

MCC-1071-24

COMPLETED

MAORI LAND COURT

WAIARIKI

DISTRICT

Date of Receipt: 8. 8. 88 Land: MATANGAREKA No 3B File No. 32383 OF

Applicant: Perenu K. CALLAGHAN, 79 Mountain Rd, ROTORUA

Subject: SEC 443/53

MEMORANDA

Ordered/Dismissed

63 MB Opp. 218

Adjourned

MB /

MB /

8 - 3 OCT 1988

Opp

10.30

3.10.88





M.A. 172

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

Telegraphic Address: MAORIFAIRS

Fax 073 05019



Our reference: Appln. 32353

Your reference: .....

MAORI LAND COURT  
WAIARIKI DISTRICT

Government Buildings  
Arawa Street  
Telephone: 82 189

Private Bag,  
ROTORUA.

5. 10. 1988

Barbara K. Callaghan  
79 Mountain Rd  
ROTORUA

Dear Sir/Madam

Matingoreka 38 - section 433/53

Please find attached for your information a copy of the following  
Order(s) made at 63 Opetika MB 218  
on the 13<sup>th</sup> day of September 19 88

Yours faithfully

C Smith  
(MISS C.A. SMITH)  
for Registrar

Encl

M.A. 172

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

Telegraphic Address: MAORIFAIRS

Fax 073 05019



Our reference: Appln 32353

Your reference: 7660/16

MAORI LAND COURT  
WAIARIKI DISTRICT

Government Buildings  
Arawa Street  
Telephone: 82 189

Private Bag,  
ROTORUA.

5.10.1988

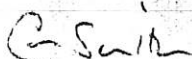
The District Valuer Sr  
Valuation Department  
172 Post Box St  
GISBORNE

Dear Sir/Madam

Matangoreka 3B - Section 433/53

Please find attached for your information a copy of the following  
Order(s) made at 63 Opeitiki MB 218  
on the 13<sup>th</sup> day of September 1988

Yours faithfully

  
(MISS C.M. SMITH)  
for Registrar

Encl

M.A. 172

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

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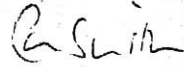
The County Clerk  
Opotiki County Council  
172 Post Box 44  
OPOTIKI

Dear Sir/Madam

Matangareka 3B - Section 433/53

Please find attached for your information a copy of the following  
Order(s) made at 63 Opotiki MB 215  
on the 13<sup>th</sup> day of September 1988

Yours faithfully

  
(MISS C.M. SMITH)  
for Registrar

Encl

2

ORDER APPOINTING NEW TRUSTEES

The Maori Affairs Act 1953, Section 443  
and Section 34(10)

In the Maori Land Court  
of New Zealand  
Waiariki District

AT a sitting of the Court held at Rotorua on the 13th day of September  
1988 before Norman Francis Smith Esquire, Judge

WHEREAS the Maori freehold land known as Matangareka 3B is held in trust  
for Maoris by virtue of Section 443(1) of the Maori Affairs Act 1953:

AND WHEREAS it is expedient that new Trustees be appointed NOW THEREFORE  
IT IS HEREBY ORDERED that the said land be and the same is hereby vested  
in those persons listed in the Schedule hereto in substitution for the  
present Trustees:

AND IT IS HEREBY 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.



SCHEDULE

TRUSTEES

- 1 Tawai Hati
- 2 Maura Hiona Robson
- 3 Renata Te Moana
- 4 Hone Hiki Waititi
- 5 Harold Helmbright
- 6 Edward Kaingarau Callaghan
- 7 Leonard Maxwell Walker
- 8 Perenu Kaingakau Callaghan
- 9 John Waenga



Telegraphic Address: MAORIFAIRS



Our reference: 22333

Your reference:

MAORI LAND COURT  
WAIARIKI DISTRICT

Government Buildings  
Arawa Street  
Telephone: 82 189

Private Bag,  
ROTORUA.

21.9.19

Mr. Pirena Callaghan  
79 Mountain Road  
Rotorua

Attention:

Dear Nu

APPLICATION: Malapaia 69 313

Herewith is a copy of the Court's minute dated 13 . 9 .19  
( 63 M.B. 000 / 218 ) in respect of the  
above matter.

Would you please note:

Yours faithfully

for Registrar

Encl.





63 OPOTIKI MINUTE BOOK 218

At Rotorua - Tuesday  
13 September 1988  
Present - N F Smith, Judge  
R Waiapu, Clerk

32383 MATANGAREKA NO 3B - s 443/53

Court: on the 21 January 1982 at 58 Opotiki MB 360 the Court vested this land in named Trustees being the members of the Committee of Management for The Proprietors of Oreti No 2 and Other Blocks in accordance with the directions of the owners of the land.

The owners resolved that the Trustees for this block should always be the members of the said Committee of Management.

Since the date of the order certain of the members of the Committee of Management of the Body Corporate have died, resigned or been replaced - the Management Committee Members now current and properly elected by the shareholders of the Body Corporate are:-

- 1 Tawai Hati
- 2 Maura Hiona Robson
- 3 Renata Te Moana
- 4 Hone Hiki Waititi
- 5 Harold Helmbright
- 6 Edward Kaingarau Callaghan
- 7 Leonard Maxwell Walker
- 8 Perenu Kaingakau Callaghan
- 9 John Waenga

Order s 443(1)/1953 vesting Matangareka No 3B in Numbers 1 to 9 in substitution for the present Trustees appearing in the title.

Order s 34(10)/1953 for immediate release.

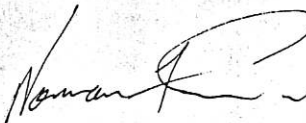
Copy minute to Mr Perenu K Callaghan.

32401 OPAPE 1G1B - s 438(3)(a)/53

Miss R Clarke for Registrar: At 63 Opotiki MB 36 the Court vested the above block in Hami Papuni and Mina Hudson by reducing the number of Trustees because Manny Mokokoki resigned.

This application is for the same order as set at 63 Opotiki MB 36. On these grounds I ask that the said application be dismissed.

Court: Application dismissed accordingly.

  
Judge

Opohke M B  
at Rotomua  
13/ 9 - 88

Appl No # 32383

Matangareka No B.B.

See 243/53

Grant. On the 21<sup>st</sup> January 1982 at Opohke minute Book 58/360 the Grant noted that land in named trustees being the members of the committee of management for the fragments of oval No 2 and other blocks in accordance with the directions of the owner of the land.

The owner provided that the trustees for this block should always be the members of the road committee of management.

Since the date of the order, certain of the members of the committee of management of the body corporals have died resigned or been replaced, and the management committee members now current and properly elected by the shareholders of the body corporals are:-

- 1 Tawai Hata
- 2 Maura Heona Robson
- 3 Renata Te Moana
- 4 Hene Hiki Waititi

- 5 Harold Helmbright
- 6 Edward Kaengaran Colloghan
- 7 Leonard Maxwell Walker
- 8 Percen Kaengakan Colloghan
- 9 John Waenga.

Order Sec 443 (1) 1953 ~~Verling Matang anka~~  
No 3 B in Number 1 to 9 above in substitution  
for the present ~~quarters~~ appearing on the table.  
Order Sec 34 (10) 1953 for immediate release.

Copy made to Mr Percen K. Colloghan

*[Signature]*

MINUTE SHEET

Department: .....

Subject: Appr 32383

Section: .....

Panui No 8

File No. ....

55244F-50,000 pads/5/86 MK

Date: 12.9.88

To -

Registrar:

Mr Callaghan rang re notice of hearing.

He had hoped that this matter could be dealt with in Chambers here in Rotorua.

Seeks your advice on how this can be arranged.

Am to phone him back on outcome.

*[Signature]*



Item 504

Panui or Appln No: 32383

Block: Mataopaka 3B

S 443/53 Applicant: Brian Callaghan

1 Set down for hearing at next Orotiki (after)

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

9/9/88  
Discussed with Judge Smith.  
This is "exception to Rule" where  
normally service of appn & Notice to  
Trustees & Nominated Trustees etc is req'd.  
Not req'd in this instance - appn covers  
all that is required per management group



H. K. Hingston  
Judge

5 .9 .1988



M.A. 172

Telegraphic Address: MAORIFAIRS



Our reference: APPLN. 3-2383

Your reference: .....

MAORI LAND COURT  
WAIARIKI DISTRICT

Government Buildings  
Arawa Street  
Telephone: 82 189

Private Bag,  
ROTORUA.

9 September 1988

M. P. K. COLLAGHAN  
79 Munnycin Rd  
ROTORUA

Dear Sir/~~Madam~~

MATANGAREKA No 3 B

This is to advise that your application under Section: 413/53  
has been set down for hearing as follows:

Time: 10.30am

Date: Monday 3rd October 1988

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

Yours faithfully

Mrs R H Derwin  
for Registrar

**PARTICULARS OF TITLE TO LAND**

Name and description of land: Matangaraka 2B

Nature and date of Court Order: Partition Order 6.5.29

Area: 1967.4096 Ha

Block and survey district: IX, X, XII, XIV Whangaparaoa S.D. County: Orotiki

Number of owners: 645 approx

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

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

Whether land surveyed: Yes ML 4456

What parent block is last surveyed: .....

Survey charges due: .....

Rate charging orders: .....

Succession duty due: .....

Court fees due: .....

Whether partition orders have gone through to District Land Registrar: Yes  
L.T. Ref: Vol. 4D Fol. 113

Any former existing Land Transfer Title: .....

Alienations completed or pending: See memorial schedule attached

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:  
See memorial schedule attached

.....

Sinking Fund at / / .....

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

.....

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

.....

Whether subject to any restrictions: .....

Existing Government valuation: C.V. 145,000 L.V. Imp.: Date: 1.7.86

Prepared by	<u>RLC</u>
Checked by	



### MEMORIAL SCHEDULE

NAME OF BLOCK: MATANGAREKA NO. 3B

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

Nature of Order or Instrument	Date	Checked	Reference
<b>Roll/Special Valuation:</b>			
Valn Ref: <u>7660/16</u> Date: <u>7 FEB 1984</u>			
C.V. \$ <u>308,000</u> L.V. \$ <u>304,500</u> I.V. \$ <u>3,500</u>			
Entered by: <u>RR</u> Checked by: <u>[Signature]</u>			
<del>ORDER SEC. 233 (3) (G) VESTING IN ALTERNATIVE TRUSTEES</del>	<u>22.3.85</u>	<u>[Signature]</u>	<u>ORD. 62/39</u>
<del>RENATA TE MOANA</del>			
<del>HONE HUKI WATTI</del>			
<del>HAROLD HELMREICH</del>			
<del>EDWARD KAINGARAU CALLAGHAN</del>			
<del>PERENU KAINGAKAU CALLAGHAN</del>			
<del>JOHN WAINUIA</del>			
<del>LEONARD JUNE MARVEL WALKER</del>			
<del>EDWARD TAIRA WAITI</del>			
<del>PETE HELMREICH ROHA</del>			
Name of lease from the Trustees to Matangareka Forest Ltd for a term of 70 yrs. exp. 1.1.1985 with a yearly rental of \$9560.00. Forwrded pursuant to Sect. 233/53.			
	<u>7.8.85</u>	<u>[Signature]</u>	<u>T.N. 16169</u>
<b>Roll/Special Valuation: OPOTIKI C.C. (BLK IX, X, XIII, XIV Whanga, Waiata S.D.)</b>			
Valn Ref: <u>7660/16</u> Date: <u>1/7 1986</u>			
C.V. \$ <u>145,000</u> L.V. \$ <u>120,000</u> I.V. \$ <u>25,000</u> <span style="float: right;">TIMBER NOT VALUED</span>			
Entered by: <u>[Signature]</u> Checked by: <u>[Signature]</u>			
Reading Appn No 32359: Sec 78A/67 Hine LAWSON			
	<u>15.8 86</u>	<u>[Signature]</u>	

# MEMORIAL SCHEDULE

NAME OF BLOCK: MATANGAREKA No. 3B.

CT 4P / 1113

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

Nature of Order or Instrument	Date	Checked by	Reference
<del>Road-Line-Order, in favour of the owners of this Block, over Waikura No. 1 Whangaparaoa No. 3A &amp; Whangaparaoa, No. 3B. Blocks</del>	25/7/51	[Signature]	Opo, M/B, 32/296-299
<del>Common Use Charges (Bataa) outstanding as at</del>	25/4/62	[Signature]	Liens List
Consolidated Order issued	27.6.63		Op. 38/140-142
<del>Order Sec 98 appointing HAROLD HELMBRIGHT OS trustee for Pakekaha Mariri or Pakekaha Helmbright by reason of infirmity with certain powers</del>	20/9/80		38/142
Roll/Special Valuation:			
Valn Ref: 7660/16 Date: 1/10/76			
C.V. \$49,000 L.V. \$49,000 I.V. —		TNV	
Entered by: [Signature] Checked by [Signature]			
VALUE OF 1.00000 = \$10.53			
Roll/Special Valuation:			
Valn Ref: 7660/16 Date: 1/10/81			
C.V. \$78,500 L.V. \$78,500 I.V. —		TNV	
Entered by: [Signature] Checked by [Signature]			
ORDER (SECTION 438) VESTING IN THE "MATANGAREKA 3B LAND TRUST" THE TRUSTEES OF WHOM ARE:-			
RENATA TE MĀDANA	EDWARD KAINGARAU	Callaghan	
HONE HIKI WAITITI	PERENU KAINGAKAU	CALLAGHAN	
TAWHAI WAENGA	JOHN WAENGA		
TUHI CALLAGHANE	HOAMI CALLAGHAN		
HAROLD HELMBRIGHT			
	21.1.82	[Signature]	OP 55/82
<del>ORDER SEC 438(5) TERMS OF TRUSTING</del>			
	21.1.82		

# PARTITION ORDER.

(RULE 37.)

*The Native Land Act, 1909.*

Opotiki M.B.  
IN THE NATIVE LAND COURT,  
NEW ZEALAND.

Waikariki District

In the matter of the partition of the land known as

**Hatongareka No. 3** heretofore held  
under **Freehold order**, dated the **19th** day  
of **September**, 192-12

At a sitting of the Court held at **Opotiki**  
on the **6th** day of **May**, 1929  
before **Albert George Holland** Esquire, Judge,  
and **\_\_\_\_\_**, Assessor.

It is, as part of the said partition, hereby ordered and declared that the  
several persons whose names appear in the first column of the schedule endorsed  
hereon or annexed hereto, and therein numbered from one to two hundred and  
thirty seven.  
both inclusive, are the owners, in the relative shares or proportions set out  
in the second column of the said schedule, of that part of the said land,  
containing **4861 acres 2 roods 12 perches** named by the Court

**Hatongareka No. 3B**

and which part is particularly delineated in the plan attached hereto.

As witness the hand of the Judge and the seal of the Court.

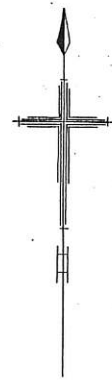
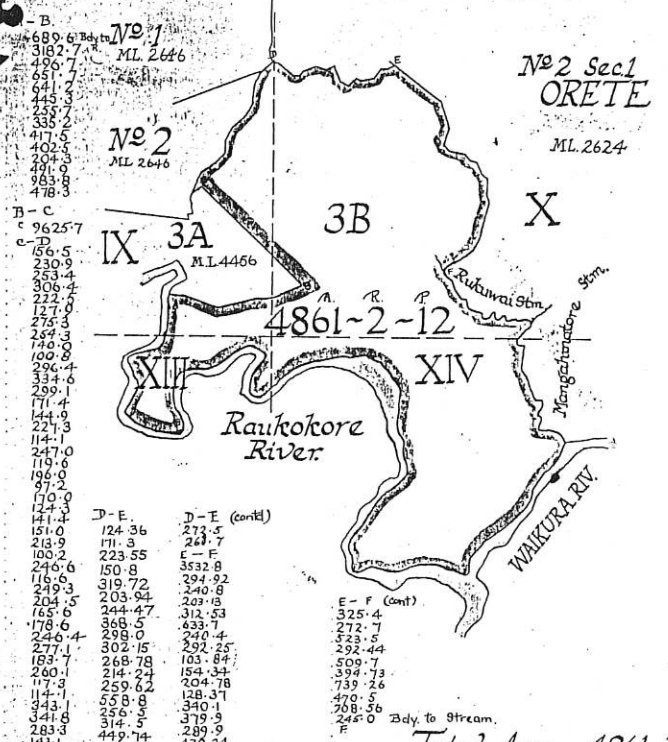
Nil



Duplicate sent to the District  
Land Registrar for registration.

22/2/29

*M. Anderson*  
District



- B  
 689.6 Body to No 1  
 3162.7  
 496.7  
 651.7  
 641.2  
 445.9  
 335.2  
 417.5  
 402.3  
 491.0  
 983.8  
 478.3  
 B - C  
 9625.7  
 C  
 156.5  
 230.9  
 303.4  
 306.4  
 222.5  
 127.0  
 275.0  
 163.0  
 740.0  
 100.0  
 296.4  
 334.6  
 299.1  
 171.4  
 144.9  
 221.3  
 114.1  
 247.0  
 115.0  
 196.0  
 97.2  
 170.0  
 174.3  
 141.4  
 151.0  
 213.9  
 100.2  
 246.0  
 116.6  
 249.3  
 204.5  
 165.6  
 178.0  
 246.4  
 277.1  
 183.7  
 200.1  
 117.3  
 114.1  
 343.1  
 341.8  
 283.3  
 143.1  
 325.1  
 1564.2  
 D - E  
 25.0  
 184.2  
 220.0  
 402.8  
 274.1  
 229.8  
 176.78  
 50.1  
 318.7  
 439.53  
 483.13  
 28.16  
 308.06  
 34.8

D - E  
 124.36  
 171.3  
 223.55  
 150.8  
 319.72  
 203.94  
 244.47  
 368.5  
 298.0  
 302.15  
 268.78  
 214.24  
 259.62  
 558.8  
 256.3  
 314.5  
 449.14  
 D - E (cont'd)  
 273.5  
 263.7  
 E - F  
 3532.8  
 294.92  
 340.8  
 203.13  
 312.53  
 633.7  
 240.4  
 292.25  
 103.84  
 184.34  
 204.78  
 128.37  
 340.1  
 379.9  
 289.9  
 478.34  
 281.3  
 244.87  
 191.3  
 239.76 155.48  
 168.37 229.9  
 454.62  
 328.7  
 482.8  
 155.18  
 362.73  
 529.87  
 442.14  
 169.85  
 425.67  
 146.8  
 362.9  
 126.6  
 283.93  
 382.16

E - F (cont'd)  
 325.4  
 272.7  
 273.5  
 292.44  
 509.7  
 394.73  
 739.26  
 470.5  
 708.36  
 245.0 Body to Stream.  
 F

Total Area = 4861-2-12

**MATANGAREKA No 3B**  
**BLKS IX, XIII, XIV, WHANGAPARAOA S.D.**

Surveyed by J. B. Birkyver  
 Chief Surveyor C. L. Cox  
 Draughtsman P. J. Schwabe  
 Scale Eighty chains to an Inch.

ML. 4456

Opotiki MB 62/39

ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, section 438(3)(a)  
and Section 34 (10)

In the Maori Land Court  
of New Zealand  
Wairariki District

IN THE MATTER of the Maori freehold  
land known as  
Matangareka No.3B

AT a sitting of the Court held at Rotorua on the 22nd day of March 1985  
before Norman Francis Smith, Esquire, Judge.

WHEREAS on the 21st day of January 1982 the Court did vest the Maori  
freehold land known as Matangareka No.3B in Renata Te Moana, Hone Hiki  
Waititi, Tawhai Waenga, Tuhi Callaghan, Harold Helmbright, Edward  
Kaingarau Callaghan, Perenu Kaingakau Callaghan, John Waenga and Hoani  
Callaghan as Trustees pursuant to the provisions of section 438 of the  
Maori Affairs Act 1953:

AND WHEREAS application has been made to replace certain trustees:

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:

Renata Te Moana, Farmer, Waihau Bay  
Hone Hiki Waititi, Eel Farm Manager, Te Kaha  
Harold Helmbright, Farmer, Waiotahi  
Edward Kaingarau Callaghan, Retired Farmer, Waihau Bay  
Perenu Kaingakau Callaghan, Maori Liaison Officer, Rotorua  
John Waenga, Farm Manager, Cape Runaway  
Leonard June Maxwell Walker, Farmer, Waihau Bay  
Edward Taika Waititi, Forestry Worker, Waihau Bay  
Peter Hauraki Ruha, Farmer, Waihau Bay

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.

Duplicates sent to the District  
Land Registrar for registration  
1715185





Opotiki MB 58/360

ORDER VESTING MAORI FREEHOLD LAND

The Maori Affairs Act 1953, Section 438

In the Maori Land Court  
of New Zealand  
Waiariki District

IN THE MATTER of the Maori freehold  
land known as  
Matangareka 3B

AT a sitting of the Court held at Te Kaha on the 21st day of January 1982  
before Norman Francis Smith, Esquire, Judge.

UPON READING the application of the Registrar for an order pursuant to  
section 438 of the Maori Affairs Act 1953 vesting the Maori freehold land  
known as Matangareka 3B:

AND UPON HEARING Mr Hunt for the Registrar 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 of the said Act and with  
their consent that the said land be and the same is hereby vested in:

Renata Te Moana, Fisherman, Waihou Bay  
Hone Hiki Waititi, Farmer, PO Raukokore  
Tawhai Waenga, Retired, Waihou Bay  
Tuhi Callaghan, Sharemilker, Waihou Bay  
Harold Helmbright, Farmer, RD 3, Kutarere  
Edward Kaingarau Callaghan, Farmer, Waihou Bay  
Perenu Kaingakau Callaghan, Maori Liaison Officer,  
79 Mountain Road, Rotorua  
John Waenga, Farmer, Private Bag 36, Opotiki  
Hoani Callaghan, Farmer, Private Bag 19, Waihou Bay, Opotiki

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



27 / 2 / 84.  
Land Register for registration.  
Duplicate sent to the District.

Opotiki MB 58/360

TRUST ORDER

The Maori Affairs Act 1953, Section 438 (5)

In the Maori Land Court  
of New Zealand  
Waiariki District

IN THE MATTER of the Maori freehold  
land known as  
Matangareka 3B

AT a sitting of the Court held at Te Kaha on the 21st day of January 1982  
before Norman Francis Smith, Esquire, Judge.

WHEREAS the Court has this day vested the Maori freehold land known as  
Matangareka 3B in Trustees pursuant to section 438 of the Maori Affairs  
Act 1953:

NOW THEREFORE THE COURT DOETH HEREBY ORDER AND DECLARE the trusts  
subscribed hereto upon which the said Trustees shall now and henceforth  
hold the said land until further or other order of the Court.

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





1 Title

This Trust shall be known as the MATANGAREKA 3B LAND TRUST and shall apply to the Maori freehold land known as Matangareka 3B Block.

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 user 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

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.

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 PROVIDED HOWEVER that no purchase or exchange shall be effected unless they are satisfied that the land so acquired can be vested in the appropriate beneficiaries as Maori freehold land.

ii To subdivide

To subdivide the land in any manner permitted by law into such subdivisions or parts as may seem expedient to them.



✓

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 or upon first or second mortgage or contributory mortgage or to lend money through any solicitor's nominee 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 or in the furtherance of any of the objects of the trust.

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



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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.

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 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.



*[Handwritten mark]*

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 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



*[Handwritten mark]*



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:

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- 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 5 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 Obligationsa To operate only through solicitor

The Trustees shall refer to a solicitor all their proposals and deliberations and shall not exercise any of their powers hereunder except after having received legal advice and assistance, and shall refer to any solicitor appointed by them any Notice under the Public Works Act, Rating Notice or Notice under the Town and Country Planning Act or the like and shall ensure that all income is received and investments effected only through or upon the advice of the solicitor that they have appointed for the purpose.

b General meetings

i The Trustees shall call a general meeting of the beneficial owners on or before the 20th February 1983 and thereafter from time to time and at least once every three 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 5 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 called for by any person in which event the matter shall be determined by owners voting in accordance with their shares.

iii No general meeting shall be deemed to be constituted unless at least 10 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.



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c Reports and Accounts

- i The Trustees shall cause to be prepared 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 and shall cause a copy of all such accounts to be deposited with the Registrar of the Maori Land Court.
- ii The Trustees shall cause annual reports to be made in respect of the trust and shall ensure a copy thereof to be deposited with the Registrar of the Maori Land Court.





APPLICATION FOR APPOINTMENT OF TRUSTEES

THE MAORI AFFAIRS AT 1953, SECTION 443

IN THE MAORI LAND COURT  
OF NEW ZEALAND  
Waiariki District

IN THE MATTER OF MATANGAREKA NO.3B  
BLOCK

I, PERENU KAINGAKAU CALLAGHAN of Rotorua, Maori Liaison Officer hereby make application for an order under Section 443 of the Maori Affairs Act 1953 that Matangareka No.3B Block be vested in the following persons pursuant to the trusts contained in and Order of this Court made pursuant to Section 438 of the Maori Affairs Act 1953 at Te Kaha on 21st day of January 1982 and recorded in the records of this Court in the Opotiki Minute Book Volume 58 Folio 360; and

Pursuant to further Orders made under Section 438(3)(A) of the Maori Affairs Act 1953 on the 22nd Day of March 1985 and recorded in the Records of this Court in the Opotiki Minute Book Volume 62 Folio 39:

RENATA TE MOANA of Waihou Bay, Farmer

HONE HIKI WAITITI of Te Kaha, Eel Farm Manager

HAROLD HELMBRIGHT of Waiotahi, Farmer

EDWARD KAINGARAU CALLAGHAN of Waihou Bay, Retired Farmer

PERENU KAINGAKAU CALLAGHAN of Rotorua, Maori Liaison Officer

JOHN WAENGA of Cape Runaway, Farm Manager

LEONARD JUNE MAXWELL WALKER , Waihou Bay, Forestry Worker

MAURA HIONA ROBSON of Waihou Bay, Unemployed

TAWAI HATI of Waihou Bay, Unemployed

MAORI LAND COURT WAIARIKI DISTRICT FEE: 22/00 Paid - 8 AUG 1988 Receipt No. 20470 POTOKI
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UPON THE GROUNDS:

1. THAT the said Renata Te Moana, Hone Hiki Waititi, Harold Helmbright, Edward Kaingarau Callaghan, Perenu Kaingakau Callaghan and John Waenga were together with Tuhi Callaghan, Tawhai Waenga and Hoani Callaghan were appointed trustees pursuant to the Order made by this Court on the 21st day of January 1982.

2. THAT Tuhi Callaghan has since died and Tawhai Waenga and Hoani Callaghan have resigned.

3. THAT when the Order was made on the 21st day of January 1982 it was stipulated that the trustees for Matangareka No.3B Block should always include those persons for the time being holding office as members of the

*Have copy  
M.L.C.  
19/4/88*

Committee of Management of the Proprietors of Orete No. 2 & Other Blocks on the grounds that the beneficial owners of Matangareka No.3B Block are substantially the same as the shareholders of the Proprietors of Orete No. 2 & Other Blocks.

4. AT an annual general meeting of the shareholders the Proprietors of Orete No. 2 & Other Blocks held at Waihau Bay in 1984 Leonard June Maxwell Walker, Edward Taika Waititi and John Callaghan were duly elected to the Committee of Management in place of Tuhi Callaghan, Tawhai Waenga and Hoani Callaghan.

5. THAT John Callaghan has since died.

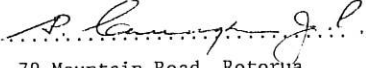
6. AT an annual general meeting of the shareholders the Proprietors of Orete No. 2 & Other Blocks held at Waihau Bay in 1985 Peter Hauraki Ruha was duly elected to the Committee of Management in place of John Callaghan.

7. AT an Annual General Meeting of the shareholders the Proprietors of Orete No. 2 and other Blocks held at Waihau Bay in 1987 Tawai Hati and Maura Hiona Robson were duly elected to the Committee of Management in place of Edward Taika Waititi and Peter Hauraki Ruha who both resigned.

8. To comply with the requirement that the Committee of Management for the time being of the Proprietors of Orete No. 2 & Other Blocks be included as trustees for Matangareka No.3B Block an Order is now sought under Section 443 of the Maori Affairs Act 1953 for the appointment of Tawai Hati and Maura Hiona Robson together with Renata Te Moana, Hone Hiki Waititi, Harold Helmbright, Edward Kaingarau Callaghan, Leonard June Maxwell Walker, Perenu Kaingakau Callaghan and John Waenga to be the trustees for Matangareka No. 3B Block.

Dated the *8<sup>th</sup>* of *August* 1988.

Applicant: — Perenu Kaingakau Callaghan

Address:   
79 Mountain Road, Rotorua