

TE KOOTI WHENUA MAORI



MAORI LAND COURT

Our Ref: A19990003652

24 June 1999

Tarati Carrington  
53 King Street  
OPOTIKI

Kia ora

**BLOCK: WHAKAPAUPAKIHI 5**

Enclosed herein is a copy of the Courts decision made at Gisborne on 1 June 1999, reference 55 Ruatoria Minute Book 40-42, for your information.

Naku noa na

E A South (Mrs)  
for Registrar

Enc



EXTRACT OF MINUTES FROM 55 RUATORIA MINUTE BOOK FOLIOS 40-42

**Place:** Gisborne  
**Present:** W W Isaac, Judge  
S D MacGregor, Clerk of the Court  
**Date:** 1 June 1999  
**Panui No:** 21 Application A19990003652  
No:  
**Subject:** Whakapaupakihi 5  
**Section:** S.220/93

Mr Goldsmith (for Maori Trustee)

On 15 February 1999 a notice was sent to the owners in this block calling a meeting of owners on 20 March 1999. The meeting was called to discuss the current administration and utilisation of the block and to consider the formation of a 1993 Ahu Whenua Trust appointing Responsible Trustees to administer the block into the future.

The meeting was held and the following resolutions were carried by those owners present:-

1. A 1993 Ahu Whenua Trust is to be formed appointing new Responsible Trustees from among the owners to administer the block into the future. The new Trustees nominated are:-

(Pene) Pehimana Haapu Brown, 213 Kaitara Road, RD4, Te Karaka  
Tarati Carrington, 53 King Street, Opotiki  
Leonard Apanui Brown, Bells Road, Waimana  
John James Hata, P O Box 110, Opotiki (present in Court)  
Henry Russell Hollis, 1532 SH 2, RD7, Te Puke (present in Court).

2. The new Trustees will administer the block into the future and are to carry out investigations re the future utilisation of the block. In the meantime the current lease to Mangatu Blocks will continue to expire on 30 July 2005.

The Maori Trustee now makes application to the Court to confirm and appoint the new Trustees as above under a new 1993 Ahu Whenua Trust.

The owners were invited to the Court hearing by notice dated 18 May 1999. They were advised that if unable to attend they may write to this office or to the Court direct expressing their views or proposals.

The nominated Trustees were advised that they will be expected by the Court to attend the Court hearing to support their appointment otherwise they should write to the Court direct detailing their support and qualifications to be a Responsible Trustee.

264 notices were sent and 6 notices returned.

Court

Do any owners in this block wish to say anything in relation to the Maori Trustee's submission?

John Hata

Firstly I'd like to apologise for our fellow Trustees from Whakatohea – Tarati Carrington and Len Brown. They both had engagements and in Len Brown's case he's at this time sitting with the Environment & Regional Council in Whakatane and Auntie Dolly has a commitment with her Welfare League and she couldn't come away so I apologise for them.

Court

Have you heard from Mr Brown?

John Hata

He resides here and I haven't seen him. Russell and I come from Tauranga and Opotiki to be here just to confirm and endorse the wishes of our beneficiaries. In so doing I'd like to extend congratulations for the part that the Maori Trustee has spent in the administration of this No. 5 block. It was lying in limbo for some time and through 6 & 7 block and No. 2 block, we've been trying to develop and get an association going to make those blocks a better proposition both productively and financially. We're taking great strides in the No. 2 block with the help of the Maori Trustee. I'd like to thank them for the hard work that they have put in with us. At our meeting Tas took over the chairmanship and I'd like to congratulate him for that and the decisions that were made and now we are here after being appointed by the beneficiaries as the Responsible Trustees. Russell can speak for himself but we will endeavour to the best of our ability to get further better production and financial gain for our beneficiaries in the future.

Court

As far as the lease of Mangatu is concerned, have you got full details of that lease?

John Hata

Not yet sir. We will meet with the Maori Trustee in due course and discuss that.

Russell Hollis

I'd just like to endorse my colleague John here. We've been Trustees for quite a few years with the Maori Trustee and we're still Trustees on No. 2 and on 6 & 7 as well. I'd just like to congratulate Tas for the job and effort he had to put up with with all the shareholders but I think we got there in the end. That's all I have to say sir.

Court

Are there any other owners from this block who wish to say anything? (*No response*).

This land has certainly had a history for the Court and I know that the Maori Trustee has had to work long and hard in respect of these blocks and the blocks that you've mentioned and certainly Mr Collier has put in a lot of work and I'm sure that he is worthy of and grateful for the congratulatory remarks that you've made. I just wonder whether anyone had heard from Pene Brown (*no response*).

What I'm going to do as far as this application is concerned, I'm satisfied firstly that the Court can make the orders as sought. The notices were sent out and the meeting held and there's indication from the meeting that the owners certainly supported the formation of the Ahu Whenua Trust in respect to No. 5 block. Order S.215/93 & S.219/93 constituting and Ahu Whenua Trust and setting out the terms of Trust. Order S.222/93 appointing as Trustees Pene Brown, Tarati Carrington, Leonard Brown, John Hata and Henry Hollis. As far as the appointment of Pene Brown is concerned, as we have nothing from him today as to whether he wishes to continue as a Trustee, I'm going to make that appointment conditional upon him advising the Court within the next 2 months that he in fact wishes to be a Trustee. If the Court doesn't hear from him within that time, then the other 4 people will be appointed as Trustees. Order S.220/93 vesting Whakapaupakihī 5 into the names of the Trustees.

John Hata

If I may sir, our two Trustees from the Whakatohea side are very capable and there are Trustees on No. 6 & 7 and also No. 2 and I would like to point this out that we in the Whakatohea we would like to retain Pene as a representative from the Mangatu side because we're all one family and we always have one from Mangatu or two in the case of 6 & 7.

Court

I'm sure it's just an oversight on his behalf either to notify the Court of his non appearance or that he wishes to continue being a Trustee because I have certainly dealt with Mr Brown in the past and he's normally been very punctual and on the ball with regard to these matters.

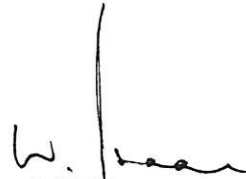
3.

John Hata

Russell and I would like to endorse his standing as a Trustee.

Court

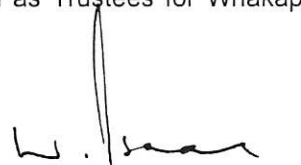
Copy of minutes to (5) Trustees.



JUDGE

**Application Recalled**

This application for Whakapaupakihi 5 was heard earlier today. At that time I made the appointment of Pehimana Brown conditional upon him advising the Court that he still wished to be appointed as a Responsible Trustee. I have now been handed a note from one of the Court officers that Mr Brown contacted the Court on 31 May 1999 advising that he would not be available today but he still wished to be involved as a Trustee in this block. As I indicated at the Court sitting, the Court was aware of Mr Brown's ability and experience to be a Trustee and accordingly I amend the order which I made earlier and confirm the appointment of all those persons named as Trustees for Whakapaupakihi 5 including Mr Brown as a Responsible Trustee for this block.



JUDGE