

**VESTING ORDER**

Te Ture Whenua Māori Act 1993, Section 239  
The Māori Land Court Rules 2011, Rule 7.5(2)(b)

In the Māori Land Court  
of New Zealand  
Aotea District

**IN THE MATTER** of Owhaoko A East and  
A1B Blocks Trust

**AND** the lands listed in the  
schedule attached hereto

AT a sitting of the Court held at Rotorua on 19th day of June 2020 before Craig Tamihana Coxhead, Judge

WHEREAS an application has been filed by Arapiu (Abe) Seymour to replace trustees

NOW THEREFORE the Court upon reading and hearing all evidence in support thereof and being satisfied on all matters upon which it is required to be so satisfied

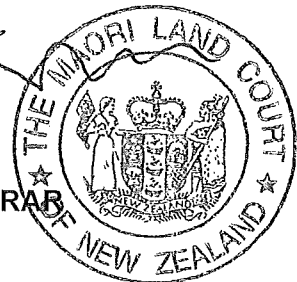
HEREBY ORDERS, pursuant to Sections 239(1) and 239(3) of Te Ture Whenua Māori Act 1993, that the said land and assets are vested in:

<u>Name</u>	<u>Address</u>
Arapiu Pohokura Seymour	142 Clarkin Road, Fairfield, Hamilton 3214
Fred Nicoll	32 Rata Street, Taupō 3332
Mackie Lyle Herewini	19 Commodore Court, Gulf Harbour, Whangaparoa 0930
Tere Ura Lambert	C/- Electrotech Controls Limited, 12 Sheffield Place, Onekawa, Napier 4110
Kay Ylese Jordine Anderson	71 Marshall Avenue, Taupō 3330

AND IT IS HEREBY DECLARED, pursuant to Rule 7.5(2)(b) of the Māori Land Court Rules 2011, that this Order do ISSUE IMMEDIATELY from the office of the Court

AS WITNESS the hand of a Deputy Registrar and the Seal of the Court.

DEPUTY REGISTRAR



Aotea District

<u>Blocks</u>	<u>LINZ Reference</u>
Owhaoko A East	491074
Owhaoko A No. 1B	479735



TERMS OF TRUST1 Title

This Trust shall be known as the Owhaoko A East and A1B Blocks Trust.

2 Objects

The objects of the Trust shall be to provide for the use management and alienation of the land and any other property or assets of the trust to best advantage of the beneficial owners and to carry on any one or more businesses, undertakings or enterprises either upon land or parts thereof, or in connection with some user of the land, which will directly or indirectly assist in the better utilisation of the resources of the commercial realisation thereof for the beneficial owners.

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 or the powers vested in the trustees by the Trustee Act 1956 but by way of emphasis and clarification as well to extend the powers of the Trustee it is declared that the Trustee is 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 exchange shall be effected unless they are satisfied that the land so acquired can be vested in the appropriate beneficiaries as Māori freehold land AND to acquire and sell hire or otherwise deal in any vehicles plant chattels or equipment;

(ii) To subdivide

To subdivide the lands 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 advisors 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 reserves  
To set aside such reserves as the trustees in their discretion shall think fit for contingencies or for capital expenditure or for expansion in accordance with the objects of the trust or in connection with any business carried on by the trustees pursuant thereto or 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 or invest  
To lend all or any of the money coming into its 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;
- (viii) To operate with others  
To enter into arrangements or agreements or contracts whether in the names of the trustees or jointly in partnership with any other person or organisation;
- (ix) To Lease or grant licences  
To lease the whole or any part or parts of the said lands from year to year or for any term of years or to grant licences at such rent or consideration and upon such covenants and conditions as the trustees shall think reasonable and to accept surrenders of and vary the leases thereof;
- (x) 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 on any matter including lands taken under the Public Works Act or other statutory authority with the Government or any Local Authority;
- (x) To pay outgoings and expenses  
To pay all rates, taxes, assessments and outgoings in respect of any property of the trust and all expenses incurred in relation to the management and administration of the trust or otherwise incurred in the exercise by the trustees of their powers hereunder;
- (xi) To pay own costs  
From the revenues derived from the operation of the trust to pay the proper and lawful charges commissions disbursements and fees of the trustees together with their reasonable travelling allowances or a refund of expenses actually and reasonably incurred in attending trust meetings conferences of the trust and general meetings of the beneficial owners and in addition each trustee shall be entitled to receive a fee for each meeting at which they shall attend such fee to be as fixed from time to time by the trustees;

- (xii) To take applications to the Māori Land Court  
At their discretion to bring and prosecute in the Māori Land Court on behalf of the beneficial 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;
- (xiii) To distribute to owners  
To distribute to the beneficial owners in each block in accordance with their shares, the whole or such part of the nett proceeds apportioned to that block as the trustee shall at its sole discretion from time to time determine;
- (xiv) To permit occupation or enjoyment by owners  
At their discretion to reserve in any lease or to 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 comparative shareholdings or to use the land for some recreational purposes such as hunting or, in the case of the trustees issuing permits or licences to hunt deer or other animals to make such concessions to beneficial owners whether in reduction of licence fees or otherwise as the trustees may from time to time decide; and if any such right is reserved, licensed or otherwise provided for but to one or some only of the beneficial owners, then in rentals and profits are to abate for those persons receiving the benefit of such reservations licences or provisions or otherwise be adjusted;
- (xv) 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 free of rent or otherwise upon terms more favourable to the open market without favour PROVIDED HOWEVER that such proposal has been approved by each of those in attendance at a general meeting of the beneficial owners of those lands affected called by the trustees after due notice of such meeting and of the terms of the proposed lease or licence have been given by them in manner hereinafter provided for the calling of general meetings;
- (xvi) To consent to the erection of dwellings  
To consent to the erection of dwellings on the said lands by those beneficial owners who have been granted a right to occupy by the trustees without partition of their interest and to enter into and to execute such deed or deeds as required by the Housing Corporation for the repayment of loans granted by such body to anyone or more of the beneficial owners for the erection of dwellings on the said land subject to the rights of the Housing Corporation as the lenders to remove dwellings erected on the said land and to do all such things and exercise all such powers for the purpose set out above as if the trustees owned the said land absolutely;

- (xvii) To make general welfare payments  
At their discretion from time to time or annually to apply funds to a representative tribal body of the beneficial owners or some general welfare or education scheme, purpose, facility directly or indirectly related to the beneficial owners or any group thereof including the application of funds to assist marae or with tribal hui expenses provided that such payments are approved by majority vote of those in attendance at a meeting of the beneficial owners called by the trustee after due notice of such meeting has been given by them in manner hereinafter provided for the calling of general meetings;
- (xviii) To protect wahi tapu  
To safeguard to the best of their ability any graves of the Maori people and all historic or sacred places in or upon the lands for the time being vested in them;
- (xix) To investigate access  
To investigate and prosecute applications to this court for access to the blocks.

#### 4 OBLIGATIONS OF TRUSTEES

- (a) Notwithstanding any general rule to the contrary no person shall be disqualified from being appointed or from holding office as a trustee 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 he shall not vote or take place 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.
- (b) Any trustee at any time, upon being required to by the Court, shall file in the Court a written report and make himself/herself available to the Court for questioning on the report or any matter relating to the administration of the trust or to the performance of his or her duties as a trustee.
- (c) (i) The Trustees shall in the tenth year after the constitution of this trust and at the completion of each ten year period thereafter apply to the Court for a review of the trust.
- (ii) On any such review the Court may by order give such directions to the trustees as it thinks fit, confirm the trust order without variation, vary the terms of the trust order in such manner as it thinks fit or make an order determining the trust.
- (d) Upon the death, resignation or removal by the Court of a trustee the surviving trustees shall:
- (i) where the number of trustees is less than four ensure that the next general meeting of beneficial owners considers a possible replacement, AND then make application to the Court for an order replacing such trustee;



- (c) A general meeting of beneficial owners shall be convened if required by the provisions of clause 6 hereof;
- (d) Notice of any general meeting shall be given by the insertion approximately three weeks and again approximately one week before the meeting of advertisements in such regional and local newspapers and other media as the trustee may decide with individual notices to those owners for whom the persons seeking the meeting provide an address and to such further owners as the trustee shall determine;
- (e) Matters resolved upon at general meetings of beneficiaries shall prevail over any direction, determination or resolution of a trust meeting;
- (f) In addition to the grounds upon which trustees might be removed from or appointed to office by the Māori 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;
- (g) The reports and accounts hereinafter provided for shall be submitted at the first general meeting convened after such accounts have been duly completed and audited;
- (h) No general meeting shall be deemed to be properly constituted unless at least twelve beneficial owners are present in person throughout the meeting.

## 8. ELECTION OF TRUSTEES

### (1) Rotation of Trustees

- (a) The maximum number of Trustees shall be six (6) and the minimum number shall be four (4)
- (b) The Trustees shall serve a maximum term of six years after appointment.
- (c) In the first year of this amended Section, the Board of Trustees shall determine which two of the total number of six trustees shall serve a term of two years, which two shall serve a term of four years, and which two shall serve a six-year term
- (d) At the end of their term as Trustees, those Trustees shall retire as Trustees, but may offer themselves for re-election as a Trustee for a further term of six years.

### (2) Nomination of Trustee

- (a) Nominations of Trustees shall be made on a nomination form approved by the Trust.
- (b) A nomination for Trustee must be made and signed by two beneficial owners of Trust lands
- (c) Nomination forms must be:
  - a. Personally received by the Manager of the Trust, or the Chairman, OR completed "On-Line", and by 4.00pm of the Monday prior to the General Meeting of the Trust.

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(3) Profiles of Trustee Candidates

- (a) Any person nominated for the position of Trustee must provide a written personal profile that details why they believe they should be elected as a Trustee
- (b) The profile must be personally received by the Manager of the Trust, or the Chairman, OR completed "On-line", by 4.00pm of the Monday prior to the General Meeting of the Trust.
- (c) A Trustee candidate must present their profile 'in-person' at the General Meeting as part of the trustee election process.
  - a. Failure to present a profile in person shall render the candidate nomination incomplete, and therefore ineligible for consideration for appointment as a Trustee

9. REPORTS AND ACCOUNTS(a) Annual Reports

The trustees shall complete an annual report on its activities for each year ending on the 30<sup>th</sup> day of June.

(b) Annual Accounts

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 or such date as shall be fixed by the trustees.

(c) A copy of all reports and accounts in this clause provided shall be deposited with the Registrar of the Maori Land Court within six months of the end of the period to which the report relates.

(d) Nothing herein shall be construed to restrict the right of the trustees to seek alternative provisions for accounting by an application to the Court for a variation of those trust orders.

10. MAORI COMMUNITY PURPOSES

(1) Where any income of a trust constituted under this Part of this Act is to be applied for Māori Community purposes, the trustees may provide money for the benefit or advancement of any specified beneficiary, any class or classes of beneficiaries, or the interests of any hapū associated with any land belonging to the trust, and its members, whether directly or indirectly.

(2) Without limiting the generality of subsection (1) of this section, in any such case the trustees may from time to time subject to the terms of the trust order, apply money towards all or any of the following purposes:

## (a) The promotion of health-

- (i) By installing or making grants or loans towards the cost installing water supplies, sanitation works, and drainage in Māori settlements; or
- (ii) By promoting, carrying out, or subsidising housing schemes, or by making grants or loans for any such schemes; or

- (iii) By providing, subsidising, or making grants for medical, nursing, or dental services:
- (b) The promotion of social, cultural, and economic welfare:
- (i) By making grants, or loans for the relief of poverty or distress: or
  - (ii) By developing, subsidising or making grants or loans for farming or other industries; or
  - (iii) By making grants or loans towards the cost of the construction, establishment, management, maintenance, repair or improvement of Māori meeting houses, halls, churches and church halls, kohanga reo, villages, maraes, or cemeteries; or
  - (iv) By establishing, maintaining, and equipping hostels for the purpose of providing either permanent or temporary accommodation; or
  - (v) By making grants or loans towards the establishment of recreational centres for the common use of any Māori community and for such other uses as the trustees think fit; or
  - (vi) By promoting, carrying out, or subsidising roading schemes, power schemes, or such other schemes as the trustees think fit, or by making grants or loans for any such schemes; or
  - (vii) By purchasing, acquiring, holding, selling, disposing of or otherwise turning to account shares in any body corporate that has as one of its principal objects the economic or social advancement of Māori, or the development of land; or
  - (viii) By the promotion of schemes to encourage the practice of Māori arts and crafts, the study of Māori lore and history, and the speaking of the Maori language
- (c) The promotion of education and vocational training.
- (i) By assisting in the establishment, equipping, managing, and conducting of schools and other educational or training institutions, including kohanga reo, by making grants of money, equipment, or material to schools and other educational or training institutions, including kohanga reo; or by making grants to the Māori Education Foundation established by the Māori Education Foundation Act 1961, or to any other funds established or bodies formed for the promotion of the education of Māori or for assisting Māori to obtain training or practical experience necessary or desirable for any trade or occupation; or

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- (ii) by providing scholarships, exhibitions, bursaries, or other methods of enabling individuals to secure the benefits of education or training, or by making grants to Education Boards or other educational bodies for scholarships, exhibitions, or bursaries; or
  - (iii) By providing books, clothing or other equipment for the holders of scholarships or other individuals, or by making grants generally for the purpose of assisting the parents or guardians of children to provide for their education or training for any employment or occupation; or
  - (iv) By providing, maintaining, or contributing towards the cost of residential accommodation for children in relation to their education or training;
- (d) Such other or additional purposes as the trustees with the approval of the Court from time to time determine.
- (3) Nothing in this section shall prevent the trustees from applying money for the general benefit of a group or class of persons, notwithstanding that the group or class of persons includes persons other than the beneficiaries; but no grant or loan shall be made to any individual for that individual's exclusive benefit unless that individual is a beneficiary or a descendant of a beneficiary.

11. **SIGNING AUTHORITY**

- (1) The Chairman, plus any one of the other remaining Trustees, shall have the delegated authority to sign all legal documents, or enter any legal agreements, on behalf of the Trust.