

OPD 63 198-205/7/1

MAORI LAND COURT

WAIARIKI

DISTRICT

Date of Receipt: 7-6-88 Land: HOUPOTO TE PUA N°1 AND N°2 File No. 32158-ROT

Applicant: ^{ERUETI KOOPU,} HANNAH GRANT & SIBBERT - (BARRISTERS & SOLICITORS)

P.O. Box 645, ROTORUA

Subject: SEC. 438 (3)(a)/53 - APPLN TO APPOINT ADDITIONAL TRUSTEES

ASSOCIATED APPLN 32157 To: 32160

MEMORANDA

Advertisc
Ordered/Dismissed

63-13-099-198 & 199

93

02 AUG 1988

Adjourned

MB /

MB /

W.H.K

12.09.88

3.8.88

M.A. 172

WP 1245C Disk 76C 24. 8.87 (400)

Teleg. hic Address: MAORIFAIRS

Fax 073 05019



Our reference: Appln. 32158 - Ret

Your reference:

MAORI LAND COURT WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

20.9.1988

Copies to:

- ① Trustees
- ② Opotiki County Council
- ③ Va/N Dept
- ④ file
- ⑤ Original to Birder
- ⑥ Solicitor
- ⑦ Mem. Sched. notes.

Dear Sir/Madam

Houputo Te Pua no.1 and no.2

Please find attached for your information a copy of the following
Order(s) made at 63 Opotiki Minute Book 198
on the 2nd day of August 19 88

Yours faithfully

Nik Muter
for Registrar

Encl

ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as
Houpoto, Houpoto Te Pua
No. 1 and Houpoto Te Pua
No. 2

AT a sitting of the Court held at Opotiki on the 2nd day of August 1988
before Heta Kenneth Hingston, Esquire, Judge.

WHEREAS on the 4th day of November 1987 the Court did vest the Maori
freehold land known as Houpoto, Houpoto Te Pua No. 1 and Houpoto Te Pua
No. 2 in trustees pursuant to the provisions of section 438 of the Maori
Affairs Act 1953:

AND WHEREAS an application was made by E T Koopu to vest the said land in
additional trustees, Larry Takamoana Delamere and Danny Craven Poihipi:

NOW THEREFORE upon reading the said application AND UPON HEARING all the
evidence adduced in support thereof and being satisfied on all matters
upon which it is required to be so satisfied THE COURT DOETH HEREBY ORDER
pursuant to section 438(3)(a) of the said Act and with their consent that
the said land be and the same is hereby vested in:

Erueti Tiketikeirangi Koopu of State Highway 35, Maraenui, Dairy Farmer
Tamehana Wharepapa of State Highway 35, Omaio, Retired Farmer
Te Kahautu Maxwell of Otara Road, Opotiki, Shop Proprietor
William Takamoana Delamere of 12 Grey Street, Kawerau, Retired
Koro Tawhai of State High 35, Omaio, Driver
Larry Takamoana Delamere of 154 Valley Rd, Whakatane, Pulp & Paper Worker
Danny Craven Poihipi of RD 1, Opotiki, Post Office Technician

Subject to present trust

AS witness the hand of the Judge and the Seal of the Court.



Judge

63 OPOTIKI MINUTE BOOK 198

At Opotiki - Tues 2 August 1988

Present - H K Hingston, Judge
R Waiapu, Clerk

93 HOUPOTO TE PUA NO 1 AND NO 2 - s 438(3)(a)/53

Mr Grant: I filed application following meeting of owners held 24.4.1988 at Maraenui Marae.

I produce copy of minutes of meeting - I submit that in a meeting of owners a Trust resolution not binding on Trustees but rather to give owners a choice to consider persons available.

Thus A.G.M. notices and advertising of time and venue - this sufficient to give owners a chance to be heard.

As to ownership lists - the list obtained from Court was incorrect, some successions not recorded - in terms of lists from Court 13 owners present but I believe there were more.

Court: Should Trustees be increased?

Mr Grant: Land leased for Forestry, there are proposals - further application before Court for Trust to purchase further land.

Dealing with points in letter of Mrs R Martin -

- (i) proposed Trustees are present in Court;
- (ii) no need for scrutineer - voting by show of hands;
- (iii) Proxies were put to Chairman at meeting, he accepted all but two. This the proper procedure;
- (iv) List of owners covered earlier;
- (v) quorum - referred to earlier.

T K Maxwell:

The new Trustees proposed have excellent record of attending meetings.

Court:

I accept answers to Mrs Martin's letter.
However, I wonder whether 7 Trustees too many?

Discussion by persons in contradiction to this.

Mr Grant:

A large pool of Trustees makes for ease of sub-committees to deal with various matters arising out of the Trust.

Court: Stood down until Case 92 dealt with.

Continued folio 199 -

92 HOUPOTO TE PUA NO 1 and 2 - s 66/56

Mr Grant: Mr Koopu has applied on behalf of Trustees.

- (1) Proposed purchase of freehold land - Lockwoods property - this was once Maori land in much the same ownership as Trust - Lockwoods wants to sell - area 460,5272 ha.
Tunapahore 3 - I produce valuation of Atkinson & Boyes dated 11 July 1988. The value is \$210,000 as per report - Vendor asking \$320,000.

General discussion about price.

Court: Court prepared to direct that Trustees proceed up to 10% more than valuation produced.

Order s 66 Trustees Act accordingly.

Mr Grant: Also Collier property - this is land leased to Mr Collier - he wishes to sell lease to Trustees.
Mr Alister Hall has prepared report indicating property viable - agreement is for \$110,000. Mr Hall suggests \$100,000 for lease - Block is Maraenui 62 & Pt A2.

Mr Erueti Koopu: This is again an opportunity to get land back - the land is deteriorating D.M.A. considering.

General discussion about proposals and aggregation of ownership.

Mr Grant: Mr Koopu's lease - it could help if it was taken over.

Court: The Court is not against the proposals. However, if Mr Koopu's lease is included, and it appears good sense that it is, then there are two factors:-

- (i) eventual ownership (suggested aggregation);
- (ii) borrowing finance to accomplish this.

As it appears D.M.A. will come out of this exercise better off because it will have a better lessee - i.e. the Trust. I am of the view that it should assist with mortgage finance at attractive interest.

I also believe that any purchase of these leases must be accompanied by aggregation of the freehold with the Trust.

Adjourned to Rotorua to allow Trustees, Mr Grant and Judge to discuss with D.M.A.

93 As to Trusteeship -

Court: In view of what is being contemplated Court agrees to increase Trustees, therefore -

Order s 438(3)(a)/53 as sought in application 93.


Judge

~~4~~

93

1138 (2)

11/10/76 The Proc
No 1 & No 2

No 9/11 - 9/11
of the meeting - 9/11
held 24/4/76 at
Marae ni Mara

9 produce copy of minutes
of meeting - 9 submit text
a meeting
a meeting on
on a time resolution
on minutes but rate
rate to give own a
chance to consider person
available.

This a.g.m. notice
advertising of time & venue -
this sufficient to give
own a chance to be
heard.

to ownship list,
to list obtained
for copy was incorrect
some encumbrance not
recorded. - in item 9
list for and 13 own
present but 9 before
there were none

MB

2/

Board - should Timber be
increased
to Govt - land leased
for Forestry
then are proposals for
affinity before Govt for
Trust to purchase public
land.

Deputy and points
test. tells of Mrs R Martin.

- (i) ~~Board~~ proposes Timber
are paid in cash
- (ii) ~~Board~~ no need for
scrutiny voting by show
of hands
- (iii) Proxies were put to
change of weekly to
accepted all next two. Then
to proper procedure
- (iv) List of own covered
sections
- (v) ~~Board~~ - referred to
action

M

T. K. Maxwell the man
Trustees ~~pro~~ prepared here excellent
record of attending meetings

could I accept an amount
to this particular letter
however I would
wishes I think too
many

The discussion by persons
in connection with the
the group a large
pool of timber values
for ease of sale - committee
to deal with same
within a very short
the time.

CI stood down mt. 1

also on health mt.

the group the Kootenai
has applied on behalf
of Timber

(1) prepared purchase of
freehold land - Lockwood,
probably the was one
piece land for mt
to same ownership as
the Timber - Lockwood
wants to sell - also
460.5272 ha
Timapahore 3 - of
proposed value of

5/

the that suggests \$100,000 per
lease - Block is ~~Mar-a-Lago #2~~
62 e PT 192
MV Emilio Koopfer This

is again an opportunity
to get last bucket the
land is deteriorating
B.M.A. considering

general disarray about
proposals. and requirements
5) summary

~~Mr. Quinn~~ ~~also~~ - lease
~~of Mr. Koopfer~~
Mr. Koopfer's lease
it could help if it was
~~not~~ taken over

Could The low is not
agreed the proposal, however
if Mr. Koopfer's lease is
included, and it appears
good sense that it is

Then there are two factors
(I) eventual ownership
(expected acquisition)

(II) Borrowing funds to
accomplish this.

As it appears D.M.A.
will come out of their
exercise held off because
they expect it will have a
social license - i.e. to find
I am a user that
it should assist ~~it~~
with ~~the~~

~~the following information is for your information only~~

working since it
abstract in the

I also believe that
any purchase of their loans
must be accompanied by
aggregation of the proceeds
with the trust -

Ad to Rep to allow
Trust for fund and July 97
to discuss with D.M.A.

to Trustee

CI in view of what
is being contemplated CI
agrees to under Trust
therefore, and

570 USC 37(a) 57 a.
signed in March 95

MARAE AENUI MARAE
SUNDAY 24 APRIL 1988

HOUPOTO TRUST A G M

Those present as per schedule.

COMMITTEE: Koro Tawhai, Bill Delemere, Dudu Maxwell, Erueti Koopu
Tamehana Wharepapa.

INVITED: John Grant, Rob Tait, Peter Keach.

CHAIRMAN: Dudu Maxwell

SECRETARY: Erueti Koopu

Opening prayer by Tama Gage
Mihi by Chairman and Pakeke.

Peter Keach is invited to give his forestry report - copy held with Secretary. The report covers the period from since last AGM of 1985 till 1988. It is anticipated that maturity of the forest will be in the year 2000 or thereabouts - the majority of the forest is being grown for sawlogs. Job opportunities exist at present for pruning and thinning though areas are limited now.

Minutes of last AGM read and adopted as a true and correct record.
MOVED: Bill Delemere **SECONDED:** Koro Tawhai.

No discussion on minutes.

Meeting returns to the completion of forestry report. Report adopted.

MOVED: Tangiora Mapu Tohiariki **SECONDED:** Ripeka Martin.

Accounts for years 1985, 1986, 1987, 1988 presented by Accountant. Larry Delemere questions the honorarium of secretary and also lawyers expenses. \$1000 honorarium shown however no evidence to show secretaries input. Bill Delemere asks why Trust has to pay legal costs incurred during negotiations with Horouta Sawmills. Secretary responds to question of honorarium and his input. John Grant responds as legal adviser for the Trust re Horouta. He was acting for the Trust and Horouta Sawmills has its own legal representative for its business. In no way did he act for Horouta. Accountant then proceeds to explain accounts in more detail and question and answer session follows.

Adoption of accounts.
MOVED: Stuart Porikapa Koopu **SECONDED:** Rarua Insley.

Election of replacement Trustees. Owners were informed that at the last committee meeting of 17 March 1988 it was decided to increase membership of trustees to seven i.e. replacing deceased trustees Taka Koopu and Kiwa Ngamoki. When Koro Tawhais position on standing again was clarified then advertise vacancies. Koro decides to stay on. Owners were asked if they wanted Trustees increased as per committees decision. It was **MOVED** by Bill Delemere and **SECONDED** by Emma Rogers that trustees be increased to seven.

Nominations called for to fill two vacancies:

Two nominations tabled.

1. Larry Takamoana Delemere nominated by Rangitiaho Tatana Koopu. Dated 20 April 1988
2. Danie Craven Poihipi nominated by Tangiora Rewita. Dated 17 April 1988

Nominated from the floor.

1. Hoera Koopu nominated by Porikapa Koopu Seconded by Emma Rogers.

Proxies tabled.

5 in favour of committee member William Takamoana Delemere. 1 in favour of Peter Collier. 1 in favour of Larry Takamoana Delemere. Proxies accepted by Chairman.

Voting by show of hands. Confusion arises as to who is entitled to vote. Many of those present consider that they are eligible and some produce evidence to show that court has approved succession orders years ago. However the present list of owners (picked up from the Maori Land Court by Solicitor on Friday 22 April 1988) still shows deceased persons who have long since been succeeded to.

It was decided that the current list be used to determine eligibility for voting. Voting proceeds by show of hands. Through majority vote

**LARRY TAKAMOANA DELAMERE
DANIE CRAVEN POIHIPI**

are elected as replacement trustees.

INWARD CORRESPONDENCE:

1. Tangiora Mapu Tohiariki - re notice of motion.
2. Letter to chairman from Des Frost re Peter Colliers lease.

1. Letter from Tangiora is tabled and read to owners. After having listened to various owners expressing their views on the matter Chairman asks Tangiora if she would withdraw her letter. This she accepts to do.

2. Owners decide that committee should definitely look into prospects of buying Peter Colliers lease. Leave to committee.
MOVED: Hoera Koopu **SECONDED:** Tangiora Mapu Tohiariki.

Larry Delamere asks that AGM be held annually. Solicitor explains position is that Trust order will have to be varied to accommodate this - not recommended.
The recommendation that an AGM be held annually was carried.

General discussion followed on Allot 269. Rates position of concern. Solicitor to look into section under which we as a Trust can have rates remitted.

3.

Roger Rakuraku is chairman of Pakohai trustees who have passed an interest in this section.

Meeting closed 6.30pm

CHAIRMAN

Waiwairangi Karaka
 Sunday 24th April 1988
 Houpoia Trust 7 AM.

Those present as per schedule.

Committee: Koro Tashari, Bill Delamere,
 Dudu Maxwell, Kruti Koopa, Tanehan
 Whangapapa.

Invited: John Grant, Rob Tait, Peter Keach

Chairman: Dudu Maxwell

Secretary: Phil Koopa

Opening prayer: by Tana Crage
 kibi by chairman and Patoko.

Peter Keach is invited to give
 his forestry report - copy held
 with secretary. The report covers
 the period from since last
 AGM of 1985 till 1988.

It is anticipated that much
 of the forest will be in the
 year 2000 or thereabouts -
 the majority of the forest is
 being grown for sawlogs.
 Job opportunities exist at
 present for pruning & thinning
 though areas are limited.

minutes of last AGM read
 and adopted as a true and
 correct record.

moved Bill Delamere
 2nd. Koro Tashari

No discussion on minutes.

Meeting returns to the completion
 of forestry report.

Report adopted.

moved
 2nd

Tangiorua Māori Johani
 Repaka Māori

Accounts for years 1985, 1986, 1987, 1988 presented by Accountant.
 Larry Delamore questions the honorarium of Secretary and also lawyers expenses ^{from a hologram shown} evidence to show Secretary's input.
 Bill Delamore asks why ^{John Grant} has to pay legal costs incurred during negotiations with Horouta Sawmills. Secretary responds to question of John Grant and responds ^{as legal adviser for the Trust} that he was acting for the Trust and Horouta Sawmills has its own legal representative for its business. In no way did he act for Horouta.
 Accountant then proceeds to explain accounts in more detail and question and answer session follows.

adoption of accounts.

Approved Stuart Porikapa Koopu
 2nd Emma Valley.

Election of replacement trustees. Owners were informed that at the last committee meeting of 17 March 1988 it was decided to increase membership of trustees to seven i.e. replacing deceased trustees Taha Koopu and Kiwi Ngamaki when Koro Taitai's position ^{on standing again} was clarified then advertise vacancies. Koro decides to stay on. Owners were asked if they wanted trustees increased as per committee's decision. It was moved by Bill Delamore and Emma Rogers that trustees be increased to seven.

Nominations called for to fill two vacancies.

Two nominations tabled.

1. Larry ~~Delaney~~ ^{Takanawa} Delaney nominated by Rangitikei Takanawa Keopu. Dated 20/4/88
2. Bani Craven Pihipi nominated by Rangera Rewita. Dated 17/4/88.

Nominated from the floor.

1. Hoera Keopu nominated by Potikapa Keopu seconded by Emma Rogers.

Proxies tabled.

- 5 in favour of committee member ^{including} Takanawa Delaney
- 1 in favour of Peter Collier
- 1 in favour of Larry Takanawa Delaney.

Proxies accepted by Chairman.

Voting by show of hands. Confusion arises as to who is entitled to vote. Many of those present consider that they are eligible and some produce evidence to show ^{that court} ^{orders years ago} has approved succession. However, the present list of owners (picked up from the Hāori Land Court by solicitor on Friday 27 April) still shows deceased persons who have long since been succeeded to.

It was decided that the current list be used to determine eligibility for voting.

Meeting proceeds by show of hands.

~~Hoena. Hoena. 13
Larry J. Delamere. 9 plus 7 proxies = 16
Danny Pohipi 9 plus 7 proxies = 16~~

Through majority vote
Larry Tahamoa. Delamere
Daru Craven Pohipi

are elected as replacement
trustees.

Inward correspondence.

1. Tangiora Kopu Johiaki - re notice of motion
2. Letter to chairman from Mrs Frost re Peter Collins lease.

Re 1. Letter from Tangiora is tabled and read to owners. After having listened to various owners expressing their views on the matter chairman asks Tangiora if she would withdraw her letter. This she accepts to do.

Re 2. Owners decide that committee should definitely look into prospects of buying Peter Collins lease. Leave to committee. Moved Hoena Kopu 2nd Tangiora Kopu - Johiaki. Larry Delamere asks that AGM be held annually. Sullivan explains position is that Trust orders will have to be varied to accommodate this - not recommended. The recommendation that an AGM be held annually was carried.

General discussion followed
 on Allot 269. Rates position of concern
 Solicitor to look into section
 under which we as a Trust
 can have rates levied.
 Roger Rakauroka is chairman of
 Pukohai - Haukeas who have passed
 an interest in this section.

Meeting closed. 6.30 p.m.

Chairman

Department:

Subject

Section:

HOUPO TO TAUSI

File No.

Date:

To-

AGM. 24/4/88

Shareholders

Those present.

Name	Address	Signature
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✓ Tama Gage Omai		
✓ G. Rogers Okunaki Omai		G. Rogers

Imbraemua Pahene	Private Bag 54	Opotiki
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✓ Haere Keopu	Private Bag 42	Opotiki & Keopu
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✓ Te Kohiri Rini	9 Morrison St	Tareatua
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✓ Ripaka Gape	RD 1 Opotiki	Opotiki
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✓ Anne Le Rito	Post office Kutarere	R. Le Rito
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✓ Ripaka Martin	c/o Omaramutu Sch, R.D. 1	Shirazi
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Tom Collier		
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✓ Martin Gape	R.D. 1 Tarete	Opotiki
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✓ Wika Delamere	71 Goring St Opotiki	PH 56-838
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BY PROXY

Peter COLLIER	PRIVATE BAG 48	Opotiki
---------------	----------------	---------

D. Keopu	PRIVATE BAG 59	Opotiki
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BY PROXY

✓ Kenny Delamere	154 Valley Rd Waihi	Delamere
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✓ George Delamere	36 Domett Kawerau	Delamere
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✓ Norma Thole	P. Bag 9 Opotiki	PH 654, etc.
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✓ M. Pahi	P.O. Box 270 Opotiki	PH 52697
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✓ George Stewart Keopu	Omai	
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✓ Frank Alberf	Omai	J. M. Alberf
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W. Ballan	P Bag 8	Opotiki
-----------	---------	---------

✓ M.K. Lanchai (JP)	471	Opotiki
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✓ Parare	Anaru Highway 35	4x Kaha
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✓ Huri Mato	Pte Bag 94	Opotiki
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✓ M. MAPU-TOHIARIKI	Pte Bag 105	Opotiki
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MINUTE SHEET

Subject **A.G.M. 24 APRIL** Department:
THOSE PRESENT Section:
NAME ADDRESS File No.
 Date:

To-	NAME	ADDRESS
✓	Julie Kaye.	58 Larviers Rd Retouma.
	Terry Kaye	Omaio Store Opetiki.
	J.P. Delamere	Kawerau 12 Grey St-
✓	H. Wharepapa	Private Bag Omaio
	K. Taitai	P.O. Omaio
✓	Te Kahautu Maxwell	R.D.6 Opetiki
✓	E. Hooper	P.B. 100 Opetiki

12 OWNERS PRESENT IN PERSON
 THROUGHOUT THE MEETING.

MINUTE SHEET

Department:

Subject:

Section:

Hampshire Te P
No 112 2

File No.

24577D-4 pads/10/84MK

Date:

To-

Miss
Chard

12 noon
with
Monday
on leave all week
4.7.88

S 478 / 53

Plan my John
good school.

Tell me a week

of 18/6/88 - she
will return early

ask her if to

Wend, to deal with it

with Hugo ~ Ops Sep

W

Panui or Appln No: _____

Block: Whangape To pua No 1 & No 2

S _____ Applicant: i Koopa (5 Guro)

- 1 Set down for hearing at next Opohiki (Whangape)
- 2 The applicant(s)/solicitor to serve all owners whose addresses he/she knows and whose address can be ascertained from a search of Maori Trustee and Court records, with copy of application, _____ and date of hearing.

3 Applicant to file affidavit of service covering (2) above at or before hearing.

4 Applicant to be advised that failure to comply with these directions will result in application being adjourned.

5 Other directions

The letter of Mrs F
Meara
(1) Advise her of fixture
(2) Send her good copy

11.30
 Opo
 R. E. E.

H K Hingston
 Judge

[Signature]
 28.6.19 88

M.A. 172

Telegraphic Address: MAORIFAIRS



Our reference: Application
32158

Your reference:

MAORI LAND COURT
WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

19 July 1988

Hannah Grant & Gilbert
Barristers & Solicitors
P.O. Box 445,
ROTORUA

Attention: Mr Grant

Dear Sir/Madam

Huapoko Te Rua No 1 & No. 2

This is to advise that your application under section 438(3)(a)/53
has been set down for hearing as follows:

Time: 11:30am

Date: 2 August 1988

Venue: St Mary's Parish Centre, 23 Kelly Street, Opotiki

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

Yours faithfully

B. G. Hubner
for Mrs B G Hubner
for Registrar

RC:JH

Appln 32158

13 July 1988

Messrs Hannah Grant & Co
Barristers & Solicitors
RDX 11418
ROTORUA

Attention: J Grant

Dear Sir

APPLICATION SECTION 438(3)(a)/53 - HOUPOTO
TE PUA NO. 1 & 2

Our letter of 12 July refers.

... Unfortunately we failed to forward you the
enclosed letter written by Mrs Martin expressing
her concern on the above.

We now enclose the said letter.

Yours faithfully

Miss R Clark
for Registrar

Encl.

R.F. Martin
c/- Marumutu School
R.D.1
Opotiki

Sunday 19 June 1988

The Registrar
Maori Land Court
Private Bag
Rotorua

Dear Sir

I am writing to you as a concerned shareholder of Houpoto Trust.

I understand that the application to have replacement trustees confirmed by the Maori Land Court Judge is to be considered by submission and I believe that solicitor John Grant will be doing this. Before the Judge makes a decision I would like to convey my concerns to you in order that you can produce this letter to His Honour to highlight certain shortcomings relating to this application.

I, as well as a number of other shareholders, am vigorously opposed to the Judge confirming the appointment of replacement trustees for Houpoto Trust.

Replacement trustees were elected at the Annual General Meeting at Maraenui Marae on Sunday 24 April, 1988. I oppose the appointment on the following grounds:

1. Replacement trustees were not asked whether they accepted the positions or not. One replacement trustee was not even present during the meeting and had to be found. This I consider totally unacceptable in light of the responsibilities we shareholders place with these people.
2. No official scrutineer was appointed for the counting of votes.
3. Proxies were not formally accepted by the shareholders and it was not made clear who the proxies were in favour of.
4. The Maori Land Court list of owners is somewhat out of date and it was not possible to have a fair election at the meeting. A number of owners present had court orders to prove that they had actually succeeded quite some time ago but were unable to vote because their names did not appear on the current list.
5. Under the Trust Order it states that no general meeting shall be deemed to be constituted unless at least 20 beneficial owners are present in person throughout the meeting. From the schedule circulated among those present at that meeting less than twenty were identified as being shareholders according to the list of owners at that meeting.

Because of the abovementioned points I consider that the appointment of the replacement trustees should not be confirmed.

Yours faithfully

R.F. Martin
Ripeka F. Martin (Mrs)

Judge Hingston
Apply a letter referred for
your directions please.
Registrar
21/6/88

~~Advised that the appointment~~
~~will be confirmed~~
28/

M.A. 172
Telegraphic Address: MAORIFAIRS



Appln No 32158
Please quote this reference in
your reply

MAORI LAND COURT

WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone B2 189

Private Bag,
ROTORUA.

12. 7.19 88

Messrs Hannah Grant & Co
Barristers & Solicitors
147 Post 645
Rotorua
Attn: Mr Grant.

Dear Sirs

APPLICATION SECTION 438(3)(a)153
(Your client: Gneti Koopu).
Houputo Te Pua No. 1. + No 2. BLOCK

The above application has been set down for hearing
at St Mary's Parish Centre, Elliott Street,
Opoiki on
Tuesday 2. August 1988 at 11.30 am/pm.

Yours faithfully

M. K. Lenberg

for Registrar

PARTICULARS OF TITLE TO LAND

Name and description of land: Haupto, Heypoto Te Pua No. 1 and 2

Nature and date of Court Order: Section 65 (5) / 1967

Area: 52.54.0788 ha

Block and survey district: County:

Number of owners: Approx - 615

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: -

What parent block is last surveyed: -

Survey charges due: -

Rate charging orders: -

Succession duty due: N/A

Court fees due: N/A

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:

Refer to copies of memorial schedules attached

Sinking Fund at - / - / - N/A

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

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

Whether subject to any restrictions: -

Existing Government valuation: C.V. Not recorded L.V. - Imp.: - Date: -

Prepared by	<u>A. Hainpu</u>
Checked by	

MEMORIAL SCHEDULE

①

NAME OF BLOCK: Haukapo, Haukapo Te Pua No. 1 and No. 2

3. - The order or title notice should be referred to for search purposes.

Nature of Order or Instrument	Date	Checked	Reference
Order Sec 438 vesting in :-	31-3-83	<input checked="" type="checkbox"/>	Opo. 59/370
Eruti Tiketikerangi Koopu			
Takataka Orangi Koopu			
Kiwa Ngamoki			
Tamehana Wharepapa			
Je Kahautu Maxwell			
William Takamoana Delamere			
Koro Tawhai			
Order Sec 438 (5) setting out Terms of Trust	31-3-83	<input checked="" type="checkbox"/>	Opo. 59/370
Order Sec 438 (3)(b) varying the Terms of Trust	27-8-84	<input checked="" type="checkbox"/>	Opo. 61/18
Memo of Lease to Haukapo Te Pua Forest Ltd. Term 99 yrs w.e.f. 1.11.1976. Endorsed pursuant to S. 223/53	30.11.85		T.N 16346
Order S. 438 (3)(a) vesting land in alternative Trustees, namely: -	6.9.85	<input checked="" type="checkbox"/>	OPO 62/109
Eruti Tiketikerangi Koopu - P.B. 100, OPOTK1	} Superceded at OPO 63/95		
Takataka Orangi Koopu - P.B. 25, OPOTK1			
Tamehana Wharepapa			
Je Kahautu Maxwell			
William Takamoana Delamere			
Koro Tawhai			
Order section 50(1)(d) - Interlocutory Injunction against the HOROUTA TIMBER CO.	1-12-87	GWS	720 ROT MB 93 SILVOPROTECTIVE
Order section 50(1)(d) Interlocutory Injunction is dissolved	8-2-88	GWS	63 Opo 135

ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)
and section 27(2)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as
Houpoto Te Pua No. 1

AT a sitting of the Court held at Opotiki on the 4th day of November 1987
before Heta Kenneth Hingston, Esquire, Judge.

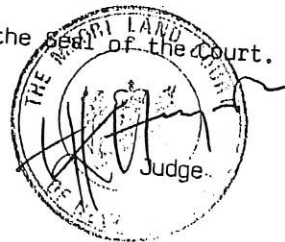
WHEREAS on the 6th day of August 1985 the Court did vest the Maori
freehold land known as Houpoto Te Pua 1 in trustees pursuant to the
provisions of section 438 of the Maori Affairs Act 1953:

AND WHEREAS upon hearing an application by the Deputy Registrar pursuant
to Section 438(3)(b) of the said Act the Court deemed it expedient
pursuant to Section 27(2) of the said Act to invoke Section 438(3)(a) of
the said Act by vesting the land in the present trustees less
Takataka-O-Rangi Koopu who is now deceased:

NOW THEREFORE upon reading the said application AND UPON HEARING all the
evidence adduced in support thereof and being satisfied on all matters
upon which it is required to be so satisfied THE COURT DOETH HEREBY ORDER
pursuant to section 438(3)(a) of the said Act and with their consent that
the said land be and the same is hereby vested in:

Erueti Tiketikeirangi Koopu, Private Bag 100, Opotiki
Tamehana Wharepapa, C/o NZ Post, Omaio
Te Kahautu Maxwell, RD, Otara, Opotiki
William Takamoana Delamere
Koro Tawhai, C/o NZ Post, Omaio

AS witness the hand of the Judge and the Seal of the Court.



ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)
and section 27(2)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as
Houpoto

AT a sitting of the Court held at Opotiki on the 4th day of November 1987
before Heta Kenneth Hingston, Esquire, Judge.

WHEREAS on the 6th day of August 1985 the Court did vest the Maori
freehold land known as Houpoto in trustees pursuant to the provisions of
section 438 of the Maori Affairs Act 1953:

AND WHEREAS upon hearing an application by the Deputy Registrar pursuant
to Section 438(3)(b) of the said Act the Court deemed it expedient
pursuant to Section 27(2) of the said Act to invoke Section 438(3)(a) of
the said Act by vesting the land in the present trustees less
Takataka-O-Rangi Koopu who is now deceased:

NOW THEREFORE upon reading the said application AND UPON HEARING all the
evidence adduced in support thereof and being satisfied on all matters
upon which it is required to be so satisfied THE COURT DOETH HEREBY ORDER
pursuant to section 438(3)(a) of the said Act and with their consent that
the said land be and the same is hereby vested in:

Erueti Tiketikeirangi Koopu, Private Bag 100, Opotiki
Tamehana Wharepapa, C/o NZ Post, Omaio
Te Kahautu Maxwell, RD, Otara, Opotiki
William Takamoana Delamere
Koro Tawhai, C/o NZ Post, Omaio

AS witness the hand of the Judge and the Seal of the Court.



ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)
and section 27(2)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as
Houpoto Te Pua No. 2

AT a sitting of the Court held at Opotiki on the 4th day of November 1987
before Heta Kenneth Hingston, Esquire, Judge.

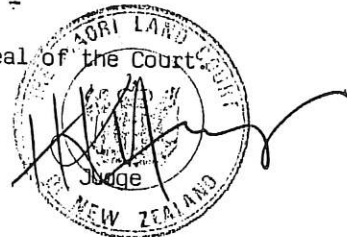
WHEREAS on the 6th day of August 1985 the Court did vest the Maori
freehold land known as Houpoto Te Pua 2 in trustees pursuant to the
provisions of section 438 of the Maori Affairs Act 1953:

AND WHEREAS upon hearing an application by the Deputy Registrar pursuant
to Section 438(3)(b) of the said Act the Court deemed it expedient
pursuant to Section 27(2) of the said Act to invoke Section 438(3)(a) of
the said Act by vesting the land in the present trustees less
Takataka-O-Rangi Koopu who is now deceased:

NOW THEREFORE upon reading the said application AND UPON HEARING all the
evidence adduced in support thereof and being satisfied on all matters
upon which it is required to be so satisfied THE COURT DOETH HEREBY ORDER
pursuant to section 438(3)(a) of the said Act and with their consent that
the said land be and the same is hereby vested in:

Erueti Tiketikeirangi Koopu, Private Bag 100, Opotiki
Tamehana Wharepapa, C/o NZ Post, Omaio
Te Kahautu Maxwell, RD, Otara, Opotiki
William Takamoana Delamere
Koro Tawhai, C/o NZ Post, Omaio

AS witness the hand of the Judge and the Seal of the Court



ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)
and Section 27 (2)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as Rangitaiki
28B6A

AT a sitting of the Court held at Opotiki on the 4th day of November 1987
before Heta Kenneth Hingston, Esquire, Judge.

WHEREAS on the 13th day of July 1982 the Court did vest the Maori
freehold land known as Rangitaiki 28B6A in Trustees pursuant to the
provisions of section 438 of the Maori Affairs Act 1953:

AND WHEREAS upon hearing an application by the Deputy Registrar pursuant
to Section 438(3)(b) of the said Act the Court deemed it expedient
pursuant to Section 27(2) of the said Act to invoke Section 438(3)(a) by
vesting the land in the present Trustees less Mani Pirini who has
resigned:

NOW THEREFORE upon reading the said application AND UPON HEARING all the
evidence adduced in support thereof and being satisfied on all matters
upon which it is required to be so satisfied THE COURT DOETH HEREBY ORDER
pursuant to section 438(3)(a) of the said Act and with their consent that
the said land be and the same is hereby vested in:

Cretina Keepa, Pohutukawa Avenue, Ohope
Leo Pirini, 83 Arawa Road, Whakatane

AS witness the hand of the Judge and the Seal of the Court.



ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)
and Section 27 (2)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as Te Kaha B6P

AT a sitting of the Court held at Opotiki on the 4th day of November 1987
before Heta Kenneth Hingston, Esquire, Judge.

WHEREAS on the 13th day of July 1982 the Court did vest the Maori
freehold land known as Te Kaha B6P in Trustees pursuant to the provisions
of section 438 of the Maori Affairs Act 1953:

AND WHEREAS upon hearing an application by the Deputy Registrar pursuant
to Section 438(3)(b) of the said Act the Court deemed it expedient
pursuant to Section 27(2) of the said Act to invoke Section 438(3)(a) by
vesting the land in the present Trustees less Mani Pirini who has
resigned:

NOW THEREFORE upon reading the said application AND UPON HEARING all the
evidence adduced in support thereof and being satisfied on all matters
upon which it is required to be so satisfied THE COURT DOETH HEREBY ORDER
pursuant to section 438(3)(a) of the said Act and with their consent that
the said land be and the same is hereby vested in:

Cretina Keepa, Pohutukawa Avenue, Ohope
Leo Pirini, 83 Arawa Road, Whakatane

AS witness the hand of the Judge and the Seal of the Court.



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ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)
and Section 27 (2)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as Te Kaha
B6P1B

AT a sitting of the Court held at Opotiki on the 4th day of November 1987
before Heta Kenneth Hingston, Esquire, Judge.

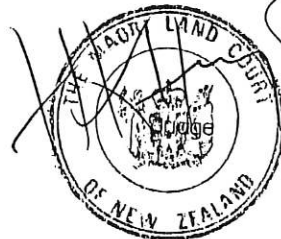
WHEREAS on the 13th day of July 1982 the Court did vest the Maori
freehold land known as Te Kaha B6P1B in Trustees pursuant to the
provisions of section 438 of the Maori Affairs Act 1953:

AND WHEREAS upon hearing an application by the Deputy Registrar pursuant
to Section 438(3)(b) of the said Act the Court deemed it expedient
pursuant to Section 27(2) of the said Act to invoke Section 438(3)(a) by
vesting the land in the present Trustees less Mani Pirini who has
resigned:

NOW THEREFORE upon reading the said application AND UPON HEARING all the
evidence adduced in support thereof and being satisfied on all matters
upon which it is required to be so satisfied THE COURT DOETH HEREBY ORDER
pursuant to section 438(3)(a) of the said Act and with their consent that
the said land be and the same is hereby vested in:

Cretina Keepa, Pohutukawa Avenue, Ohope
Leo Pirini, 83 Arawa Road, Whakatane

AS witness the hand of the Judge and the Seal of the Court.



ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)
and Section 27 (2)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as Te Kaha
30B2

AT a sitting of the Court held at Opotiki on the 4th day of November 1987
before Heta Kenneth Hingston, Esquire, Judge.

WHEREAS on the 13th day of July 1982 the Court did vest the Maori
freehold land known as Te Kaha 30B2 in Trustees pursuant to the
provisions of section 438 of the Maori Affairs Act 1953:

AND WHEREAS upon hearing an application by the Deputy Registrar pursuant
to Section 438(3)(b) of the said Act the Court deemed it expedient
pursuant to Section 27(2) of the said Act to invoke Section 438(3)(a) by
vesting the land in the present Trustees less Mani Pirini who has
resigned:

NOW THEREFORE upon reading the said application AND UPON HEARING all the
evidence adduced in support thereof and being satisfied on all matters
upon which it is required to be so satisfied THE COURT DOETH HEREBY ORDER
pursuant to section 438(3)(a) of the said Act and with their consent that
the said land be and the same is hereby vested in:

Cretina Keepa, Pohutukawa Avenue, Ohope
Leo Pirini, 83 Arawa Road, Whakatane

AS witness the hand of the Judge and the Seal of the Court.



Trust Order

Opotiki MB 61/18

NEW TRUST ORDER

The Maori Affairs Act 1953, sections 438(5) and 438(3)(b)
and Section 34 (10)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the Maori freehold
land known as Houpoto,
Houpoto Te Pua No.1 and
Houpoto Te Pua No.2

AT a sitting of the Court held at Rotorua on the 27th day of August 1984
before Norman Francis Smith, Esquire, Judge.

WHEREAS the Court did vest the Maori freehold land known as Houpoto,
Houpoto Te Pua No.1 and Houpoto Te Pua No.2 in Trustees pursuant to
section 438 of the Maori Affairs Act 1953 AND did declare the trusts upon
which the said Trustees shall hold the said land:

AND WHEREAS application has been made for a variation of the terms of the
said Trust:

NOW THEREFORE upon hearing all the evidence adduced in support thereof
and being satisfied on all things upon which it is required to be so
satisfied THE COURT DOETH HEREBY VARY the terms of the said trust by
making a new trust order under section 438(5) of the said Act in
substitution for the existing trust order to the effect that the said
Trustees shall now and henceforth until further or other order of the
Court hold the said land upon the trusts subscribed hereto.

AND IT IS FURTHER ORDERED pursuant to section 34 (10) of the Maori
Affairs Act 1953 that this order do issue IMMEDIATELY from the office of
the Court.

AS witness the hand of the Judge and the Seal of the Court.

Duplicate sent to the District
Land Registrar for registration

16/8/86.



Judge

1 Title

This Trust shall apply to the Maori freehold lands known as HOUPOTO, HOUPOTO TE PUA NO.1 AND HOUPOTO TE PUA NO.2.

2 Objects

Except as hereinafter may be limited the objects of the Trust shall be to provide for the use management and alienation of the land to best advantage of the beneficial owners or the better habitation or use by beneficial owners, to ensure the retention of the land for the present Maori beneficial owners and their successors, to make provision for any special needs of the owners as a family group or groups, and to represent the beneficial owners on all matters relating to the land and to the use and enjoyment of the facilities associated therewith.

3 Powers

The Trustees are empowered:

a. General

i In furtherance of the objects of the trust and except as hereinafter may be limited to do all or any of the things which they would be entitled to do if they were the absolute owners of the land PROVIDED HOWEVER that the Trustees shall not alienate the whole or any part of the fee simple by gift or sale other than by way of exchange on the basis of land for land value for value and then effected by Court Order or in settlement of a proposed acquisition pursuant to the Public Works Act or similar statutory authority or by partition as hereinafter provided.

ii The Trustees shall act personally or jointly PROVIDED THAT in the event of a division amongst the Trustees the decision of the majority of the Trustees shall be deemed to be given by all of them and be binding on the minority, PROVIDED FURTHER that the minority may if they so wish avail themselves of the provisions of paragraphs 5 and 6 hereof.


b Specific

Without limiting the generality of the foregoing but by way of emphasis and clarification as well to extend the powers of the Trustees it is declared that the Trustees are empowered:

i To buy

To acquire any land or interest in land whether by way of lease purchase exchange or otherwise.

1/1/18

- 11/1/18
- ii To subdivide
To subdivide the land in any manner permitted by law into such subdivisions or parts as may seem expedient to them, and to bring applications before the Court for partition orders to allocate such allotments amongst the owners in accordance with their entitlement.
 - iii To improve
To develop and improve the trust lands and to erect thereon such buildings fences yards and other constructions or erections of whatsoever nature as may seem necessary or desirable.
 - iv To employ
To engage employ and dismiss managers secretaries servants agents workmen solicitors accountants consultants surveyors engineers valuers and other professional advisers required to carry out the powers of the Trustees and to fix their remuneration.
 - v To borrow
To borrow money for the purpose of the furtherance of any of the trusts or powers herein contained whether or not with security over all or any real or personal property of the trust.
 - vi To set aside cash reserves
To accumulate income and to set aside such reserves as the Trustees in their discretion shall think fit for contingencies or for capital expenditure or to meet the cost of any investigation or in giving effect to any proposal as referred to in the immediately preceding subclause and so to retain in an accumulated profit account any portion of the profits which the Trustees think it prudent not to distribute to the beneficial owners.
 - vii To lend
To lend all or any of the money coming into their hands upon any securities in which trust funds may be invested by Trustees in accordance with the Trustee Act 1956 or in accordance with any other statutory authority upon first or second mortgage or contributory mortgage or to lend money through any solicitor's nominee company or upon any investment (whether authorised in accordance with the Trustee Act 1956 or not) approved by a resolution of the beneficial owners at a properly constituted meeting and to invest funds of the trust in any such investments not being
- 

Trustee Investments in terms of the Trustee Act 1956 as are from time to time approved by the beneficial owners by resolution at a properly constituted meeting of the said beneficial owners, AND in particular to invest in Maori International Limited and the business or partnership trading or intending to trade under the name or style of Cumberland Properties Limited and Company.

viii To pay own costs

From the revenues derived from the operation of the trust to pay all costs expenses and disbursements incurred by them including the costs of any person employed by them in the administration of the trust and of any Advisory Trustees or in the furtherance of any of the objects of the trust and including also the reasonable cost and travelling expenses of the Trustees in attending the meetings of the trust or in respect of any trust business PROVIDED HOWEVER that such expenses shall not exceed those payable under the Fees and Travelling Allowances Regulations 1952 or any amendment thereto.

ix To promote title improvement projects

At their discretion to bring and prosecute in the Maori Land Court on behalf of the beneficial owners any applications for amalgamation of titles, aggregation of owners, the inclusion of any further lands in this trust order, the exclusion of any lands from this trust order, the variation of this trust order to increase reduce or otherwise vary the powers hereby given to the Trustees or to bring any other application for orders within the jurisdiction of the Court that might facilitate the operation of the trust AND where appropriate as a matter of priority arrange all necessary surveys and effect registration of the Partition or other orders constituting title to the lands under the trust in the Land Transfer Office.

x To distribute

Subject to their being satisfied that proper provision has been made for reserves as referred to in clause 3 (b) (vi) hereof to distribute to the beneficial owners in accordance with their shares the whole or such part of the net proceeds as the Trustees shall at their sole discretion from time to time determine with power to pay moneys to the Maori Trustee for the purpose of effecting a distribution to the beneficial owners.

xi To permit occupation and enjoyment by the owners

At their discretion to reserve in any lease or licence or otherwise provide for any one or more of the beneficial owners to personally occupy use or otherwise enjoy such defined part or parts of the land as the Trustees shall determine having regard to the comparative shareholdings

and if any such right is reserved licensed or otherwise provided for but to one or some only of the beneficial owners then the Trustees will determine the extent to which participation in rentals and profits are to abate for the purposes of receiving the benefit of such reservations licences or provisions or otherwise be adjusted.

- xii To make other special provisions for beneficiaries
 At their discretion to alienate by way of lease or licence to any beneficial owner or to any blood relative of a beneficial owner at a reduced rent or otherwise upon terms more favourable to the lessee than those obtainable on the open market for so long as that person or his executor or administrator remains in possession of the land PROVIDED THAT such proposal has first been approved by the resolution of a meeting of beneficial owners called by the Trustees.
- xiii To lease
 To lease the whole or any part or parts of the said lands from year to year and for any term of years at such rent and upon such covenants and conditions as the Trustees shall think reasonable and to any person, corporate body and/or Her Majesty the Queen and to accept surrenders of the leases thereof.
- xiv To take over existing leases
 To assume all the rights duties powers and obligations heretofore held by the lessors under any lease having force or effect of any of the lands or of any part or parts thereof and to assume and to have all the rights duties powers and obligations that may have accrued to the former Trustees of any of the lands the trusts in respect of which have been cancelled on the making of this trust order with power to enter into variations of any such lease and/or to negotiate and accept a surrender of any such lease whether in whole or in part and to obtain and enforce any judgment decision or ruling or to effect any settlement or compromise with regard thereto.
- xv To farm
 To farm and develop the land themselves with power to appoint farm managers and other persons for that purpose, subject to a majority consent of Trustees.
- xvi To represent owners
 To prosecute from time to time in the appropriate tribunal such objection to zoning or proposed zoning such application for re-zoning of the said land, such application for specified departure from such zoning and such application for conditional use in any current zoning

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or otherwise howsoever the Trustees in their absolute discretion may determine, AND to represent the beneficial owners on any negotiations or questions of compensation for lands taken under the Public Works Act or other statutory authority with the Government or any local authority.

xvii To make General Welfare payments

By direction of majority consent of the Trustees and in such manner as they shall determine to apply funds for the maintenance support and development of communal facilities upon or near the land (including Pa and Marae) or communal scheme (including Marae enterprises and cottage industries) or for general welfare matters (including assistance with tangi and tribal hui) where in their opinion such facilities schemes or matters have some direct or indirect connection or association with the beneficial owners or any group thereof.

4 Personal Interest of Trustees

Notwithstanding any general rule of law to the contrary no person shall be disqualified from being appointed or from holding office as a Trustee or as a representative of the trust by reason of his employment as a servant or officer of the trust or by his being interested or concerned in any contract made by the Trustees PROVIDED THAT he shall not vote or take part in the discussion on any matter that directly or indirectly affects his remuneration or the terms of his employment as a servant or officer of the trust or that directly or indirectly affects any contract in which he may be interested or concerned.

5 Protection of Trustees

In any case where any Trustee is of the opinion that any direction determination or resolution of a meeting of the Trustees or general meeting of beneficial owners conflicts or is likely to cause conflict with the terms of this trust or with any rule of law or otherwise to expose it to any personal liability or is otherwise objectionable then, and in reliance upon the effect of the provisions of subsection 2A of section 438 and of paragraph (e) of subsection 1 of section 30 of the Maori Affairs Act 1953 and of section 49 of the Trustee Act 1956 he may apply to the Maori Land Court for directions in the matter PROVIDED HOWEVER that nothing herein shall make it necessary for him to apply to the Court for any such directions.

6 Protection of Minorities

In any case where any Trustee or beneficial owner feels aggrieved by any direction determination or resolution of a meeting of the Trustees or of any action of the Trustees he may either:

- i give to the Trustees notice of his intention to have the matter complained of referred to the beneficial owners and then PROVIDED THAT within 14 days thereafter he is able to file a requisition supporting that notice executed by not fewer than 20

11-1 1/2 1/2 1/2 1/2

beneficial owners then the Trustees shall fix a time and place and convene a general meeting accordingly in manner hereinafter provided;

or

- ii give to the Trustees notice of intention to have the matter complained of referred to the Maori Land Court PROVIDED THAT he shall within 14 days thereafter file an application pursuant to paragraph (b) of subsection 3 of section 438 of the Maori Affairs Act 1953 for the variation of this trust order to make particular provision for the matter in dispute and serve a copy thereof upon the Trustees AND upon and following receipt of a notice of intention as aforesaid and for as long as the matter remains unresolved, but then PROVIDED the further particulars are filed within 14 days, and except as may be necessary for the avoidance of an action by any third party affected or as may be directed by a Court on application for injunction, directions or the like, the Trustees shall take no steps or no further steps as the case may be to implement or otherwise give effect to or enable the continuance of the matter complained of.

7 Obligations

a General meetings

- i The Trustees shall call a general meeting of the beneficial owners within 12 months of the establishment of this trust and then from time to time and at least once every 5 years and a general meeting shall be called by the Trustees upon service of a notice of a requisition in writing signed by not less than 20 beneficial owners stating the purpose for which the meeting is required.
- ii At general meetings of the beneficial owners and where a vote has become necessary or desirable the matter shall be determined by a show of hands unless a poll is requested by not less than 50% of the owners present.
- iii No general meeting shall be deemed to be constituted unless at least 20 beneficial owners are present in person throughout the meeting.

iv Proxies

Any beneficial owner may attend and vote at any meeting of beneficial owners either personally or by proxy appointed to him in writing. A proxy shall be appointed by an instrument of like effect as that for a meeting of owners under Part XXIII of the Maori Affairs Act 1953.

- v In addition to the grounds upon which Trustees might be removed or appointed as Trustees by the Maori Land Court, it shall be a ground for removal or appointment that an individual was elected or failed to be re-elected as the case may be PROVIDED HOWEVER that the Court shall not be bound to appoint or remove upon that ground.

vi At each such general meeting the Trustees shall produce reports and accounts for each year in respect of which they have not earlier presented reports and accounts to a general meeting.

b Reports and Accounts

i The Trustees shall cause to be prepared Annual Reports and audited proper accounts of the assets and liabilities and of the income and expenditure for each year ending on the 31st day of March or such annual Balance date as the Trustees may from time to time fix upon and shall file a copy of such report and accounts with the Registrar of the Court within 6 months of the said Balance date.

ii The Trustees shall, for the purposes of fixing the value of the interests of individual beneficial owners, cause to be made annually with the accounts, an "equity valuation" of a single share in the trust and shall affix the same to the accounts produced to the Court.

8 To establish a putea account

a Upon all or any distribution to beneficial owners the Trustees upon first being authorized by a resolution of the owners passed at a Special or General meeting of the owners may:


i set a minimum distribution figure (being not more than the sum of \$5) and pay to an account to be known as a putea account the share of any person to receive less than the minimum distribution figure; and in that event the Trustees shall further deduct from the share of all persons entitled to more than the distribution figure an amount equal to the minimum distribution figure or the amount to which they are entitled, whichever is the lesser, and pay the same to the said putea account; and

ii pay to the said putea account the shares of those persons for whom the Trustees are not holding a current address or who are deceased or in respect of whom distributions are returned unclaimed.

b Moneys in the putea account may be invested in any manner in which the Trustees may effect investments by this trust order and the whole or any part of the funds in the putea account may at any time be applied:

i in the furtherance of any of the objects of this trust or in advancing any of the powers vested in the Trustees;

ii to the assistance of elderly or needy beneficial owners or elderly or needy persons who in the opinion of the Trustees are descendant from any beneficial owner;



- iii to assistance with the tangi expenses of any beneficial owner or any person who in the opinion of the Trustees is descendant from any beneficial owner;
 - iv to the educational advancement of any beneficial owner or of any person who in the opinion of the Trustees is descendant from any beneficial owner or to enable any owner or descendant as aforesaid to follow some form of artistic or cultural pursuit;
 - v to assistance with marae or tribal project where in the opinion of the Trustees there is a sufficient connection between the beneficial owners or any section of them and the particular marae or tribal project.
- c The Trustees may establish a Council of Elders or Whanau Representatives to express a view on the application of any moneys for any of the aforesaid purposes.
- d The Trustees may recover from the putea account if and when sufficient moneys have accrued to it the share that any person would have received had that person's address been known at the time of the distribution or had a succession then been completed, and may make payment (without interest) to the person or persons then entitled upon that person's address being supplied or upon an appropriate succession having been completed.

THE
D.



APPLICATION TO APPOINT ADDITIONAL TRUSTEES

The Maori Affairs Act 1953 Section 438(3) (a)

IN THE MAORI LAND COURT OF NEW ZEALAND
WAIARIKI DISTRICT

IN THE MATTER of Houpoto, Houpoto
Te Pua No.1 and
Houpoto Te Pua No.2
Blocks

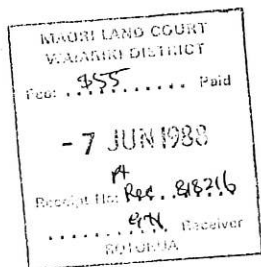
I, ERUETI TIKETIKEIRANGI KOOPU, of Maraenui, Farmer, being secretary fo the Houpoto Trust, by the trust solicitor JOHN ALEXANDER GRANT, hereby make application for an order under Section 438(3) (a) of the Maori Affairs Act 1953 adding to the trustees of the Houpoto, Houpoto Te Pua No.1 and Houpoto Te Pua No.2 Blocks by vesting the said blocks in the following trustees:

ERUETI TIKETIKEIRANGI KOOPU of State Highway 35, Maraenui, Dairy Farmer
TAMEHANA WHAREPAPA of State Highway 35, Omaio, Retired Farmer
TE KAHAUTU MAXWELL of Otara Road, Opotiki Shop Proprietor
WILLIAM TAKAMOANA DELAMERE of 12 Grey Street, Kawerau, Retired
KORO TAWHAI of State Highway 35, Omaio, Driver
- all being existing trustees AND:
LARRY TAKAMOANA DELAMERE of 154 Valley Road, Whakatane, Pulp & Paper Worker
DANNY CRAVEN POIHIPI of R.D.1, Opotiki, Post Office Technician
- being proposed additional trustees.

UPON THE GROUNDS that:

1. The said blocks are Maori freehold land
2. At a general meeting of owners held at Maraenui on 24 April 1988 it was resolved:
 - (a) To have seven trustees
 - (b) For that purpose to appoint LARRY TAKAMOANA DELAMERE and DANNY CRAVEN POIHIPI as new trustees.
3. Notice of the intention to consider the appointment of new trustees was given in the notice advertising the General Meeting.

DATED this 6th day of May 1988



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Applicant
Address: N.Z. Post Box 645
ROTORUA