

OPD 53 216-220

MAORI LAND COURT

WAIARIKI

DISTRICT

Date of Receipt: 24.8.88 Land: Maungaroa No. 1 Sec. 127 File No. 32424 OPD

Applicant: ^{David} D.F. McCreary % Potts & Hodgson, NZ Post Box 444, Opotiki
(I am interested as applicant on behalf of above)

Subject: Sec. 30(1)(i)/53 Appln to Determine whether status is
Maori or General Land

MEMORANDA

Ordered/Dismissed	14	- 3 OCT 1988
63 MB Opq. 221		
Adjourned		
MB /		
MB /		
Urgent.		

9/10/88
11/10/88
30/10/88

M.A. 172

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

Telegraphic Address: MAORIFAIRS

Fax 073 05019



Our reference: Appln 32020

Your reference: J. P. Peterson

MAORI LAND COURT WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

19. 10. 19 88


Potts & Hodgson
Barristers & Solicitors
177 Post Box 4111
OPUKI

Dear Sir/Madam

Ngungurua Section 12Y - Section 30X(Xi)
30(10) 153

Please find attached for your information a copy of the following
Order(s) made at 65 OPUKI MB 221
on the 11th day of September 1988

Yours faithfully


(Miss C. M. Smith)
for Registrar

Encl

M.A. 172

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

Telegraphic Address: MAORIFAIRS

Fax 073 05019



Our reference: Appln..... 32424

Your reference: Not available

MAORI LAND COURT
WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

19 10 88
.19

the County Clerk
Opotiki County Council
122 Bell Road
OPOTIKI

Dear Sir/Madam
Waingaro 1 Section 12Y - Section 300(Xi)
+ 31(10)/53

Please find attached for your information a copy of the following
Order(s) made at 63 Opotiki Mt Road
on the 14th day of September 1988

Yours faithfully

Miss C.N. Smith
for Registrar

Encl

M.A. 172

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

Telegraphic Address: MAORIFAIRS

Fax 073 05019



Our reference: Appln. 3412
32424.0

Your reference: not available

MAORI LAND COURT
WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

19.10.1988


The District Valuer, Sir
Valuation Department
141 Post Office Box
GISBORNE

Dear Sir/Madam

Waiariki Section 21 - Section 20(1)(i)
4/34(10)/53

Please find attached for your information a copy of the following
Order(s) made at 63 Opehi M. 221
on the 14th day of September 1988

Yours faithfully


(Guss Campbell)
for Registrar

Encl



M.A. 172

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

Telegraphic Address: MAORIFAIRS

Fax 073 05019



Our reference: Appln 32424-0

Your reference:

MAORI LAND COURT
WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

19.10.19 88

The Chief Surveyor
Dept of Survey Mnd
Private Bag
CIPBORNE

Dear Sir/Madam

Waikato 1 Section 12Y Section 30(X1)
34(10)/83

Please find attached for your information a copy of the following
Order(s) made at 63 Apohiki MR 221
on the 14th day of September 19 88.

Yours faithfully

C Smith
(MISS C M SMITH)
for Registrar

Encl

DETERMINATION OF STATUS OF LAND

The Maori Affairs Act 1953, Section 30(1)(i)
and Section 34(10)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of the land known as
Maungaroa 1 Section 12Y
containing 3036 square
metres more or less
situated in Block V
Te Kaha Survey District
and being all the land
contained in Certificate
of Title Volume 5A Folio
459 Gisborne Registry

AT a sitting of the Court held at Rotorua on the 14th day of September
1988 before Norman Francis Smith Esquire, Judge

UPON HEARING the application of Ian Roger Peterson as Counsel for David
Fred McCrary the Court doth hereby determine that the land known as
Maungaroa 1 Section 12Y containing 3036 square metres more or less
situated in Block V Te Kaha Survey District and being all the land
contained in Certificate of Title Volume 5A Folio 459 Gisborne Registry
is European land within the meaning of the Maori Affairs Act 1953:

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.



NR

Potts & Hodgson

BARRISTERS & SOLICITORS

JAMES THOMAS HODGSON
IAN ROGER PETERSON, LL.B.
BARBARA COLLIS LL.B.

TELEPHONES (076) 56-313 & 56-314
32 KING STREET, P.O. BOX 444
OPOTIKI, NEW ZEALAND
FAX (076)-57-737

21st September 1988

The Registrar
Maori Land Court
Waiariki District
Private Bag
ROTORUA



Dear Sir

Re: Waugh File - Application 32424 Set Down for the 3rd October 1988

We enclose a photocopy of the Certificate of Title 5A/459 and thank you for the production of the relevant Court papers.

Yours faithfully

POTTS & HODGSON

I R PETERSON
IRP:enk/03p/5

Miss Page

Encl.

*Ordered at 63 Opō 221
in chambers*

Attach to application



References

Prior C/T PR 4D/1356

Land and Deeds 69

Transfer No.

W/C. Order No.

Court Order 164820.1

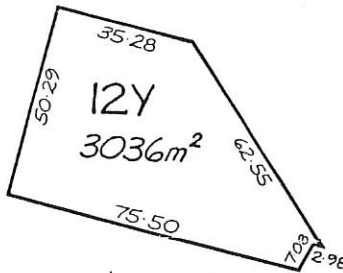
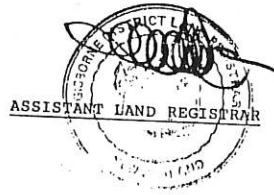


CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 17th day of November one thousand nine hundred and eighty six under the seal of the District Land Registrar of the Land Registration District of Gisborne

WITNESSETH that DAVID FRED McCRARY of Great Barrier Island

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan here be the several admeasurements a little more or less, that is to say: All that parcel of land containing 3036 square metres more or less being Maungaroa 1 Section 12Y situated in Block V Te Kaha Survey District



No. 5A/459

Measurements are Metric
ML 7535

Potts & Hodgson

BARRISTERS & SOLICITORS

JAMES THOMAS HODGSON
IAN ROGER PETERSON, LL.B.
BARBARA CULLIS LL.B.

TELEPHONES (076) 56 313 & 56 314
32 KING STREET, P.O. BOX 444
OPOTIKI, NEW ZEALAND
FAX (076) 47 737

F A C S I M I L E

TO..... **Maori Land Court - Rotorua**

ATTENTION OF **Miss Kamata**

FROM..... **Ian Peterson**

RE..... **Maungaroa Section 12 Y - McCrary/Waugh**

..... **Attached please find copy of Certificate of Title as requested by you 26.9.88**

DATE... **27.9.88**

No of Pages (including this one)... **2**

PR 4D/1356

Land and Deeds 69



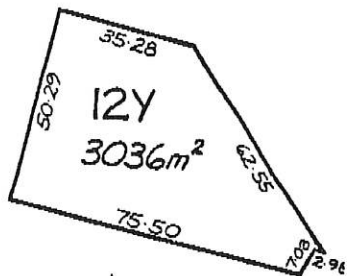
No.
Order No.
Court Order 164820.1

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 17th day of November one thousand nine hundred and eighty six under the seal of the District Land Registrar of the Land Registration District of Gisborne

WITNESSETH that DAVID FRED McCRARY of Great Barrier Island

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon be the several admeasurements a little more or less, that is to say: All that parcel of land containing 3036 square metres more or less being Maungaroa 1 Section 12Y situated in Block V Te Kaha Survey District



Measurements are Metric
ML 7535

No. 5A/459

M.A. 172 MB 1050C Disk 72C 5.12.85 (500)

Telegraphic Address: MAORIFAIRS



Our reference: 32421

Your reference:

MAORI LAND COURT
WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

21. 9. 19

Pells & Hodgson
Barristers & Solicitors
P.O. Box 444
Waiariki

Attention: Mr Peterson

Dear Sirs

APPLICATION: Maungarua No. 1 Sec. 34

Herewith is a copy of the Court's minute dated 19 . 9 . 19
(63 MB 000 / 221) in respect of the
above matter.

Would you please note:

Order will follow under separate cover.

Yours faithfully

for Registrar

Encl.

63 OPOTIKI MINUTE BOOK 221

At Rotorua - Wednesday 14 September 1988

Present - N F Smith, Judge
R Waiapu, Clerk

32473 WAIKOHAI KAUTA WHAREKINO - Deceased - s 30(1)(L)/53


Miss R Clark for Registrar:

At 208 Rotorua MB 117 of 22.8.84 Hemi Kauta Wharekino the widower of the above-named deceased received a life interest in certain Maori freehold lands. The said Hemi Kauta Wharekino died at Wairoa on 3 August 1986. (A copy of Probate is on file)

I ask for orders s 30(1)(L)/53 terminating the life interest and vesting the land shown at 208 Rotorua MB 117 in those persons thereat shown as residual beneficiaries.

Court: Orders s 30(1)(L)/53 accordingly.

Copy minute to applicant.


Judge

At Rotorua - Monday 19 September 1988

Present - N F Smith, Judge

32424 MAUNGAROA NO 1 SEC 12Y - s 30(1)(i)/53

Court:

The legal fee simple of this land was conveyed by the Official Assignee to David Fred McCrary by Memorandum of Transfer dated the 1st September 1971.

In terms of Section 2(2)(f)/53 the land is deemed to be General land pending an order of the Court.

There is no record of any intent to retain the status of Maori land for the said block.

Order s 30(1)(i)/53 determining the Status of Maungaroa No 1 Sec 12Y as General land.

Order s 34(10)/53 for immediate release of the order.

Registrar to draw order promptly for release to Counsel along with a copy of this minute.


Judge

Panui or Appln No: 32424

Block: Maungapu No 1 Sec 127

S 30(1)(i)/53 Applicant: Potts & Hodgson

1 ^{Has been} _^ Set down for hearing at next 0903 October at 11.00am

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

H K Hingston
Judge

Appln.32424

16 September 1988

Messrs Potts and Hodgson
Barristers and Solicitors
NZ Post Box 444
OPOTIKI

Attention: Mr Peterson

Dear Sirs

We refer to your letter of 16 August and advise that during the processing of your application, the photocopy of Certificate of Title 5A/459 has been misplaced. We apologise for our oversight and request a further copy please.

... Enclosed are papers relevant to the application, for your information.

Yours faithfully



R Waiapu
for Registrar

Encls

M.A. 172

Telegraphic Address: MAORIFAIRS



Our reference: APPLN. 22424

Your reference:

MAORI LAND COURT
WAIARIKI DISTRICT

Government Buildings
Arawa Street
Telephone: 82 189

Private Bag,
ROTORUA.

9 September 1988

ION R. PETERSON
ROSE C. HEDGSON
112 PLY BLDG 444
OPOTIKI

Dear Sir/Madam

MAUNGAROA No 7 Sec 124: J F McCRARY

This is to advise that your application under section: 300(1)/53
has been set down for hearing as follows:

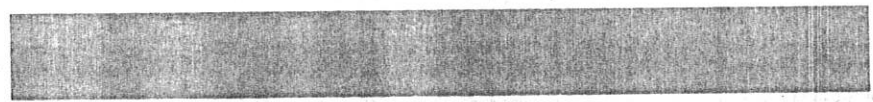
Time: 11.00am

Date: Monday 3rd October 1988

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

Yours faithfully

Mrs R H Derwin
for Registrar



Potts & Hodgson

BARRISTERS & SOLICITORS

JAMES THOMAS HODGSON
IAN ROGER PETERSON, LL.B.
BARBARA COLLIS LL.B.

TELEPHONES (076) 56-313 & 56-314
32 KING STREET, P.O. BOX 444
OPOTIKI, NEW ZEALAND
FAX (076) 57-737

23rd August 1988

24 AUG 1988

The Registrar,
Maori Land Court,
Private Bag,
ROTORUA.

Your ref : Misc 116 Vol 21/Mrs R H Derwin

Dear Sir,

Re: DF McCrary - Transfer Maungaroa 12Y to NJ & HD Waugh

We refer to your letter of 19th August 1988 and we enclose herewith our cheque for \$55.00, being the filing fee payable.

Yours Faithfully,
POTTS & HODGSON.



I.R.PETERSON.
IRP:ds

92

Misc 116 Vol 21

45/0

19 August 1988

Messrs Potts & Hodgson
Barristers & Solicitors
NZ Post Box 444
OFOTIKI

Attention: I R Peterson

Dear Sirs


D F McCrARY - TRANSFER MAUNGAROA 12Y TO N J & H D WAUGH

Your application lodged pursuant to Sec.30(1)(i) is acknowledged.

... Enclosed please find your cheque No.016111 for \$22.00 as the filing fee required is \$55.00. This includes GST which is payable on all Court fees.

Please return your cheque for \$55.00 to enable us to process your application. Thank You.

Yours faithfully


Mrs R H Derwin
for Registrar
Encl.

*Received
19.8.88*

Potts & Hodgson

BARRISTERS & SOLICITORS

JAMES THOMAS HODGSON
IAN ROGER PETERSON, LL.B.
BARBARA COLLIS LL.B.

TELEPHONES (076) 56-313 & 56-314
32 KING STREET, PO. BOX 444
OPOTIKI, NEW ZEALAND
FAX (076) 57-737

16th August 1988

The Registrar
Maori Land Court
Waiariki District
Private Bag
ROTORUA



Ref: 45/0

Attention: P R Hunt

Dear Sir

Re: DF McCrary Transfer Maungaroa 12Y to NJ & HD Waugh

As the Land Transfer office does not accept your interpretation of the law and the only Court with jurisdiction to determine the question as to whether land is maori land or general land, is the Maori Land Court, we insist that our application under Section 30 (1)(i) is put to the Court for a hearing. We attach a photocopy of the Certificate of Title 5A/459. The Court Order under Section 446 has been registered but not to the effect that the status of the land has altered from maori land to general land..

Section 30 (1)(i) gives specific jurisdiction to the Maori Land Court to determine whether any specified land is maori freehold or is general land. This is the matter which we wish to have determined because it is not accepted by a Government Department. We do not see how you can refuse to have our application heard by the Court. Accordingly we return our application and cheque to be set down in the next available court sitting at Opotiki.

Yours faithfully
POTTS & HODGSON

I R PETERSON
IRP:ds/02p/01
encls.

*Return appls and
Hold appl return fee ask
for fee of \$55.00*

ORDER TO RESTORE EFFECT OF LOST INSTRUMENT OF ALIENATION

The Maori Affairs Act 1953, Section 446, and Section 34 (10)

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of a Memorandum of Transfer dated 1 September 1971 made between The Official Assignee in Bankruptcy as Assignee of the Estate of Apanui Waiteti and David Fred McCrary of Te Kaha

AND

IN THE MATTER of the land known as Maungaroa No.1 Section 12Y

AT a sitting of the Court held at Rotorua on the 7th day of August 1986 before Heta Kenneth Hingston, Esquire, Judge.

WHEREAS by Memorandum of Transfer dated the 1st day of September 1971 the Official Assignee did transfer to David Fred McCrary all his estate in fee simple in the Maori freehold land known as Maungaroa No.1 Section 12Y for the consideration of Three Hundred Dollars (\$300)

AND WHEREAS on the 22nd day of October 1971 the said Memorandum of Transfer was noted by the Registrar of the Maori Land Court of New Zealand, Waiariki District, pursuant to the provisions of Section 233 of the Maori Affairs Act 1953, a copy of the said Instrument of Alienation being retained as part of his record thereof

AND WHEREAS application has been made by David Fred McCrary now of Great Barrier Island for an order restoring effect of a lost Instrument of Alienation being the aforementioned Memorandum of Transfer

NOW THEREFORE upon reading the said application and the Court being satisfied as to all matters upon which it is required under the provisions of section 446 of the said Act to be so satisfied BOTH HEREBY ORDER that the said land be and the same is hereby vested for an



estate in fee simple in David Fred McCrary, late of Te Kaha but now of Great Barrier Island so as to restore effect of the lost Instrument

AND IT IS FURTHER ORDERED pursuant to section 34 (10) of the said Act that this Order do issue IMMEDIATELY from the Office of the Court.

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

[Handwritten Signature]
Judge



MINUTE SHEET

Subject

Maungaroa 1 Sec 124

Department:

Section:

File No.

Date: 18/8/88

To-

Registrar

Referred for indication as to whether this appln will be accepted. Note - Chg. for \$22 on correct fee for S.30(1) is \$55.00 chg. will have to be returned in any case.

Phana 18/8/88.

(Mr Phana)

Appln will be accepted when filing fee paid in full.

M.M.W.

Registrar

18/8/88

Mrs Jenwin.

Pls. return chg. to P.H. and advise them of correct fee (pursuant to Amend. 5 of MCC Rules 1958.

Also tell them that "appln. will be accepted on receipt of correct fee."

Phana 18/8/88.

APPLICATION FOR AN ORDER UNDER SECTION 30 (1)(i)
OF THE MAORI AFFAIRS ACT 1953

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of Memorandum of Transfer
dated 1st September 1971
between the Official Assignee
in Bankruptcy as Assignee of
the Estate of Apanui Waititi
and David Fred McCreary of
Te Kaha

AND

IN THE MATTER of the Land known as Maungaroa
No.1 Section 12Y

I, IAN ROGER PETERSON, of Opotiki, Solicitor hereby make an application for an order under Section 30(1)(i) of the Maori Affairs Act 1953 confirming the status of Maungaroa No 1 Section 12Y as General Land upon the grounds that the order of the Court held at Rotorua on the 7th day of August 1986 by Heta Kenneth Hingston, Judge (217 Rotorua Minute Book 91) was intended to restore in full the effect of a lost Instrument of Alienation between the Assignee and the Bankrupt and David Fred McCreary. The subsequent transfer has been refused in registration by the Land Transfer Office for the want of a clear determination by the Maori Land Court that the land is General Land. The effect of the transfer, had it not been lost, would have been to alter the status of the land from Maori Land to General Land under Clause 2(2) of the Maori Affairs Act 1953.

Dated this

PH day of

August

1988

PH

MAORI LAND COURT WAIARIKI DISTRICT
SIGNED
Fee: \$55.00 Paid
24 AUG 1988
Receipt No: 800528
Receiver

[Signature]