

**VARIATION OF CONTRACTUAL OBLIGATION TO
CONSTRUCT DRIVEWAY AT 357 DRURY HILLS ROAD, DRURY**

BETWEEN NESS VALLEY FARMS LIMITED

AND MILES HENRY FRIZZELL

- 1 **NESS VALLEY FARMS LIMITED** and **MILES HENRY FRIZZELL** entered into an Agreement for Sale and Purchase for the property at 357 Drury Hills Road, Drury dated 10 October 2016.

- 2 Included in the Agreement for Sale and Purchase was a provision that **NESS VALLEY FARMS LIMITED** would construct a concrete driveway in a proper and tradesmanlike manner within three (3) months of **MILES HENRY FRIZZELL** notifying them that he had completed all the building works on the property he was purchasing where heavy machinery was required to have access to the property.

- 3 **MILES HENRY FRIZZELL** has not completed the construction on the property at 357 Drury Hills Road, Drury and may not undertake that work for some time. **NESS VALLEY FARMS LIMITED** may want to undertake the construction of the concrete driveway at a future date which is suitable to them, and do not want to have to wait until the construction work on 357 Drury Hills Road is completed by **MILES HENRY FRIZZELL**.

- 4 Accordingly, **NESS VALLEY FARMS LIMITED** and **MILES HENRY FRIZZELL** hereby agree to vary the agreement that was reached in the Agreement for Sale and Purchase dated 10 October 2016 by agreeing that Ness Valley Farms Limited can complete the construction of the driveway in accordance with the terms set out in clause 18.0 of the Agreement for Sale and Purchase at any time in the future, at a time suitable to them, and they need not wait for **MILES HENRY FRIZZELL** to undertake the building work on his land before constructing the

driveway as referred to in the Agreement.

- 5 The parties acknowledge that there is a registered right of way easement on the title which places maintenance and repair obligations on the users of that right of way.

THIS VARIATION is made this 25th day of August 2018

SIGNED by the said **NESS VALLEY FARMS LIMITED** by its Directors:

D. G. Dodd
M. L. M. Dodd.

SIGNED by the said **MILES HENRY FRIZZELL**:

[Signature]