090 13 216-22

MAORI LAND COURT WAIARIKI DISTRICT

Date of Receipt: 21, 8.88 Land: Maurgava No. 1 Sec. 124	File No. 32424 Opc
Applicant: D.F McCrary 40 Potts & Hoolgson, N2 Rost Box 4444 (I am Testerant as applicant as belant of doing)	apoliti
Subject: Sec: 30(1)(i)/53 Applin to Delermine Weather Status Majori or General Land	3 5
MEMORANDA	
Ordered/Dismissed 14 -3	OCT 1988
Adjourned MB /	
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ςγ.ς	
: 30 s 98	
М. А. 864	33702J-8,000/4/85MK

ACTION SHEET

CHECK LIST APPLICATIONS (PNINI)

	WHE BY	DATE
T STAGE : UPON NECELPT	<u> </u>	-1
1. Application accepted		
2. Application receipted - date & no. shown		
, 3. Cover Sheat prepared & Action Sheet attached	11 casey	24.8.88
; id. Deneficiary Nant Search requested	. ()	
(applicable only to Succession cases)		
(1) received back from Manni Trust Accounts		
2ND STACE : UPON SENICHING		
A Successions .		
· 5. Will index checked (and attached if applicable)		
6. Admittal index checked (copy attached)		
7. Previous Evidence Index checked (copy minutes		
nttached it applicable)		
. O. Part XII Sunnch prepared		
9, Derlyation Minutes attached		
10. Lands on Deneficiary Rent Search checked		
ll. Part XII Search requested (Foreign Districts)	, , , , , , , , , , , , , , , , , , ,	
	, "	
U Illle Searches		
12. MA 830 - Particular of Title done and/or list of		
Owners and all Title detail attached		
13, Copy of Trust Orders attached		
14. Letter to Applicant re Certificate of Title dune		
(it applicable)		
14A Memorial Schedule noted (re Appin No, Section &		
date lodged)		 .
C Yestling Searches		
15 MA 042 - Misc Search Schedule or MA 043 Exchange		
Schedule prepared		
16. Copy of Memorial Schedule/List of Owners attached		
, (delete which is applicable)		·
17. Yalves and area calculated	·	
17A Memorial Schedule noted (re Applin No, Section, Date	3	
lodged, donee & dorior)		

170 Letter to applicant requesting SGY (if applicable)

- $\frac{3}{10}, \frac{\text{STAGE : OIRECTIONS}}{\text{olication referred to Judge (if applicable)}}$
- 19. Applicant advised of direction

4TH STAGE : FIXTURING

- , 20. WP Form 1303C prepared & given to Section Clerk $^{\prime}$
 - 21. Section Clerk allocate time slot

5TH STAGE : NOTICES

- 22. Panui fixture advised to <u>all</u> interested parties
- 23. If time slot advised at (19) above fixture checked against Panul
- 24. Senior Section Officer sighted application

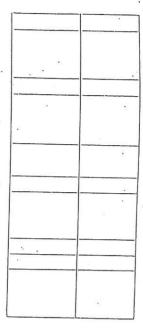
6TH STAGE : APPLICATIONS REFERRED BACK BY COURT

- . 25. Directions of Court complied with
 - 26. Followed up with applicant
- 27. Application referred back to Court

TTH STAGE : FILED

. . .

. 28. Applications Register noted



M.A. 172 WP 1245C Disk 76C 24. 8.87 (400) Telegraphic Address: MAORIFAIRS Our reference: Appln 32020 Fax 073 05019 Your reference: 1. Peterson MAORI LAND COURT WAIARIKI DISTRICT Government Buildings Private Bag, Arawa Street ROTORUA. Telephone: 82 189 19. 10.19 88 Polis + Hodgison Vicx WIII Dear Sir/Madam Please find attached for your information a copy of the following Order(s) made at 65 ODChki NIB on the 111h day of September Yours faithfully

M.A. 172

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

Telegraphic Address: MAORIFAIRS

Fax 073 05019



Our reference: Appln

NOT CICCIODE

Your reference:.

MAORI LAND COURT

Government Buildings Arawa Street Telephone: 82 189 Private Bag, ROTORUA.

P. OI. 171

The County Clerk

Chair County Council

NOT THE BON ON

CHUTTET

Dear Sir/Madam
WillingCico I Scotion 12Y - Section 300 (i)
+ 311(10) 153

Please find attached for your information a copy of the following Order(s) made at 5 Order North North 1955 on the U. day of September 1955

Yours faithfully

Colonial Col

Encl

M.A. 172

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

Telegraphic Address: MAORIFAIRS

19.10.19 88

Fax 073 05019



MAORI LAND COURT WALARIKI DISTRICT

Government Buildings Arawa Street Telephone: 82 189

Private Bag, ROTORUA.

The District voice Six
Voluetro Depolizent
Na Cast Consy
<u>Cislorie</u>
Dear Sir/Madam
homipal I sector or seem cox
1 34(10) 153
Please find attached for your information a copy of the following
Order(s) made at 63 Charles No.
on the Lyruday of School 1988

Yours faithfully

(100055 Continue)
for Registrar

Encl

M.A. 172

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

Telegraphic Address: MAORIFAIRS

Fax 073 05019



Our	reference:App	un 324	24-0
Your	reference:		

MAORI LAND COURT

Government Buildings Arawa Street Telephone: 82 189

Private Bag, ROTORUA.

19.10.19 58

And Charles Mond Divally Book Cirporne

Dear Sir/Madam

13 4 3 (10) /S3

Yours faithfully

for Registrar (AUTH)

Encl

(29)

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

 $\underline{ \text{UPON } \text{ HEAR.ING} } \text{ the application of Ian Roger Peterson as Counsel for David}$ 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



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

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

R PETERSON IRP:enk/03p/5 has Page

Encl.

Ordered of 63 0po 221

Attach to application

References Prior C/T PR 4D/1356

1.0 10/1550

Transfer No. A/C. Order No. Court Order 164820.1



Land and Deeds 69

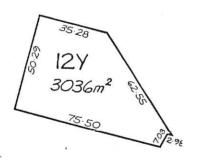
CERTIFICATE OF TITILE UNDER LAND TRANSFER ACT

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 seised 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 herec be the several admeasurements a little more or less, that is to say: All that parcel of land containing 3036 aquare metres more or less being Maungaroa 1 Section 12Y situated in Block V Te Kaha Survey





Measurements are Metric

5A/459



Potts & Hodgson

BARRISTERS & SOLICITORS
JAMES THOMAS HORSON
JAN BURGER OF FERSON, 13, 8
BARRARA COLLES LL. B

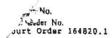
TELEPHONES 10761 56-313 & 56-314
32 KING STREET, PO. BOX 444
OPUTIKL, NEW ZEALAND
FAX (076) \$7-737

FACSIMILE

TO
Miss Kameta ATTENTION OF
Ian Peterson FROM
Maungaroa Section 12 Y - McCrary/Waugh
Attached please find copy of Certificate of Title as requested by you 26.9.88
DATE27.9.88
No of Pages (including this one)2

PR 4D/1356

. Land and Deeds 69





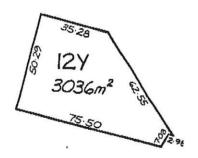
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Measurements are Metric

5A/459

M.A. 172 f^{MID} 1050C Disk 72C 5.12.85 (500)

Telegraphic Address: MAORIFAIRS

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1 1	3.0	P. SH
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Our	reference:	JCHCH
Your	reference	<u> </u>

MAORI LAND COURT WAIARIKI DISTRICT

Government Buildings Arawa Street Telephone: 82 189

Private Bag, ROTORUA.

21 . 9 .19

Polls & Hudgson Barristers & Solicitors 3. U. 3UN LLL

UDUTIL

Attention: Mr Delerson

Dear Sirs

APPLICATION:

Herewith is a copy of the Court's minute dated 19 . 0.19) in respect of the above matter.

Would you please note:

Urder will follow under separate cover.

Yours faithfully

for Registrar

Encl.

63 OPOTIKI MINUTE BOOK 221

At Rotorua - Wednesday 14 September 1988

N F Smith, Present 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 ten 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.

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

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 Maunojapa No 1 Sec 127
Block:	Maunogopa No 1 Sec 127
	(1) (1)/53 Applicant: Potts of Hodgson
Hasl	been
1 ^	Set down for hearing at next OPO 3 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
	-
68	

H K Hingston Judge

.19

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

Telegraphic Address: MAORIFAIRS



Our r	eferen	ce: AF	PLN	-28	424
. 1. 1					
Your r	eferer	ce:			

MAORI LAND COURT WAIARIKI DISTRICT

Government Buildings Arawa Street Telephone: 82 189 Private Bag, ROTORUA.

9 September1988

Ton R. PETERSON
POTE & HUDGSON
NIZ PON BOX HALL
OPOTIK

Dear Sir/Madam

MAUNGARGA NOT Sec 124: DF McCRARY

This is to advise that your application under Section: 300(i)/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

29

Dotts & Hodgson

BARRISTERS & SOLICITORS

JAMES THOMAS HODGSON

LIN ROGGE PETSRON, LL B

BARBARA COLIS LL B

AND STREET

OPOTIKI, NE

FA

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 1788

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 payble.

Yours Faithfully, POTTS & HODGSON.

I.R.PETERSON.

IRP:ds

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.

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 Baq 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 $5\lambda/459$. 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.

Hodorph return for orsk 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 Denui Worldett and

Apanui Waiteti and David Fred McCrary of Te Kaha

AND

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

 $\overline{\text{AT}}$ 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 DOTH 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 INMEDIATELY from the Office of the Court.

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





MINUTE SHEET

Department:

Subject Maurgalon / Sec 129 Section: File No. Date: M. M. S. Section: File No. File No. Date: M. M. S. Section: File No. File No. Date: M. M. S. Section: File No. File No. File No. File No. Section: File No. File No. File No. File No. Section: File No. Fil	
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APPLICATION FOR AN ORDER UNDER SECTION 30 (1)(1)

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

August.

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

day of

1988

Fee: \$55-00 Paid

24 AUG 1988

MAORILAND COUNT WAINED RICT

oceint Hot. 8305

MOTORNA