to Section 281 of the *Land Title Act*, take notice that the following lands herein are not subject to the provisions of the *Forest Act*, as they have been withdrawn from Tree Farm Licence 46 (TimberWest Forest Limited):

<u>Parcel Identifier</u>	<u>Description</u>	<u>District</u>	<u>Certificate of Title</u>	<u>Hectares +</u>
009-592-938	Lot 110	Renfrew	EH65885	51.800
			<b>TOTAL HECTARES</b>	<b>51.800 +</b>

Dated at the City of Victoria, British Columbia this 29 day of October, 1997.

  
\_\_\_\_\_  
Minister of Forests

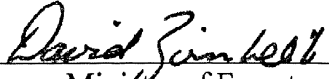
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<u>Parcel Identifier</u>	<u>Description</u>	<u>District</u>	<u>Certificate of Title</u>	<u>Hectares ±</u>
009-593-161	Lot 158	Renfrew	EH65883	51.395
<b>TOTAL HECTARES</b>				<b>51.395 ±</b>

Dated at the City of Victoria, British Columbia this 29 day of October, 1997.

  
\_\_\_\_\_  
Minister of Forests

## APPENDIX I

### Deletion of Schedule "A" Land From TFL 46, Instrument Number 17

<u>Parcel Identifier</u>	<u>Description</u>	<u>District</u>	<u>Certificate of Title</u>	<u>Hectares +</u>
009-592-938	Lot 110	Renfrew	EH65885	51.800
009-593-161	Lot 158	Renfrew	EH65883	51.395
009-593-446	Lot 204	Renfrew	EH65882	64.750
009-593-489	Lot 206	Renfrew	EH65881	<u>59.894</u>
<b>TOTAL HECTARES</b>				<b><u>227.839</u></b>



**APPENDIX II**

**Deletion of Schedule "B" Land From TFL 46, Instrument Number 17**

**AREA 1**

**Description of Land**

**Hectares ±**

District Lot 815, Renfrew District

54.630 ±


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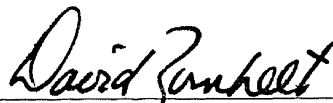
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