

ORDER CANCELLING SEVERAL TITLES AND SUBSTITUTING ONE TITLE

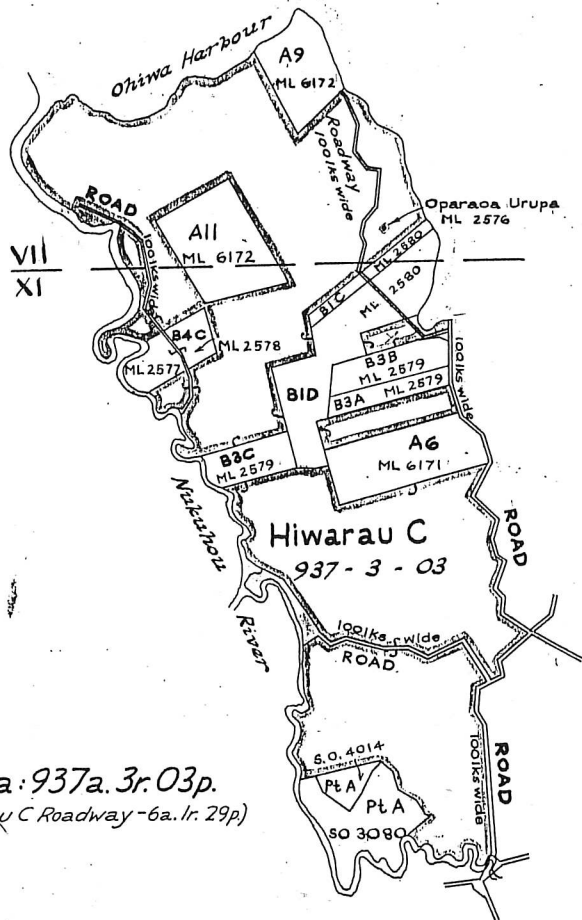
The Maori Affairs Act 1953, Section 435

In the Maori Land Court)
of New Zealand, }
Wairariki District. }

AT a sitting of the Court held at Rotorua on the 4th day of August 1969 before Kenneth Gillanders Scott, Esquire, Judge. WHEREAS the several blocks of Maori freehold land set out in the First Schedule hereto containing together an area of 937 acres 3 roods 03 perches are held under separate titles as set out in the said Schedule AND WHEREAS upon hearing an application for an order cancelling the said titles and substituting therefor one title to the whole of the land THE COURT is satisfied that the whole of the land comprised in the said titles could be more conveniently worked or dealt with if it were held in common ownership under one title IT IS HEREBY ORDERED that the several titles as set out in the said First Schedule BE AND THE SAME ARE HEREBY CANCELLED and a new title for the whole of the land comprised in the said several titles containing 937 acres 3 roods 03 perches, more or less, as the same is more particularly delineated on the plan annexed hereto is HEREBY CONSTITUTED in substitution for the said several titles, the land in such titles to be hereafter known as HIWARAU C being Maori freehold land and the said land is HEREBY VESTED in the persons whose names are set out in the Second Schedule hereto for an estate in fee simple as tenants in common in the relative shares shown opposite their respective names AND IT IS FURTHER ORDERED pursuant to section 34 (10) of the said Act, that this order do issue FORTHWITH from the office of the Court. AS witness the hand of the Judge and the seal of the Court.

Replicate sent to Registrar
Local Registrar for Registration
45/140 21/3/72
Returned not registered
6/1/72
Judge
16/3/72





Total Area: 937a. 3r. 03p.
 (Incl. of Hiwarau C Roadway - 6a. 1r. 29p.)

Hiwarau C Bk
 Blks VII & XI Whakatane S. D.
 Gisborne Land District Opotiki County
 Surveyed by D.J. McDonald August 1971
 Scale: 30 Chains to an Inch
 ML 6173, ML 6174.
 M. M. M.

.....acres: roods: perchess
.....376.484..... ha
.....square metres

Opotiki M.B. 45/111-124

FIRST SCHEDULE

<u>Name of land:</u>	<u>Nature and Date of Title:</u>
1. Hiwarau A No. 1 /	Partition Order 27th November 1940
2. Hiwarau A No. 2 /	Partition Order 27th November 1940
3. Hiwarau A No. 3 /	Partition Order 27th November 1940
4. Hiwarau A No. 4 /	Partition Order 27th November 1940
5. Hiwarau A No. 5 /	Partition Order 27th November 1940
6. Hiwarau A No. 7 /	Partition Order 27th November 1940
7. Hiwarau A No. 8 /	Partition Order 27th November 1940
8. Hiwarau A No. 10 /	Partition Order 27th November 1940
9. Hiwarau A No. 12 /	Partition Order 27th November 1940
10. Hiwarau B No. 1A	Partition Order 29th August 1916
11. Hiwarau B No. 1B No. 1	Partition Order 26th November 1940
12. Hiwarau B No. 1B No. 2	Partition Order 26th November 1940
13. Hiwarau B No. 2	Partition Order 9th December 1913
14. Hiwarau B No. 3D	Partition Order 20th September 1917
15. Hiwarau B No. 4A	Partition Order 11th July 1921
16. Hiwarau B No. 4B	Partition Order 11th July 1921
17. Hiwarau B No. 4D	Partition Order 11th July 1921
18. Hiwarau B No. 4E	Partition Order 11th July 1921
19. Hiwarau B No. 4F	Partition Order 11th July 1921
20. Hiwarau B No. 4G	Partition Order 11th July 1921
21. Lot 275 Parish of Waiotahi	Unregistered Crown Grant - 24th July 1872
22. Lot 276 Parish of Waiotahi	Order under Section 437 of the Maori Affairs Act 1953 - 17th November 1959.

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MEMORIAL SCHEDULE

NAME OF BLOCK: HIWARAU E

N.B.—The order or title notice should be referred to for search purposes.

Nature of Order or Instrument	Date	Reference
1. Changing Order Section 57(i)/1953 for costs in favour of M.T. - \$105	4. 8. 1969	Op. 45/111-124
2. Roadway Order over former titles of Hiwarau B1A, B1B, B2, B3 and A3 to give access to Hiwarau A9. (Roadway cancelled - see entry 15)	16. 11. 1961	Op. 37/97-8. - See 20
3. Order Section 438/1953 vesting in M.T.	4. 8. 1969	Op. 58/284-285 Op. 45/111-124
4. Order Section 438(5) setting out Trust Sec entry 21 Sec entry 23	SUPERSEDED - Op. 58/284-285 "	Op. 45/111-124 " - SEE 20
5. Endorsement under Section 233/1953 of Memo/lease of part 371a:21:03p to J.R. Edwards for 42 years from 1.3.1970 at \$426 pa. for 1st-14 yrs. No R/R of Camp. (Lease transferred - see entry 9)	10. 7. 1970	File 12/0000/22
6. Endorsement under Section 233/1953 of Memo/lease of part 52a:31:15p to Harry and Phillip Wilson for 42 yrs from 1.6.1970 at \$127.50 pa. for 1st-14 yrs. No R/R of Camp. (Transfer of lease - see entry 16)	29. 8. 1970	File 12/0000/22
7. Endorsement under Section 233/1953 of Memo/lease of part 351a:21:06 to Rene de Lolla for 42 yrs from 1.3.1970 at \$432 pa. for 1st-14 yrs. No R/R of Camp.	17. 9. 1970	File 12/0000/22
8. Endorsement under Section 233/1953 of Memo/lease of part 41a:21:00p to J. Manuel for 42 yrs from 1.3.1970 at \$114 p.a. for 1st-14 yrs. No R/R of Camp. (Lease transferred - see entry 15)	4. 12. 1970	File 12/0000/22
9. Transfer of lease by Public Trustee as Executor of Will of J.R. Edwards "Deceased" to L. Helmbricht as from (Lease transferred - see entry 7)	9. 12. 1971	T.N. 9516.
10. Order Section 433 cancelling Roadway Op. M.B. 37/97-8.	16. 11. 1961 24. 3. 1972	at Op. 47/222
11. Order Section 415/1953 laying out Roadway.	24. 3. 1972	Op. 47/222

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MEMORIAL SCHEDULE

NAME OF BLOCK: HIWARAU C

N.B.—The order or title notice should be referred to for search purposes.

	Nature of Order or Instrument	Date	Reference
12	Close Section 42/1953 (recommending Roadway of 24.3.1972 at Opoua B. 47/272 be proclaimed Road.	27.6.1972	Opo. 46/261
13	Expropriation under Section 233/1953 of Memo/lease of part 37a: 31.26p to Rene de Lalle for 40 years from 1.6.1972 at \$186 per a. for 1st-14 yrs. No R/R of camp. see entry No. 24.	31.10.1972	File 17/000/22
14	Order in Council proclaiming that Roadway containing Ga: 11:29p be Road.	31.10.1972	NZGaz. N. 89/2242 (N. 10308)
15	Lease of part 414: 25.00 to J Manuel transferred to K Luketapu as from	26.3.1976	(N. 1044)
16	Commission of lease of part 52: 3.01p by Suro to Phillip Wilson solely following death of Philip Wilson	8.3.1978	(N. 1050)
17	Lease of part 372: 21.03p to L Helm bright transferred to H J Clark as from	28.10.1978	(N. 12370)
	Re-entered - Np 25.		
18	Roll/Special Valuation: Valn Ref: 750/112 R, 114, 183/183/187 Date: 1/10/1976 C.V. \$ 134,000 L.V. \$ 117,600 I.V. \$ 16,400 Entered by: _____ Checked by <u>AS</u>		
19	Roll/Special Valuation: Valn Ref: 7500/112 PT, 114, 187, 109 Date: 1/10/81 C.V. \$ 350,500 L.V. \$ 313,000 I.V. 37,500 Entered by: <u>AR</u> Checked by <u>A</u>		
20	ORDER REQUESTING IN BENEFICIAL OWNERS. (P. T. O)	1. 10. 81	OPO 58/284-286

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MEMORIAL SCHEDULE

NAME OF BLOCK: - HIWARAU C -

N.B. - This order or title notice should be referred to for search purposes.

	Nature of Order or Instrument	Date	Checked	Reference
21	ORDER VESTING UNDER SEC 438 - IN THE MAORI TRUSTEE	11.10.88	8	OP 58/284 1/286
22	ORDER SEC 438 (2A) APPOINTING ADVISORY TRUSTEES VIZ: WILLIAM CAKES TAPUNA JEWINI DAVID DEMANT NIREMU REWIRI RAY TUHI MOIRA EDWARDS	11.10.88	8	OP 58/284 1/286
23	ORDER SEC 438 (5) TERMS DEFINED PTMT 25/82 * Appln 423 & 424 lodged 12.5.86	11.10.88	8	OP 58/284 1/286
24	Transfer of leasehold from R.A. De Loree to I.A. P. De Loree. * Orders Sec. 424 & 423 cancelling following rdws: a) 1.7139 ha b) 5545 m ² 0560 m ² which is now part of Nukuhou River	20.8.86		T.N. 16125 62 OPO 195 63 OPO 614
25	Part Hiwarau C 377a 2-03p declaration of reentry onto the land by the agent of the Maori Trustee for authorities and other details see document. Lessee: Howard John Clarke. Endorsed Sec 233 16-12-87			TN 17491
	OP 31/74 OPO SEC 213/53 25.3.86			
	Pending Appn 31942 Sec 30(2a) Maori Trustee 17.4.88			
	" " 32055 " " " " 11.5.88			

PARTICULARS OF TITLE TO LAND

Name and description of land: Hiwarau C

Nature and date of Court Order: Order Cancelling Several Titles and Substituting one title
(937 Ac: 3 R: 03 p)

Area:

Block and survey district: VII e XI Whakatane S.D County: OPOTIKI

Number of owners: 537 approx.

Names and shares, minors' ages, and trustees, where not more than 10 owners:
(Where more than 10 owners, number of owners to be stated.)

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (i)
- (j)

Whether land surveyed: ML 6173 and ML 6174

What parent block is last surveyed: -

Survey charges due: -

Rate charging orders: -

Succession duty due: -

Court fees due: -

Whether partition orders have gone through to District Land Registrar L.T. Ref: Vol. Fol.

Any former existing Land Transfer Title:

Alienations completed or pending:

Where leased, name of lessee, term of lease, date from which lease runs, annual rental, whether right of renewal or to compensation for improvements, and whether any purchasing clause:

Leased to Howard J. Clarke: Refer Entry 25 on Memorial Schedule
377 ac: 2 R: 03 p. Part BIK only.

Sinking Fund at 1 / 1

Whether further applications pending in respect of land (partitions, appeals, exchanges, etc):

Appl 31942: Sec 30 (1)(e) and Appl 31974 Sec 213/53

Whether incorporated (give date) or subject to provisions of particular part of Maori Affairs Act 1953 and whether for sale or lease:

Whether subject to any restrictions: Sec 438 Trust vesting in Maori Trustee

Existing Government valuation: C.V. 350,500 L.V. 313,000 Imp.: 37,500 Date: 1.10.81

Prepared by	<u>[Signature]</u>
Checked by	



File Ref: Appln 32055
Panui No: 56

THE MAORI TRUSTEE
ROTORUA

Attention: Mr T Wi Rutene

SECTION 30(1)(a)/1953 : PART HIWARAU C BLOCK

This is to advise that the above application has been set down for hearing as follows:

VENUE: Maori Land Courthouse
Louvain Street
WHAKATANE

DATE: Wednesday, 8 June 1988

TIME: 10.00 am

This application has been set down for hearing at Whakatane as there are insufficient cases to hold a sitting at Opotiki. You may appear only if you wish to be heard this month otherwise it will be adjourned to the next Court sitting.

Please note that the following directions have issued from the Court.

- 1 The Maori Trustee to serve lessee with copy of application and date of hearing.
- 2 Applicant to file affidavit of service covering (1) above at or before hearing.
- 3 Failure to comply with these directions will result in the application being adjourned.


Mrs B G Hubner
Maori Land Court

17 May 1988



80 WHAKATANE MINUTE BOOK 92

At Whakatane - Wed 8 June 1988

Present - H K Hingston, Judge
M R Johnston, Clerk

54 TORERE SEC 61 - s 30(1)(a)/53

Mr T Wi Rutene for Maori Trustee:

I have had discussions with Mr Rogers, our lessee, he has paid us \$200 and has requested an adjournment to give him the opportunity of paying off the balance of about \$800. That is meet - to see if he can arrange the necessary funds over the next two months. Request adjournment to September.

Court: Adjourned accordingly.

55 PARISH OF RANGITAIKI B 38B 3A1 & OTHERS
s 30(1)(a)/53

Mr T Wi Rutene for Maori Trustee:

I seek an adjournment with the consent of the Lessee, Julian Tunui. It is a family block. Request adjournment to August.

Court: Adjourned accordingly.

~~56 PART HIWARAU C~~ - ~~-----~~ s 30(1)(a)/53

Mr T Wi Rutene for Maori Trustee;

Ask for adjournment - possible forestry venture pending. Request adjournment to September.

Court: Adjourned accordingly.

57 PART HIWARAU C - s 30(1)(a)/53

Mr T Wi Rutene for Maori Trustee:

No proof of service. Request adjournment to July.

Court: Adjourned accordingly.


Judge

M.A. 172

Telegraphic Address: MAORIFAIRS



Our reference: APPLN. 32055

Your reference:

MAORI LAND COURT
WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

8 August 1988

MAORI TRUSTEE
ROTORUA

Attention: M. T. Wiriutene

Dear Sir/Madam

Plot HUNDRAU C BLOCK

This is to advise that your application under Section: 30 (1)(g)/53
has been set down for hearing as follows:

Time: 10.30am

Date: Wednesday 7 September 1988

Venue: St Marys Parish Centre, 23 Kelly Street, Opotiki

Please note that the address for St Marys Parish Centre is
23 Kelly Street, Opotiki and not Elliott Street as previously
advised.

Yours faithfully

Mrs R H Derwin
for Registrar



I also ask for an order pursuant to sec 32/53 for payment of moneys held on beneficiary card 23441 (Tairawhiti) as follows:
\$40 to applicant for expenses
Balance to all entitled equally.

COURT

Persons entitled are nos 1-11 inclusive equally at 10 AT 365 with substitution of issue.

No objections

Orders accordingly.

97 PART HIWARAU C - s 30(1)(a)/53

Mr Petersen for Lessee
Miss Perfect for Maori Trustee

This is being settled. Ask for dismissal.

COURT

Appln dismissed.


92 OPAPE 5A1 - s 438(3)(b)/53

MISS PERFECT

Meeting of owners held. Wish Maori Trustee to tender lease - need variation of terms of trust to permit this.

COURT

Order sec 438(3)(b)/53 amending terms of trust in accordance with approved draft.


Judge

