

CP 8/1/1953

IN THE MAORI LAND COURT
OF NEW ZEALAND

IN THE MATTER of Section 30(1)(a) of the Maori
Affairs Act 1953

AFFIDAVIT OF RICHARD JAMES NICKLIN

THE DISTRICT SOLICITOR
DEPARTMENT OF MAORI AFFAIRS
ROTORUA



In the Maori Land Court
at Rotorua

IN THE MATTER of Section 30(1)(a) of
the Maori Affairs Act
1953

BETWEEN THE MAORI TRUSTEE
Plaintiff

AND HOWARD JOHN CLARKE of
Opotiki, Farmer
Defendant(s)

I, RICHARD JAMES NICKLIN, Public Servant of Rotorua, MAKE OATH AND SAY:

1 THAT I am duly authorised under Section 9 of the Maori Trustee Act 1953 to make this affidavit.

2 THAT application for claim is made against the Defendant(s) as Lessee(s) of Maori freehold land in all that piece of land described hereunder:

3 THAT under and by virtue of Unregistered Memorandum of Lease dated the 5th day of June 1970 and Unregistered Memorandum of Transfer dated the 30th day of August 1978 in that piece of land containing 377 acres 2 roods 03 perches more or less being Part Hiwarau C Block and being part of the land comprised and described in an Order of the Maori Land Court cancelling several Titles and substituting one Title dated the 4th day of August 1969 (Gisborne Registry).

4 THAT the Defendant is owing rent and commission and compensation for breaches of covenant under the aforementioned lease and has previously been advised of the default amount totalling Twenty Three Thousand, Six Hundred and Nine Dollars and Forty Nine Cents (\$23,609.49).

Stuf



017 63 0000 3/5

5 THAT the lease mentioned is under Section 438 of the Maori Affairs Act 1953 and is in arrears as follows:

Balance Rent due on 1.9.1985 for the period 1.9.1985 to 28.2.1986	\$ 2,428.84
Rent due on 1.3.1986 for the period 1.3.1986 to 31.8.1986	\$ 3,327.00
Commission due on 1.3.1986 for the period 1.3.1986 to 31.8.1986	\$ 199.62
Goods and Services Tax	\$ 19.96
Rent due on 1.9.1986 for the period 1.9.1986 to 28.2.1987	\$ 3,327.00
Commission due on 1.9.1986 for the period 1.9.1986 to 28.2.1987	\$ 199.62
Goods and Services Tax	\$ 19.96
Rent due on 1.3.1987 for the period 1.3.1987 to 31.8.1987	\$ 3,327.00
Commission due on 1.3.1987 for the period 1.3.1987 to 31.8.1987	\$ 199.62
Goods and Services Tax	\$ 19.96
Rent due on 1.9.1987 for the period 1.3.1987 to re-entry on 26.11.1987	\$ 1,599.17
Commission due on 1.9.1987 for the period 1.3.1987 to re-entry on 26.11.1987	\$ 95.95
Goods and Services Tax	\$ 9.59
Maori Trustee's Fee (includes GST)	\$ <u>99.00</u>
	<u>\$14,872.29</u>

6 THAT no interest has been charged on any of the arrears amount hereinbefore mentioned.

Amf



7 THAT commission is calculated at a rate of \$6.00 per centum per annum in terms of the Memorandum of Lease document.

8 THAT the lessee also is owing for breaches of covenant and re-entry costs as follows:

Clause 5: Repairs and Maintenance	\$ 1,100.00
Clause 8: Eradication of Noxious Weeds	\$ 1,500.00
Clause 9: Cleaning Drains	\$ 750.00
Clause 13: Fertiliser	\$ 4,800.00
Preparation Fee for Section 118 Notice (includes GST)	\$ 88.00
Preparation Fee for Re-Entry Papers (includes GST)	\$ 88.00
Cost of Re-Entry (includes GST)	<u>\$ 257.20</u>
	<u>\$ 8,583.20</u>
Total for Rental to Re-Entry	\$14,872.29
Total for Breaches of Covenants	<u>\$ 8,583.20</u>
Sub-Total	\$23,455.49
Application Fee	\$ 55.00
Solicitor's Preparation Fee	<u>\$ 99.00</u>
Total:	<u>\$23,609.49</u>

SWORN at Rotorua this 26th)
day of April 1988)
before me:



L M Friend
A Solicitor of the High Court of New Zealand



X.388 24. 2.81(120)

APPLICATION FOR AN ORDER FOR THE
RECOVERY OF OUTSTANDING RENT UNDER

The Maori Affairs Act 1953, section 30(1)(a)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of Part Hiwarau C Block

APPLICATION is hereby made for an order under section 30(1)(a)
of the Maori Affairs Act 1953 that for an order for the recovery of
outstanding rent.

UPON THE GROUNDS that:

Appearing in the affidavit of Richard James Nicklin dated the 26th
day of April 19 88

This application is made by THE MAORI TRUSTEE
of Rotorua, Corporation Sole whose address for service is:

Department of Moari Affairs
Government Buildings
Haupapa Street
Rotorua

SIGNED by the Maori Trustee as
~~SIGNED~~ by the applicant on
the 26th day of April
19 88

) [Signature]
) RICHARD JAMES NICKLIN
) Signature

Fee: \$55.00

MAORI LAND COURT
WAIARIKI DISTRICT
Fee: 55.00 Paid
29 APR 1988
Receipt No. 817491
97 Receiver
ROTORUA

*Accepted
29.4.88*

VOUCHER ADVICE NOTE

Maori Trust Office,
Private Bag,

ROTORUA

Maori Land Court

Voucher No.....
Account No.....
Name of Account.....

Particulars of Payment	Amount
Application Fee - Sec 30 (1)(a)	
Pokuri 1 4917-3840	55-00
Himatahi C 2417-4080	55-00
	410-00

NO RECEIPT IS REQUIRED FOR PAYMENTS BY CHEQUE

NOTES FOR BENEFICIARIES

1. Please notify promptly any change of address and quote your account number shown above.
2. Depending on your total income you may be liable for income tax. If you are required to furnish a tax return the total income credited to your account for the year ending 31 March will need to be included therein. You will receive separate advice of the amount only if it exceeds \$100.

