

Sunil R. Tripathi

M.Com., LL.B., Advocate

(M) 94265 44315

Office : 9, First Floor, Motiba Chamber, Opp. 137 Last Bus Stop, New Bapunagar, Ahmedabad-24.
Resi : Block No.644/4163, G.H.B. Colony, Nr. 137 Last Bus Stop, New Bapunagar, Ahmedabad-24.

Title Clearance Certificate & Title Report

To,

1. Vinubhai Ranchhodbhai Dobariya,
Add.:- 46, Vijayantpark Society,
Hirawadi, Saijpurbogha, Ahmedabad.
2. Parsottambhai Ranchhodbhai Dobariya,
Add.:- A-17, Kailaspark Society,
Hirawadi, Saijpurbogha, Ahmedabad.
3. Manubhai Ranchhodbhai Dobariya
Add. :- 47, Vijayantpark Society,
Hirawadi, Saijpurbogha, Ahmedabad.

Dear Sir,

Re. Investigation of title and title report with regard to Property of N.A. land 3277 sq.mtrs. and construction thereon about 3630.03 sq.mtrs. of Block-A+B at and in scheme known as "OM VILLA" situated on the land admeasuring about 4350 sq.mtrs. of Survey No. 198/1, T.P.S. No.3, Final Plot No.76 situated at Mouje : Odhav, Taluka : City, District Ahmedabad and Registration Sub-District Ahmedabad-7 (Odhav).

As per your instructions I have investigated the title of the above said property of last 40 years with Government, Semi-Government, Sub-Registrar available records of Index-II as well as Revenue record and society record and has found the same to be as follows.

1. It appears that the said land of Survey No.198/1 and Survey No.199/1 was initially belonging to Harjibhai Becharjibhai. He died intestate on 16.11.1957 and therefore the names of his legal heirs namely Jesangbhai Harjibhai, Bhulabhai Harjibhai and Bhalabhai Harjibhai were entered in the revenue records. Entry to the said effect was made in revenue records vide entry No.1679 on 17.11.1957.
2. Thereafter Jesangbhai Harjibhai, Bhulabhai Harjibhai and Bhalabhai Harjibhai had made the oral distribution of the said land and by the said distribution the land of Survey No.198/1 and 199/1 came in joint ownership and possession of Jesangbhai Harjibhai and Bhalabhai Harjibhai. Entry to the said effect was made in revenue records vide entry No.1680 on 17.11.1957.
3. Thereafter Jesangbhai Harjibhai died intestate on 01.10.1984 and the names of his legal heirs namely Jivabhai Jesangbhai, Raghubhai Jesangbhai, Samuben Jesangbhai, Sejiben Jesangbhai, Hiraben Jesangbhai, Raiyaben Jesangbhai, Somiben Jesangbhai, and Motiben Wd/o.Jesangbhai Harjibhai were entered in the revenue records. Entry to the said effect was made in revenue records vide entry No.3638 on 20.11.1984.
4. Thereafter Samuben Jesangbhai, Sejiben Jesangbhai, Hiraben Jesangbhai, Raiyaben Jesangbhai, Somiben Jesangbhai had waived their rights from the said land in favour of other co-owners and therefore their names were deleted from the revenue records. Entry to the said effect was made in revenue records vide entry No.3639 on 20.11.1984.
5. Thereafter Bhalabhai Harjibhai died intestate on 08.10.1981 and therefore the names of his legal heirs namely Matambhai Bhalabhai, Gafurbhai Bhalabhai, Pamiben Bhalabhai, Bhagabhai Bhalabhai and Rasuben Bhalabhai were entered in the revenue records. Entry to the said effect was made in revenue records vide entry No.4050 on 16.08.1992.
6. Thereafter Motiben Wd/o.Jesangbhai Harjibhai died intestate on 29.09.1980 and therefore the names of his legal heirs namely Jivabhai Jesangbhai, Raghubhai Jesangbhai, Raiyaben

For, Shiv Shakti Developers



Partner

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Jesangbhai and Somiben Jesangbhai were entered in the revenue records. Entry to the said effect was made in revenue records vide entry No.5408 on 05.08.2006.

7. Thereafter the name of Raghubhai Jeangbhai and Jivabhai Jesangbhai was entered as co-partner in the said land. Entry to the said effect was made in revenue records vide entry No.5846 on 01.12.2006.

8. Thereafter Rajiben W/o. Jivabhai Jesagnbhai died intestate on 27.04.2007 and therefore her name was deleted from the revenue records.

9. Thereafter all the land owners i.e. Matambhai Bhalabhai, Gafurbhai Bhalabhai, Pamiben Bhalabhai, Bhagabhai Bhalabhai, Rasuben Bhalabhai, Jivabhai Jesangbhai, Raghubhai Jesangbhai, Samuben Jesangbhai, Sejiben Jesangbhai, Hiraben Jesangbhai, Raiyaben Jesangbhai, Somiben Jesangbhai, Laxmiben D/o. Jivabhai Jesangbhai, Amrutbhai Jivabhai, Bhavanbhai Jivabhai, Bhavanbhai Jivabhai, Bhanubhai Jivabhai, Baluben W/o. Raghubhai Jesangbhai, Sureshbhai Raghubhai, Devikaben D/o. Raghubhai Jesangbhai, Dineshbhai Raghubhai, Kanubhai Raghubhai had sold the said land to Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya, Manubhai Ranchhodbhai Dobariya vide SaleDeed No.9783, dtd.25.07.2008. Entry to the said effect was made in revenue records vide entry No.5821 on 06.08.2008 which is certified on 04.10.2008.

10. The Non-Agriculture Use Permission was obtained from District Collector, Ahmedabad vide order No. CB/LAND-1/NA/SR-4/2010 dt.26.03.2010.

11. The Development Permission was issued by AMC under Ref.No.BLNTI/EZ/030510/P/A8006/R0/M1, Rajachitthi No.16215/030510/A8006/R0/M1, dtd.03.07.2010 for Block No.A+B.

12. That Navinchandra Maratha had issued public notice for the said land on 07.07.1998 but no any objection has been raised by anyone till today and then Navinchandra Maratha had issued title clearance certificate on 26.07.1998

13. *And since then Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya, Manubhai Ranchhodbhai Dobariya is the owner and occupier of N.A. land 3277 sq.mtrs. and construction thereon about 3630.03 sq.mtrs. of Block-A+B at and in scheme known as "OM VILLA" situated on the land admeasuring about 4350 sq.mtrs. of Survey No. 198/1, T.P.S. No.3, Final Plot No.76 situated at Mouje : Odhav, Taluka : City, District Ahmedabad and Registration Sub-District Ahmedabad-7 (Odhav).*

14. That I had issued public notice in daily newspaper Divya Bhaskar on 27.07.2011 for the said property but no any objection has been arisen by anyone till today.

I have got the available record of the Office of Sub-Registrar Office, Ahmedabad is searched for 40 years on dt.21.07.2011 and no adverse entry is noticed.

On perusal of above mentioned documents and search of the record of the Sub-Registrar at Ahmedabad, I am in the opinion that property is clear and marketable and can create its equitable mortgage on the said property by way of keeping the certificate/true copies of the above mentioned documents, as per the Annexure-A and mention below.

The bank is advised to obtain the following documents also to equitable mortgage.

- A valid and enforceable equitable mortgage can be created on the property in question.
- Original declaration and undertaking on oath of Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya, Manubhai Ranchhodbhai Dobariya.
- Bank may obtain Sale-Deed, with noting bank charges.
- Note :- The bank is advised to instruct the competent government authority in writing about its equitable mortgage over the property and a further request be made to note the same in its record and it may be requested that without bank's prior written permission, no further transaction contrary to the bank's interest be permitted. Bank is advised to obtain a written acknowledgement to that effect from the competent government authority and keep the same in its record.

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ANNEXURE-A

1. Copy of Regd. Sale Deed No.9783 dt.25.07.2008 executed by land owners in favour of Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya and Manubhai Ranchhodbhai Dobariya.
2. Copy of Index-II of the above deed.
3. Copy of Non-Agriculture Use Permission obtained from District Collector, Ahmedabad vide order No. CB/LAND-1/NA/SR-4/2010 dt.26.03.2010.
4. Copy of Development Permission was issued by AMC under Ref. No. BLNTI/EZ/030510/P/A8006/R0/M1, Rajachitthi No.16215/030510/A8006/R0/M1, dtd.03.07.2010 for Block No.A+B.
5. Usual Declaration executed by Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya, Manubhai Ranchhodbhai Dobariya.
6. Copy of public notice issued by Navinchandra Maratha on 07.07.1998.
7. Copy of Title Clearance Certificate issued by Navinchandra Maratha on 26.07.1998.
8. Copy of public notice issued by me on 27.07.2011.
9. Copy of Village Form No.7 / 12.
10. Copy of Village Form No.6.
11. Copy of Layout Plan.

Place : Ahmedabad.

Date : 11.08.2011

Signature of the Advocate
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SUNIL R. TRIPATHI
M.Com; LL.B; (Advocate)
Shed No. 2, Opp. Nagar Office,
City Civil Court, BHADRA

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ANNEXURE - B

1.	Name of the Branch/ BU seeking opinion.	
2.	Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	
3.	Name of the unit/concern company/person offering the property/ (ies) as security.	Vinubhai Ranchhodhbhai Dobariya, Parsottambhai Ranchhodhbhai Dobariya, Manubhai Ranchhodhbhai Dobariya
4.	Constitution of the unit/concern/ person/ body/authority offering the property for creation of charge.	Individual/ Joint
5.	State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)	Jointly as Borrower.
6. a)	Particulars of the documents scrutinized - serially and chronologically	As per attached sheet of Annexure-A.
b)	Nature of documents verified and as to whether they are originals or certified copies or registration extracts duly certified. Note : Only originals or certified extracts from the registering/land/ revenue/ other authorities be examined.	As per attached sheet of Annexure - B.
7.	Complete or full description of the immovable propert/(ies) offered as security for creation of mortgage whether equitable/ registered mortgage.	As per attached sheet of Annexure-A.

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i)	Survey No.	Survey No.198/1, T.P.S.No.3, Final Plot No.76
ii)	Door no. / Property No.	N.A. land and construction thereon.
iii)	Extent/ area including plinth/ built up area in case of house property.	admeasuring about 3630.03 sq.mtrs.
iv)	Locations like name of the place, village, city, registration, sub-district etc.	Mouje : Odhav, Taluka City, Dist. Ahmedabad and Sub District Ahmedabad-7 (Odhav).
v)	Boundaries :	East : Land of Survey No.193/1. West : Land of Survey No.195. North : Land of Survey No.198/2. South : Land of Survey No.250.
8.	Flow of titles tracing out the title, of the intended mortgagor and his/ its predecessors in interest from the Mother Deed to the Latest Title Deed. And wherever Minor's interest or other clog on title is involved, for a further period, depending on the need for clearance of such clog on the Title.	As per attached sheet of Annexure-A.
9.	Nature of Title of the intended Mortgagor over the Property (whether full ownership rights, Leasehold Rights, Occupancy/ Possessory Rights or Inam Holder or Govt. Grantee/ Allottee etc.).	As per attached sheet of Annexure-A.
10(a)	Encumbrances, Attachments, and/or claims whether of Government, Central or State or other Local authorities or Third Party claims, Liens etc. and details thereof. If yes, give the details thereof.	The record of the offices of Sub-Registrar at Ahmedabad is searched for 1971-1993 on 19.07.2011 vide receipt No.2011002013873 and for 1994-2011 on 21.07.2011 vide receipt No.2011007019048 and the records of year 1983 to 1985, 1989 are destroyed and the record of year 1979, 1981, 1982, 1986, 1987, 1990, 1992 are torn.

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(b)	The period covered under the Encumbrances Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge, if any.	At present No system is in force in Gujarat for Encumbrance Certificate. However the available Searches is taken from the Office of Sub Registrar as per Bank's guidelines. Not Applicable.
11.	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	As per Title Report.
12.	Details of RTC extracts/mutation extracts/ Katha extracts pertaining to the property in question.	There is no bar on creation of mortgage and proper stamp duty is used.
13.	Any bar/restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.	Not Applicable
14.	In case of absence of original title deeds, details of legal and other requirements for creation of a proper, valid and enforceable mortgage by deposit of certified extracts duly certified etc., as also any precaution to be taken by the Bank in this regard.	Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya, Manubhai Ranchhodbhai Dobariya
15.	The specific persons who are required to create mortgage/to deposit documents creating mortgage.	

Place : Ahmedabad,
Date : 11.8.2011

Signature of the Advocate
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SUNIL R. TRIPATHI
M.Com; LL.B; (Advocate)
Shed No. 2, Opp. Nazar Office,
City Civil Court, BHADRA

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ANNEXURE - C

Checklist for the Guidance of the Advocates

Verifying the title to the property(ies) offered as security

1.	Nature of title (Ownership / Leasehold / occupancy/ Govt grant/allotments etc.	Vinubhai Ranchhodhbhai Dobariya, Parsottambhai Ranchhodhbhai Dobariya, Manubhai Ranchhodhbhai Dobariya
2.	If leasehold, whether; a) lease Deed is duly stamped and registered b) lessee is permitted to mortgage the Leasehold right. c) duration of the Lease/unexpired period of lease, d) if, a sub-lease, check the lease deed in favour of Lessee as to whether Lease deed permits sub-leasing and mortgage by Sub-Lessee also.	Not Applicable
3.	If Govt grant/ allotment/Lease-cum/Sale Agreement, whether; a) grant/ agreement etc. provides for alienable rights to the mortgagor with or without conditions : b) the mortgagor is competent to create charge on such property.	Not Applicable
4.	If occupancy right, whether; (a) Such right is heritable and transferable, (b) Mortgage can be created.	Not Applicable
5.	a) Urban land ceiling clearance, whether required and if so, details thereon. b) Whether no objection certificate under.	Not Applicable Not Applicable

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6.	Nature of Minor's interest, if any and if so, whether creation of mortgage could be possible- the modalities/procedure to be followed and the reasons for coming to such conclusion.	Not Applicable
7.	If the property is Agricultural land, whether the local laws permit mortgage of Agricultural land and whether there are any restrictions for enforcing, thereon,	Not Applicable
8.	In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/ permission obtained.	Not Applicable
9.	Whether the property is affected by any local laws (viz. Agricultural Laws, weaker sections, minorities, land laws etc.).	Not Applicable
10.	a) In case of partition/settlement deeds, whether the original deed is available for deposit. If not the modality/procedure to be followed to create a valid and enforceable mortgage.	Not Applicable
	b) Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share.	YES
	c) Whether the partition made is valid in law and the mortgagor has acquired a mortgageable title thereon.	Not Applicable
11.	a) In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not Applicable
	b) Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	Not Applicable

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12	a) Whether the property belongs to a Limited Company, check the Borrowing powers, BOD resolution, Authorisation to create mortgage/execution of documents, Registration of any prior charges with the Company Registrar, Articles of Association /provision for common seal etc.	Not Applicable
	b) In case of Societies , Association, the required authority/power to borrower and whether the mortgage can be created, and the requisite resolutions, bye-laws.	YES
13.	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent of the powers given therein and whether the same is properly executed/stamped/authenticated in terms of the Law of the place, where it is executed.	Not Applicable
14	If the property is a flat/apartment or residential / commercial; complex, check.	Residential/Commercial
	a) Promoter's/Land owner's title to the land/ building.	Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya, Manubhai Ranchhodbhai Dobariya
	b) Development Agreement/Power of Attorney.	Not Applicable
	c) Extent of authority of the Developer/ builder	Not Applicable
	d) Independent title verification of the Land and/or building in question.	Title verified for 40 years
	e) Agreement for sale (duly registered)	
	f) payment of proper stamp duty.	Not Applicable
	g) Conveyance in favor of Society/ Condominium concerned.	Not Applicable Not Applicable

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	h) Occupancy Certificate/allotment letter/ letter of possession.	Not Applicable
	i) Membership details in the Society etc.	
	j) Share Certificates.	Not Applicable
	k) No Objection Letter from the Society.	Not Applicable
	l) All legal requirements under the local/ Municipal laws, regarding ownership of flats/ Apartments/Building Regulations, Development Control Regulations, Co- operative Societies' Laws etc.	YES Not Applicable
15.	Where the property is a joint family property, mortgage is created for family benefit/legal necessity, whether the Major Coparceners have no objection/join in execution, minor's share if any, rights of female members etc.	Not Applicable
16.	Pending Litigations/Court attachments/ injunction/ stay orders/acquisition by the Govt/Local authorities etc. that could be ascertained.	Not Applicable
17.	Any other details required for the purpose.	Not Applicable

For, Shiv Shakti Developers


Partner

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ANNEXURE - D CERTIFICATE OF TITLE

I have examined the Original Title Deeds intended to be deposited relating to the schedule property/ (ies) and offered as security by way of *Registered/ Equitable/English Mortgage and that the documents of title referred to in the Opinion are valid evidence of Right, title and Interest and that if the said Registered/ Equitable Mortgage is created, it will satisfy the requirements of creation of Registered/ Equitable Mortgage and I further certify that:

1. I have examined the Documents in detail, taking into account all the Guidelines in the check list vide Annexure C and the other relevant factors.

1 A. I confirm having made a search in the Land/ Revenue records. I do not find anything adverse which would prevent the Title Holders from creating a valid Mortgage. I am liable /responsible, if any loss is caused to the Bank due to negligence on my part or by my agent in making search.

1 B. Following scrutiny of Land Records/ Revenue Records and relative Title Deeds, I hereby certify the genuineness of the Title Deeds. Suspicious/ Doubt, if any, has been clarified by making necessary enquiries.

2A. There are no prior Mortgage/ Charges/ encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from _____ to August, 2011 pertaining to the Immovable Property/(ies) covered by above said Title Deeds. The property is free from all Encumbrances.

2B. In case of second/subsequent charge in favour of the Bank, there are no other mortgages/charges other than already stated in the Loan documents and agreed to by the Mortgagor and the Bank (Delete, whichever is inapplicable).

3. Minor/(s) and his/ their interest in the property/(ies) is to the extent of _____ (Specify the share of the Minor with Name). (Strike out if not applicable).

4. The Mortgage if created, will be available to the Bank for the Liability of the Intending Borrower, *Vinubhai Ranchhodhbhai Dobariya, Parsottambhai Ranchhodhbhai Dobariya,*

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Manubhai Ranchhodbhai Dobariya.

5. I certify that *Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya, Manubhai Ranchhodbhai Dobariya* has an absolute, clear and Marketable title over the Schedule property/(ies). And the said property is free from reasonable doubts and encumbrance. I further certify that the above title deeds are genuine and a valid mortgage can be created and the said Mortgage would be enforceable.

In case of creation of Mortgage by Deposit of title deeds, we certify that the deposit of

following title deeds/ documents would create a valid and enforceable mortgage.

1. Copy of Regd. Sale Deed No.9783 dt.25.07.2008 executed by land owners in favour of Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya and Manubhai Ranchhodbhai Dobariya.
2. Copy of Index-II of the above deed.
3. Copy of Non-Agriculture Use Permission obtained from District Collector, Ahmedabad vide order No. CB/LAND-1/NA/SR-4/2010 dt.26.03.2010.
4. Copy of Development Permission was issued by AMC under Ref. No. BLNTI/EZ/030510/P/A8006/R0/M1, Rajachitthi No.16215/030510/A8006/R0/M1, dtd.03.07.2010 for Block No.A+B.
5. Usual Declaration executed by Vinubhai Ranchhodbhai Dobariya, Parsottambhai Ranchhodbhai Dobariya, Manubhai Ranchhodbhai Dobariya.
6. Copy of public notice issued by Navinchandra Maratha on 07.07.1998.
7. Copy of Title Clearance Certificate issued by Navinchandra Maratha on 26.07.1998.
8. Copy of public notice issued by me on 27.07.2011.
9. Copy of Village Form No.7 / 12.
10. Copy of Village Form No.6.
11. Copy of Layout Plan.

There are no legal impediments for creation of the Mortgage under any applicable Law/ Rules in force.

SCHEDULE OF THE PROPERTY/IES

N.A. land 3277 sq.mtrs. and construction thereon about 3630.03 sq.mtrs. of Block-A+B at and in scheme known as "OM VILLA" situated on the land admeasuring about 4350 sq.mtrs. of Survey No. 198/1, T.P.S. No.3, Final Plot No.76 situated at Mouje : Odhav, Taluka : City, District Ahmedabad and Registration Sub-District Ahmedabad-7 (Odhav).

Place : Ahmedabad.

Date : 11.08.2011

Signature of the Advocate
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Shed No. 2, Opp. Nazar Office,
City Civil Court, BHADRA

For, Shiv Shakti Developers


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