

TAX SALE REPORTING LETTER

**Tax Sale No. 111**

To: The Municipality of the District of Lunenburg

Re: Tax Sale Property Accounts

Date: August 30, 2021

Name: Mary Eva Hiltz and Sarah Eisenhauer

Assessment Account No: 10043204

Property: PID 60439098 – Lands at Eisenhower Road, Oakland

Title: I have carried out title investigations on the subject property. The title is not land registered. The title (if any) to this lot is confusing. As a starting point, plan P245 which is the original survey of the Canadian National Railway “rail bed” shows the subject lot being owned by George Eisenhauer. There is a declaration (see attached) recorded at Book 143/665 indicating that Sarah Eisenhauer was George Eisenhauer’s wife, and that their only “heir” would have been Mary Eva Hiltz (who dies in 1963). These two ladies convey 19 acres lot to Lily I. Hiltz in 1941, but the description uses the “Canada National Railway” fence as a boundary. Therefore, it is likely that title remains in the “estates” of Sarah Eisenhauer (also known as Sarah Eisenhaur) and Mary Eva Hiltz, but neither estate is actually probated, so there could be many outstanding interests. From a practical perspective, it appears that the lands have effectively been “abandoned” and they appear to be a relatively small piece of land between the former CNR right of way and the “Oakland Lake”. The paper title is not currently marketable. It should also be noted that the subject lands are part of the “Oakland Lake Watershed Protected Water Area” (see designation document filed as 93035211).

Encumbrances: None

Marital Status: Both “assessed owners” are deceased

Survey: As previously noted, there is a plan on file (P245) which shows the “railway allotment”. That said, the subject lot has never been described, and the 1903 survey does not conform to modern standards, so a survey would be recommended.

Property Mapping: A copy of the property mapping is attached for your file which will include the address of the assessed owner if available.

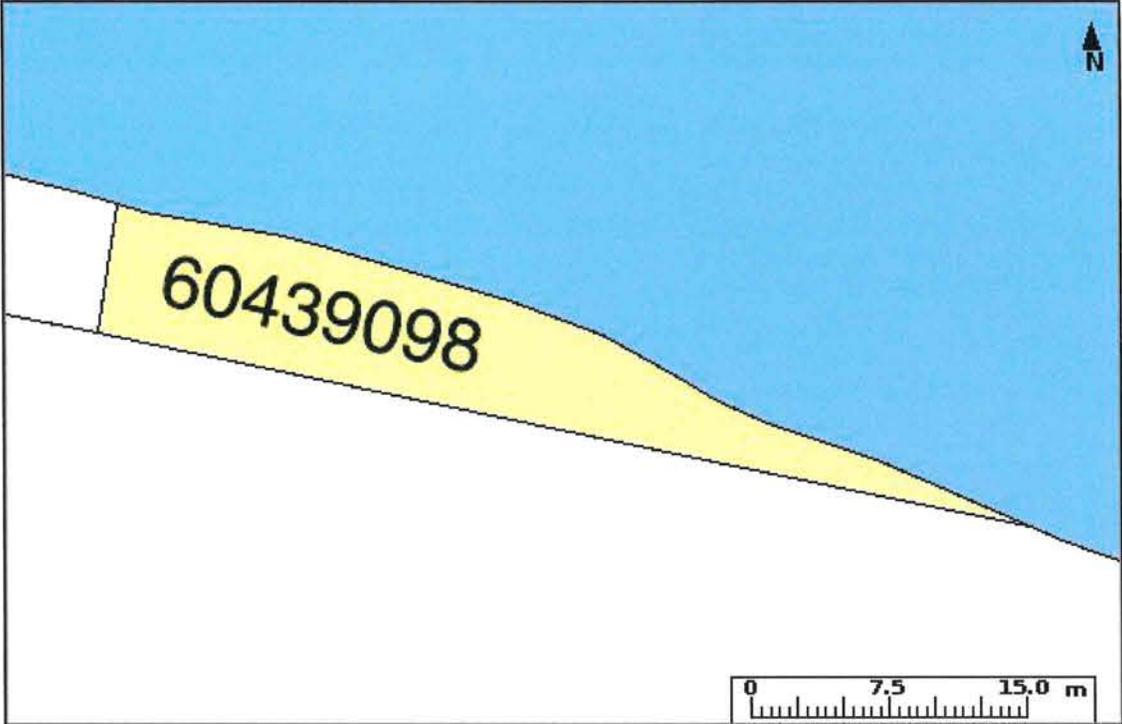
  
\_\_\_\_\_  
J. C. Reddy

\*\*\*\*This title search and attached materials have been prepared for the benefit of the Municipality of the District of Lunenburg. The Municipality of the District of Lunenburg will not be held responsible for any third party reliance on these materials as they are being provided for informational purposes only. Any interested third parties are cautioned and strongly encouraged to procure their own professional advice (including, but not limited to, legal advice and/or surveying advice) in connection with this and/or any other tax sale property.

---

**Property Online Map**

Date: **Oct 7, 2021 4:19:47 PM**



<b>PID:</b> 60439098	<b>Owner:</b> MARY EVA HILTZ	<b>AAN:</b> 10043204
<b>County:</b> LUNENBURG COUNTY	SARAH EISENHAUER	<b>Value:</b> \$6,000 (2021 RESOURCE TAXABLE)
<b>LR Status:</b> NOT LAND REGISTRATION	<b>Address:</b> EISENHAUER ROAD OAKLAND	

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

**Property Online version 2.0**

This page and all contents are copyright © 1999-2003, [Government of Nova Scotia](http://www.gov.ns.ca), all rights reserved.

Form 44

Request to the Registrar of Deeds to Register a Document

Registration district: Lunenburg

Submitter's name: Samuel R. Lamey, Q.C.

Take notice that the attached document relates to a parcel that is not registered under the *Land Registration Act*, and the document may be accepted for registration under the *Registry Act* because it is

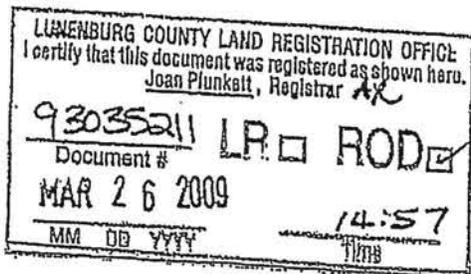
X any other instrument not mentioned above that is not required to be registered or recorded under the *Land Registration Act*

I hereby request that this document be registered under the *Registry Act*.

Dated at Chester, in the County of Lunenburg, Province of Nova Scotia, March 25, 2009.

  
Signature of submitter

Name: Samuel R. Lamey, Q.C.  
Address: P.O. Box 310  
Chester, N.S., B0J 1J0  
Phone: 902.275.3544  
E-mail: bburgess@hwblaw.com  
Fax: 902.275.3473



Canada  
Province of Nova Scotia

In the Matter of:                   the *Environment Act*, S.N.S. 1994-95, c.1, s.106

In the Matter of:                   the designation of an area surrounding Oakland Lake, Lunenburg County, as a Protected Water Area, to be known as the "Oakland Lake Watershed Protected Water Area"

Designation of the Oakland Lake Watershed Protected Water Area and  
the Making of Regulations with Respect Thereto

Whereas the Oakland Lake Protected Water Area Designation, N.S. Reg. 245/2007, made by the Nova Scotia Water Authority by order dated August 30, 1963, and published in the Royal Gazette Part II on May 25, 2007, defined and prescribed an area surrounding Oakland Lake, Lunenburg County, as the source of public water supply for the Town of Mahone Bay;

And Whereas subsection 106(1) of Chapter 1 of the Acts of 1994-95, the *Environment Act*, provides for the designation by the Minister of Environment and Labour of a protected water area and subsection 106(6) of the Act provides for the making of regulations to prohibit, regulate or require the doing of any act or acts in a protected water area that may impair or prevent the impairment, as the case may be, of the quality of the water in the protected water area;

And Whereas subsections 106(4), (5), (5A) and (5B) of the *Environment Act* provide as follows:

- (4) When requested by an operator of a water works or proposed water works, the Minister may cancel a designation made pursuant to this Section, in whole or in part.
- (5) Any protected water area designated pursuant to the *Water Act*, prior to the coming into force of this Act remains so designated.
- (5A) Any area surrounding a source of public water supply defined and prescribed pursuant to Section 16 of Chapter 42 of the Acts of 1963, *An Act to Amend the Water Act*, is deemed to be a protected water area designated pursuant to the *Water Act* and remains so designated.
- (5B) Any designation of a protected water area and any regulations regulating an activity in a designated protected water area that is referenced in subsection (5A) or were in effect on April 1, 1977, are deemed to have been filed pursuant to subsection 24(1) of the *Regulations Act* before April 1, 1978.

And Whereas the Town of Mahone Bay Water Utility, operator of the Oakland Lake Water Treatment Plant, has requested that the Minister of Environment and Labour cancel the Oakland

Lake Protected Water Area Designation, N.S. Reg. 245/2007;

And Whereas the Town of Mahone Bay Water Utility has requested that the Minister of Environment and Labour designate the Oakland Lake watershed as a protected water area in order to protect the quality of the surface water and groundwater resource as a public water supply;

And Whereas the Town of Mahone Bay Water Utility has provided opportunities for public consultation, including public meetings and the establishment of the Oakland Lake Watershed Advisory Committee, an advisory committee comprising representatives of the Province of Nova Scotia, the Town of Mahone Bay, the Municipality of the District of Lunenburg, members of the general public and landowners;

Therefore pursuant to Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, the undersigned, Mark Parent, Minister of Environment and Labour, hereby

- (a) cancels the Oakland Lake Protected Water Area Designation, N.S. Reg. 245/2007;
- (b) designates the area comprising the topographic drainage area surrounding Oakland Lake more fully described in Schedule "A" as a protected water area, to be known as the "Oakland Lake Watershed Protected Water Area"; and
- (b) makes regulations respecting activities in the Oakland Lake Watershed Protected Water Area, in the form set forth in Schedule "B".

  
Honourable Mark Parent  
Minister of Environment and Labour

Halifax, Nova Scotia  
July 18, 2007

Schedule "A"

Oakland Lake Watershed Protected Water Area Boundary Description

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located at or near Oakland and Mahone Bay, Lunenburg County, in the Municipality of the District of Lunenburg, Province of Nova Scotia, shown outlined in red on the attached Map "A" - Oakland Lake Watershed Protected Water Area, prepared March 2007 by the Municipality of the District of Chester Planning Department and filed with the office of the Chief Administrative Officer of the Town of Mahone Bay.



Schedule "B"

Regulations Respecting Activities in the Oakland Lake  
Watershed Protected Water Area made by the Minister of Environment and Labour  
pursuant to subsection 106(6) of Chapter 1 of the Acts of 1994-95, the *Environment Act*

Citation

- 1 These regulations may be cited as the *Oakland Lake Watershed Protected Water Area Regulations*.

Interpretation

- 2 In these regulations,

- (a) "Act" means the *Environment Act*;
- (b) "Committee" means the Oakland Lake Watershed Advisory Committee;
- (c) "pest control product" has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;
- (d) "Protected Water Area" means the land and water designated by the Minister under subsection 106(1) of the Act as the Oakland Lake Watershed Protected Water Area, as described in Schedule "A" to the designation;
- (e) "Water Works Operator" means the Town of Mahone Bay Water Utility, operated by the Town of Mahone Bay and represented by the Chief Administrative Officer of the Town.

Posting of signs

- 3
- (1) The Water Works Operator must post signs around the perimeter of the Protected Water Area, and at appropriate locations beside the public highways in the Protected Water Area, to notify the public of the designation of the Protected Water Area.
  - (2) The Water Works Operator must take reasonable measures to replace any sign posted under subsection (1) that is damaged or removed.
  - (3) A person must not remove or alter any sign or notice posted under subsection (1).

Release of substance

- 4 (1) A person must not release, or cause or permit the release of, any substance that causes or may cause an adverse impact to water quality in the Protected Water Area, including any of the following:
- (a) oil and other petroleum products;
  - (b) soap;
  - (c) detergent;
  - (d) toxic chemicals;
  - (e) pest control product waste;
  - (f) garbage;
  - (g) litter;
  - (h) solid or liquid waste.
- (2) A person who is using mechanical equipment or transporting gasoline or oil in the Protected Water Area must not release, and must take precautions to prevent the release of, a petroleum product onto the ground or into a watercourse or into the runoff from the area.

Dumps, landfills, and disposal sites

- 5 A person must not establish a dump, landfill or waste disposal site in the Protected Water Area.

Restricted lake activities

- 6 (1) A person must not swim, bathe or wash in Oakland Lake within 300 m of the intake for the Town of Mahone Bay Municipal Water Works.
- (2) A person must not operate an internal combustion engine in, on or over Oakland Lake at any time of the year.
- (3) A person must not fish in Oakland Lake, or from the banks of the lake, within 100 m of the intake for the Town of Mahone Bay Municipal Water Works.

Easement and road construction restrictions

- 7 (1) A person must not grant an easement on, over or across the Protected Water Area for a road, pipeline, railway, telephone line, power line or other similar works

unless the person provides the route and location details of the easement to the Water Works Operator no later than 30 days before the date the easement is granted.

- (2) A person must not construct a road, pipeline, railway, telephone line, power line or other similar works in the Protected Water Area unless the person provides complete construction details to the Water Works Operator no later than 30 days before the date construction begins.
- (3) A forest access road in the Protected Water Area must be constructed in accordance with the booklet *Wood Lot Roads, Stream Crossings* published by the Department of Natural Resources, or its successor document or code of practice, as amended.
- (4) A person who is responsible for a road, pipeline, railway, telephone line, power line or other similar works constructed in the Protected Water Area must maintain and keep the works repaired to prevent impairment of the quality of water in Oakland Lake.

#### Watercourse alteration

- 8
- (1) A person must not construct a bridge or culvert or otherwise alter a watercourse in the Protected Water Area unless they have
    - (a) obtained a watercourse alteration approval from the Department of Environment and Labour; and
    - (b) provided construction plans and a copy of the approval to the Water Works Operator no later than 30 days before the date construction begins.
  - (2) An owner, operator or person who is responsible for a bridge or culvert approved under subsection (1)
    - (a) must maintain and repair the bridge or culvert; and
    - (b) must not remove the bridge or culvert unless they have obtained an approval from the Department of Environment and Labour and provided notification and a copy of the approval to the Water Works Operator before undertaking to remove the bridge or culvert.

#### Wetland alteration

- 9
- A person must not fill, excavate, drain or otherwise alter a marsh, swamp, bog, mire, fen, slough or other type of wetland in the Protected Water Area unless they have

- (a) obtained a wetland alteration approval from the Department of Environment and Labour; and
- (b) provided complete plans for the undertaking and a copy of the approval to the Water Works Operator no later than 30 days before the date the work begins.

#### Soil erosion and sediment control

- 10
- (1) A person must not undertake an activity that causes or might cause soil erosion resulting in sediment being deposited in a watercourse located in the Protected Water Area.
    - (2) A person who contravenes subsection (1) must immediately
      - (a) cease the activity causing sedimentation and take measures to control the soil erosion and sediment deposition; and
      - (b) notify the Water Works Operator.
    - (3) An owner, occupier, contractor or person who is responsible for a construction operation or an activity requiring grubbing or earth moving that would expose more than 50 m<sup>2</sup> of earth in the Protected Water Area must not proceed unless they have
      - (a) developed an erosion and sedimentation control plan as described in the *Erosion and Sedimentation Control Handbook for Construction Sites* published by the Department of Environment and Labour; and
      - (b) provided complete plans of the undertaking to the Water Works Operator no later than 30 days before the date the earth moving begins.
    - (4) A person must not release water from a construction site in the Protected Water Area that has a suspended solid concentration greater than 25 mg/L.
    - (5) A person must not alter or remove vegetation within 20 m of Oakland Lake or any other watercourse in the Protected Water Area without ensuring that the understory vegetation and non-commercial trees within 20 m of the edge of the watercourse are retained to the fullest extent possible.

#### Use of pest control products

- 11
- A person may use a pest control product in the Protected Water Area only if all the following conditions are met:

- (a) the person notifies the Water Works Operator of the product to be used no later than 30 days before the date the product is used;
- (b) the person who applies the product is a certified applicator under the *Pesticide Regulations* made under the Act.

#### On-site sewage disposal systems

- 12
- (1) A person must not construct or install an on-site sewage disposal system in the Protected Water Area unless the clearance distance from the system is greater than 75 m from any watercourse.
  - (2) An on-site sewage disposal system in the Protected Water Area must be
    - (a) pumped out every 2 years; and
    - (b) replaced or repaired immediately after it is identified as malfunctioning as defined in the *On-site Sewage Disposal Systems Regulations* made under the Act.

#### Storing petroleum products

- 13
- (1) Except when replacing a tank under subsection (2), a person must not install any liquid petroleum products storage tank other than a propane tank in the Protected Water Area, including any of the following:
    - (a) a home heating-oil tank;
    - (b) a gasoline fuel storage tank;
    - (c) a diesel fuel storage tank.
  - (2) A person may replace an existing home heating-oil tank in the Protected Water Area if the replacement tank is supported by concrete footings, has a fuel line guard and a leak detection device and meets one of the following:
    - (a) it is made of stainless steel double wall construction;
    - (b) it is made of glass-reinforced plastic;
    - (c) it is approved in writing by the Water Works Operator before it is installed.

Agriculture restrictions

- 14 (1) A person must not pasture livestock or apply livestock manure on agricultural land in the Protected Water Area in excess of land base requirements as determined in accordance with the *Manure Management Guidelines* published by the Department of Agriculture and Fisheries, or its successor document or code of practice, as amended.
- (2) A person must not stockpile or accumulate livestock manure or biosolids in the Protected Water Area.
- (3) A person must not apply livestock manure or biosolids on land in the Protected Water Area
- (a) after September 30 and before May 1 in any year; and
  - (b) in any manner that causes or may cause an adverse impact to water quality in the Protected Water Area.

mortgages have been released or discharged either partly or in entirety; and that the said Assignor will upon request do, perform and execute every act necessary to enforce the full performance of the covenants and other matters contained therein. In witness whereof the said Assignor has hereunto set his hand and affixed his seal the day and year first above written.

Signed, sealed and delivered in the presence of (Sgd.) Hilda E. Wile } (Sgd.) George S. Falt (S)

Province of Nova Scotia } On this 6th day of March, A. D. 1941, before me, the subscriber, County of Lunenburg, SS } personally came and appeared Hilda E. Wile a subscribing witness to the foregoing indenture, who, having been by me duly sworn, made oath and said that George S. Falt, one of the parties thereto, signed, sealed and delivered the same in her presence.

(Sgd.) G. H. Crouse, A Commissioner of the Supreme Court of Nova Scotia.

No. 511, Deed & Plan Mary Eva Hiltz et al to Lily I. Hiltz Reg. 2 P. M., March 18th, A. D., 1941. On the certified oath of a witness.

This indenture made the first day of March, A. D. 1941, between Mary Eva Hiltz of Oakland in the county of Lunenburg, Married woman, and Sarah Eisenhaur of the same place, Widow of the late George Eisenhaur, hereinafter called the parties of the first part, of the one part, and Lily I. Hiltz of Bridgewater in the county of Lunenburg, Registered Nurse, (a Spinster) hereinafter called the party of the second part, of the other part. Witnesseth that the said parties of the first part for and in consideration of the sum of one dollar of lawful money of the Dominion of Canada, to the said parties of the first part in hand well and tr-

presently paid by the said party of the second part at or before the ensenaling and delivery of these presents, the receipt whereof is hereby acknowledged, have and each of them hath granted, bargained, sold, aliened, enfeoffed, released, remised, conveyed and confirmed and by these presents do and each of them doth grant, bargain, sell, alien, enfeoff, release, remise, convey and confirm unto the said party of the second part, her heirs and assigns, All that certain lot, piece or parcel of land situate, lying and being at Oakland in the county of Lunenburg and province of Nova Scotia, bounded and described as follows: Beginning at a fence post on the north side of the Oakland Road, marking the boundary between the described property and that of Arthur Lantz; thence N. 31 deg. 30 min. E. (Mag. of 1941) 59.50 chains or until it reaches the right-of-way fence of the Canadian National Railway fence; thence S. 53 deg. E. 3.08 chains along said Railway right-of-way to the property of William Eisenor; thence along the Eisenor property the various courses of S. 31 deg. 30 min. W. 52.80 chains, N. 64 deg. W. 0.74 chains, S. 26 deg. W. 0.94 chains, S. 62 deg. E. 0.65 chains and S. 31 deg. 30 min. W. 4.25 chains to the road; thence N. 80 deg. W. along said road 3.23 chains to the place of beginning, containing 19 acres, more or less, as upon reference to an annexed plan dated the 2nd day of March, 1941, and signed by S. Edgar March, C. E., P. L. S., will more fully appear; together with all and singular the buildings, easements, tenements, hereditaments and appurtenances to the same belonging or in anywise appertaining, with the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim, property and demand both at law and in equity, of the said parties of the first part of, in, to or out of the same or any part thereof. To Have and To Hold the said land and premises with the appurtenances, and every part thereof, unto the said party of the second part, her heirs and assigns, to her and their sole use, benefit and behoof forever. And the said parties of the first part for themselves and their heirs, executors and administrators do hereby covenant, promise and agree to and with the said party of the second part, her heirs and assigns, in manner following, that is to say: That it shall be lawful for the said party of the second part, her heirs and assigns, from time to time and at all times hereafter peaceably and quietly to enter into said land and premises and to have, hold, occupy, possess and enjoy the same without the lawful let, suit, hindrance, eviction, denial or disturbance of, from or by the said parties of the first part or any person or persons whomsoever, lawfully claiming or to claim the same. And also that the said parties of the first part have a good, sure, perfect and indefeasible estate of inheritance in fee simple in the said land and premises, and a good right, full power and lawful authority to sell and convey the same, in manner and form as they are hereby sold and conveyed and mentioned or intended so to be, and that the same are free from encumbrances. And lastly that the said parties of the first part and their heirs, the said land and premises and every part thereof, unto the said party of the second part, her heirs and assigns, against the lawful claims of all persons whomsoever shall and will by these presents warrant and forever Defend. In witness whereof the said parties to these presents have hereunto set their hands and affixed their seals the day and year above written.

Signed, sealed and delivered in the presence of (Sgd.) O. A. Wile } (Sgd.) Mary Eva Hiltz (S) Sarah Emeline Eisenhaur (S)

Province of Nova Scotia } Be it Remembered that on this 17th day of March, 1941 before me the County of Lunenburg, SS } subscriber personally came and appeared Mary Eva Hiltz, wife of Harry B. Hiltz mentioned in the foregoing indenture, who having been by me examined separate and apart from her said husband, did declare and acknowledge that the said indenture is her free act and deed and that she executed the same freely and voluntarily, without fear, threat or compulsion of, from or by her said husband, and for a full release of all her claims to the lands and premises mentioned therein:

(Sgd.) C. R. Coughlan, A Barrister of the Supreme Court of Nova Scotia.

Province of Nova Scotia } On this 17th day of March, A. D. 1941, before me the subscriber County of Lunenburg, SS } personally came and appeared O. A. Wile a subscribing witness to the foregoing indenture, who having been by me duly sworn, made oath and said that Mary Eva Hiltz and Sarah Eisenhaur, three of the parties thereto, signed, sealed and delivered the same in his presence.

(Sgd.) C. R. Coughlan, A Barrister of the Supreme Court of Nova Scotia.

Plan in book 105 page 520 document # 811 has been removed from the original book and filed at the Lunenburg Land Registration Office.

This plan will be scanned as part of the legacy plan scanning project in the near future. Once complete the plan will be viewable in Property Online using the Planlog application.

PROVINCE OF NOVA SCOTIA)  
 COUNTY OF LUNENBURG )

IN THE MATTER OF: The Title to lands at Oakland in the County of Lunenburg and Province of Nova Scotia, described in a conveyance from Paul F. Hiltz and his wife, Marie Hiltz, to Mabel B. Brushett that conveyance being dated the 12<sup>th</sup> day of April, 1971.

STATUTORY DECLARATION

I, PAUL F. HILTZ, of Mahone Bay in the County of Lunenburg and Province of Nova Scotia, Retired, make oath and say as follows:

1. That I have a personal knowledge of the facts stated hereunder unless otherwise set forth;
2. That I was born on August 20th, 1912, and I was informed by my parents, Mary Eva Hiltz and Harry B. Hiltz, that I was born within the house upon the lands described in the deed above referred to hereinafter referred to as "the lands";
3. That from the date of my birth until my marriage to Marie <sup>PFH</sup> ~~Keddy~~ <sub>KEH</sub> in 1938, I resided at my home at Oakland upon those lands;
4. That my grandfather, George Eisenhauer, resided upon those lands from my earliest recollection until he died in or about the year 1934;
5. That my grandmother Sarah Eisenhauer resided upon those lands from my earliest recollection until she died in or about the year 1944;
6. That George Eisenhauer was married once only to Sarah Eisenhauer, who was also married once only, and there

Page 2

were two issue only of their marriage, one child Alfred having been born in the year 1882 and who died in the year 1887 at the age of <sup>P.F.H</sup> five as shown on his grave marker, and the second child being my <sup>Riv</sup> mother, Mary Eva Hiltz;

7. That from the marriage of my mother, Mary Eva Hiltz, to Harry B. Hiltz, they resided with my grandparents upon those lands;

8. That Mary Eva Hiltz resided upon those lands until her death in or about the year 1963 and Harry B. Hiltz resided upon those lands until shortly before his death in 1971;

9. That from conversations which I recollect among the members of my family and from other persons in the community, it was an acknowledged fact within both my family and the community that the lands were owned by George Eisenhauer;

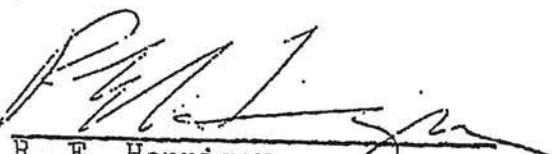
10. That I was at the time of executing the above described conveyance the absolute owner in fee simple in possession of those lands and there are no liens, easements, charges, mortgages or encumbrances affecting any part of those lands;

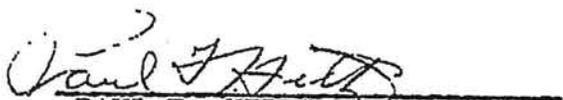
11. That no one during my memory has ever made entry on those lands or brought action to recover those lands or any part thereof under or in respect of any claim adverse to the title of George Eisenhauer, Sarah Eisenhauer or any of their successors in title of those lands and I agree to indemnify Mabel B. Brushett in the event that some person appears with a legitimate claim to the property;

AND I MAKE THIS solemn declaration conscientiously

believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED at Mahone Bay in the )  
County of Lunenburg and Pro- )  
vince of Nova Scotia, before )  
me, this 12<sup>th</sup> day of April, )  
1971. )

  
R. E. Hennigar )  
A Barrister of the Supreme )  
Court of Nova Scotia. )

  
PAUL F. HILTZ )



