

THE MAORI AFFAIRS ACT 1963

Section 43B

Tokaanu Minute Book

In the Maori Land Court
of New Zealand
Teke District

IN THE MATTER of the land
known as
Tauranga-Taupo
2B 2M 3B 3B

At a sitting of the Court held at Wanganui on the 3rd day of October, 1964, before David Grant Davis, Esquire, Judge.

WHEREAS application has been made to the Court for an order under Section 43B of the Maori Affairs Act 1963 vesting in Trustees the land known as Tauranga-Taupo 2B 2M 3B 3B Block of 7 acres 1 rood 34 perches more or less

AND WHEREAS the Court is satisfied that at a representative meeting of the owners a resolution was carried unanimously approving such vesting

NOW THEREFORE the Court BOTH HEREBY ORDER AND DECLARE that the said land be and the same is hereby vested in the trustees whose names are set out in the Schedule endorsed hereon upon the following trusts that is to say:-

1. To hold and administer the said land for the general physical, social, moral or pecuniary benefit of the owners thereof or for such other purposes and upon such trusts as the Court with the approval of the Minister of Maori Affairs may from time to time declare.
2. To subdivide the whole or any part or parts of the said land into allotments for the purpose of sale or lease and to effect sales and to enter into leases upon and subject to such terms as the trustees shall think fit
3. To undertake or cause to be undertaken upon the said land such works as they think fit including, but without limiting the powers of the said trustees hereunder, the survey, draining, roading, reclamation, clearing, fencing, greening and planting the said land and the erection of buildings thereon
4. To undertake any works and to provide any other services that in the opinion of the said trustees may be necessary in order to put the land to its best and most profitable use

Cont..2..

Pauha. Cummins J

60

- 5. To undertake or cause to be undertaken upon the said land any farming or horticultural pursuits with power to do all such things or provide all such services as may be required in connection therewith, or at the discretion of the said trustees be considered to be ancillary thereto.
- 6. To permit any owner or any other person to occupy the land or any part thereof for such purpose and upon such terms as the said trustees think fit.

AS WITNESSE the hand of the Judge and the seal of the Court.

[Handwritten mark]

[Handwritten signature]
JUDGE

SCHEMATA

Hopi to Houhou
 Pateriki Hara
 Brian Jones
 Wairamona Tamaira
 Waratuna Ngahana
 Iwa Hara Mawera Tapu

[Handwritten notes at bottom right]

(B)

MEMORANDUM OF TRANSFER

WHEREAS HEPI TE HEUHEU ✓ 31/07/97
PATERIKI HURA ✓ 01/11/1980

John Hina 15/02/83.

Handwritten notes:
Name, address, and occupation of person selling
Nature of estate or interest, e.g., "in fee-simple", "of Leasehold", etc.

(1) BRIAN JONES
WAIREMANA TAMAIRA
WARATANA NGAHANA ✓ 02/01/77 and IWA MERE HAUJOURA TUPU

being registered as the proprietor of an estate⁽²⁾ and being registered as the proprietors of an estate in fee simple subject, however, to such encumbrances, liens, and interests as are notified by memoranda written or endorsed hereon, in all that piece of land situate in the⁽³⁾ Block V Tolcaamu Survey District in the Land District of South Auckland containing⁽⁴⁾ Seven acres one rood and thirty-four perches (7 - 1 - 34)

⁽²⁾ District, e.g., County (or City, etc.) of _____

⁽³⁾ Here state area.

⁽⁴⁾ Here set out the land as described in the relative Certificate of Title and refer to the title by its volume and folio, and in cases other than "fee-simple" also refer to the document being dealt with by number and 1 description, stating whether the land is the whole, the balance, or only a part of that in the title and/or document.

be the same a little more or less,⁽⁵⁾ being the block of land known as Tauranga Taupo 2B2M3B3B and being all the land contained and described in a partition order of the Maori Land Court dated the 25th day of March, 1942 and recorded in Tolcaamu Minute Book 27 Folios 218 and 219 AND WHEREAS at a meeting of assembled owners of the said land duly summoned under the provisions of Part XXIII of the Maori Affairs Act 1953 on the 3rd day of October, 1964 it was resolved that the part of the said piece of land containing one acre and twenty perches (1 - 0 - 20) as shown by the diagram endorsed hereon and therein bordered red and also as shown and described as Part Tauranga Taupo 2B2M3B3B on S.O. Plan numbered 42907 be sold to HER MAJESTY THE QUEEN for the sum of Five thousand two hundred and fifty pounds (£5250.0.0) AND WHEREAS the assembled owners at the aforesaid meeting duly passed and adopted a resolution vesting the aforesaid land in the aforesaid trustees with power to subdivide and effect sales of the whole or any part of the aforesaid land AND WHEREAS on the 23rd day of October, 1964, the Maori Land Court did, acting under the provisions of Section 438 of the Maori Affairs Act 1953, duly confirm the resolution establishing the trust AND WHEREAS the Minister of Maori Affairs, acting under the provisions of the said Section of the said Act did, on the 10th day of November 1964 approve of the establishment of the said trust NOW THEREFORE IN CONSIDERATION of the sum of Five thousand two hundred and fifty pounds (£5250.0.0) paid to the aforesaid trustees by HER MAJESTY THE QUEEN (the receipt of which sum is hereby acknowledged) the aforesaid trustees DO HEREBY TRANSFER to HER MAJESTY THE QUEEN, for the purposes of the Public Works Act 1928, all the estates and interests of the owners in the said land.

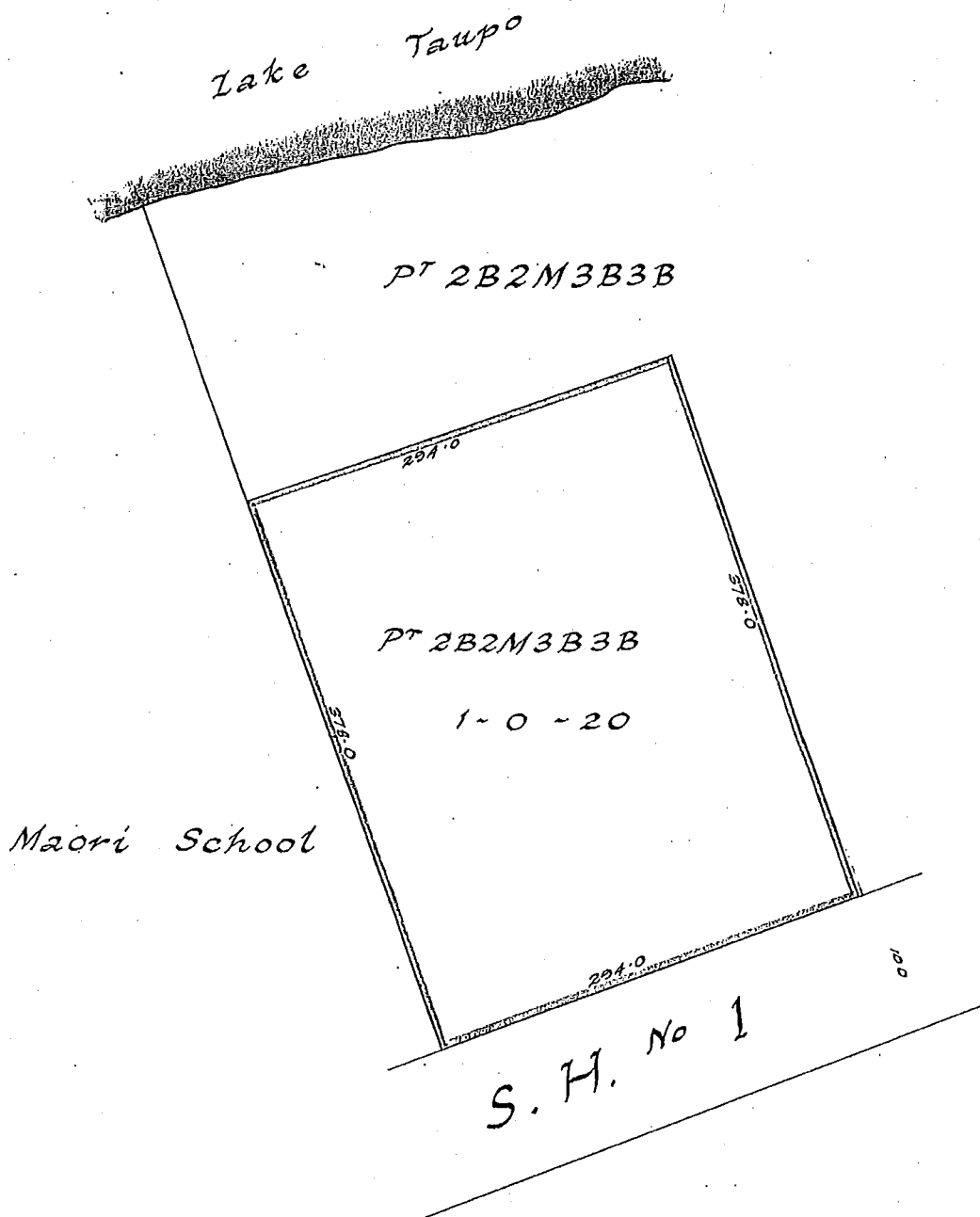
SIGNED severally by each of the persons whose names are written in the first column and are signed in the second column of the Schedule hereto before us the attesting witnesses whose signatures are set forth in the third column of the Schedule hereto opposite the names of the persons whose signatures we attest AND WE HEREBY CERTIFY that the same was signed on the dates set forth in the Fourth column of the said Schedule opposite such signature.

- SCHEDULE -

(1) Name of Maori	(2) Signature of Maori	(3) Signature of Witness	(4) Date
HEPI TE HEUHEU	<i>Hepe Te Heuheu</i>	<i>Witness to all</i>	10. 2. 65
PATERIKI HURA	<i>Pateriki Hura</i>	<i>The Signatories</i>	10. 2. 65
BRIAN JONES	<i>Brian Jones</i>	<i>Witness</i>	10. 2. 65
WAIREMANA TAMAIRA	<i>W. Tamaira</i>	<i>Solicitor</i>	10. 2. 65
WARATANA NGAHANA	<i>W. Ngahana</i>	<i>Witness</i>	10. 2. 65
IWA MERE HAUJOURA TUPU	<i>Iwa Mere Haujoura Tupu</i>	<i>Witness</i>	10. 2. 65

South Auckland Land District.

Blk IV Tokaanu S.D.



PT Tauranga Taupo 2B2M3B3B

Scale = 80 links to an inch.

Delt = Joseph. 17-12-6



26 July 2012

Decision no:.....
Date Received:.....

Manager Clearances
Land Information New Zealand
PO Box 5501
Wellington

**STAGE 2 REPORT - SECTION 40 PUBLIC WORKS ACT 1981 INVESTIGATION OF PART
TAURANGA TAUPO PRIMARY SCHOOL**

LINZ FILE REFERENCE: CPC/07/12021/A & CPC/04/10054/A

LINZ PROJECT NO: 31288

yellow-different report.

CLIENT: Ministry of Education

INTRODUCTION:

*offered back
pink + blue area
?*

The stage 1 report approved 1 November 2005 recommended that the area coloured pink be offered back to the former owner or successors and that the area coloured blue be included with the offer back of the area coloured pink, as an additional area. This report identifies the persons to whom an offer back is to be made. An Offer of Sale for signing will be submitted separately once the recommendations of this report have been approved.

LEGAL DESCRIPTION: Lot 2 DP 372602 & Lot 1 DP 12494

AREA: 5318m²

ENCUMBRANCES: None

LAND STATUS:

The land is comprised in CFR 454454 and CFR 454455 in the name of Her Majesty the Queen for a state primary school. The land is administered by the Ministry of Education by virtue of Section 143(2) Education Act 1989.

MINERAL STATUS:

The non-statute minerals remain in Crown ownership (affects CFR 454454) and in CT 8A/1061 (affects CFR 454455).

Refer to stage 1 report for full mineral history.

BACKGROUND:

The stage 1 report identifies the former owners as Hepi Te Heuheu, Pateriki Hura, Brian Jones, Wairemana Tamaira, Waratana Ngahana and Iwi Mere Hauauru Tupu, who were acting as trustees for the land owners, confirmed by a Maori Land Court Order dated 3

Darroch Limited
Level 10, State Insurance Tower
1 Willis Street, Wellington
PO Box 1545, Wellington 6140 New Zealand
Tel: +64 (0)4 472 3529
Fax: +64 (0)4 472 0713
www.darroch.co.nz



October 1964. There were some changes to the trustees over time, with the last vesting order for Tauranga Taupo 2B2M3B3B Block dated 17 March 1971 listing the trustees as:

Hepi Hoani Te Heuheu died on 31 July 1997

Pateriki Joseph Hura died on 1 November 1980

Brian Jones, resides at St Johns Wood Rest Home & Village, 133 Tamamutu Street, Taupo

John te Oranga Hura died on 15 February 1983

Waratana Renata Ngahana died on 2 January 1977

In a letter dated 24 September 2007, Darroch instructed Terry Innis to contact Brian Jones and proceed with a hui of the former owners. A hui was held on 10 November 2007 at Waitetoko Marae, near the subject land. Thirty seven persons attended, with Brian Jones as chairman. It was decided that a working party of four or five people would be set up to consider matters. John Hura became the main contact for the working party.

In his letter of 29 July 2008, Terry Innis advised that there was still a trust in place, but that new trustees could be appointed from those on the working group, to be ratified at a hui and application made to the Maori Land Court. In his email of 23 September 2008, Terry Innis conveyed two proposals from the working group: 1. Land vested in the steering party to hold on behalf of the successors of the original owners; and 2. Vest the land in an existing trust for Tauranga Taupo 2B2M3B3B. This land no longer exists, but the trust was never dissolved. These options were to be investigated through the Maori Land Court.

The working party held a hui on 3 October 2009, in which it was agreed that there is the formation of an Ahu Whenua Trust and the following persons were elected to be the trustees: John Hura, Connie Tamaira, Papuni Hartley, Lance Bell and Te Mare Hahipene.

An application was filed by the trustees at the Maori Land Court to formalise the new trust. A letter from the Maori Land Court dated 4 November 2009, in which they advised John Hura that a section 134 vesting order for the land was required to be processed before the application for the Ahu Whenua Trust could be processed.

In his letter of 25 November 2009, Terry Innis advised that trustees preferred the land to be offered back as General Land.

In an email of 25 March 2010, LINZ requested a stage 2 report, excluding offer back, before any further action is taken so that the matter does not go too far down the wrong path.

A legal opinion was sought from Buddle Findlay, who concluded in their letter of 6 September 2011 that the offer back should be made to Brian Jones, as the sole surviving trustee, on following basis:

- (a) in his capacity as trustee of the Trust (2B2M3B3B Trust);
- (b) Mr Jones acceptance is expressly stated to be on the basis that he accepts it as trustee and acknowledges and agrees with the Crown that he will deal with the land on the basis of and for the purposes of the Trust;
- (c) Before making the offer to Mr Jones in this capacity the Crown receives assurance from the beneficiaries that they do not wish the Crown to make an application under section 134 and that they wish the offer to be made to Mr Jones on the above basis; and
- (d) That there is a mechanism in existence that would immediately hold and deal with the land for the purposes of the Trust, as we are concerned there is now only one trustee and at the difficulties that would arise if he were to pass away while Lot 2 was in his name only. This mechanism might be a mirror trust established for the same purposes, with the same powers and for the same beneficiaries as the Trust.



SUMMARY:

The original decision to offer back was made under Section 41(e) Public Works Act 1981. However, this is incorrect, as the land was held by persons acting as trustees for the owners. Under Section 41(c) Public Works Act 1981, the land is not to be vested by the Maori Land Court if the land was held by a trustee or trustees. Therefore, the decision should be amended to offer back pursuant to Section 40(2)(c) Public Works Act 1981.

Furthermore, the offer back should be made to Brian Jones, as the sole surviving trustee for 2B2M3B3B Trust.

RECOMMENDATION:

It is recommended that pursuant to Section 40(2)(c) Public Works Act 1981 that the land be offered back to Brian Jones, as the sole surviving trustee for 2B2M3B3B Trust.

Prepared by:

.....
Tim Papps (nominated person)
Property Services

Peer reviewed by

.....
Murray Bradley
Property Services

~~APPROVED/DECLINED~~

NATASHA POLLARD

15/10/2012

(In terms of a warrant from the Chief Crown Property Officer and the Commissioner of Crown Lands dated)

APPENDICES:

- Appendix I Death Certificates
- Appendix II Maori Land Court Information
- Appendix III Correspondence
- Appendix IV Legal Opinion
- Appendix V Current Search Copies



APPENDIX I

Death Certificates

SYSTEM COPY ONLY
 THE INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 14 JUL 2012
 BY 1983/01168
 20120166203

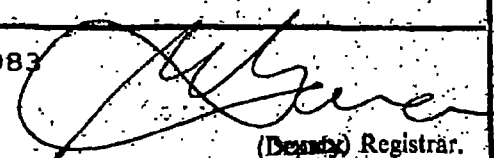


Folio No. 004984 R.G. 6

DEPARTMENT OF JUSTICE

DEATH REGISTERED AT TAUMARUNUI NEW ZEALAND

THE FORM ON THIS SIDE TO BE USED FIRST

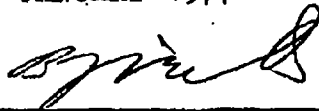
(1)	ENTRY NO.	9
(2)	1. Name and Surname. 2. Profession or Occupation. 3. Usual place of residence:	1. Jōhn Te Oraŋga HURA 2. Farmer 3. Turangi
(3)	1. Sex. 2. Age-Date of Birth.	1. M. 2. 46 6 June 1936
(4)	1. When died. 2. Where died.	1. 15 February 1983 2. Waikato Public Hospital, Hamilton
(5)	1. Where born. 2. How long in New Zealand.	1. Tokaanu 2. 46 years
(6)	1. Name and Surname of Father. 2. Name and Surname of Mother. 3. Maiden Surname of Mother. 4. Profession or Occupation of Father.	1. Pateriki Joseph HURA 2. Harriet HURA 3. Asher 4. Company Manager
(7)	1. Where married. 2. At what Age married. 3. To whom married. 4. Age of Widow, if living. 5. If Issue living, state Ages of each Sex.	1. Waihi, Tokaanu 2. 23 3. Veronica ARNSEN 4. 45 5. M. 20, 18 F. 21, 16
(8)	1. When buried. 2. Where buried.	1. 18 February 1983 2. Tokaanu
(9)	1. Causes of Death and Intervals between Onset and Death. 2. Medical Attendant by whom certified. 3. When he last saw Deceased (i.e., before death).	Acute Renal Failure - 24 hours Congestive Cardiac Failure - 24 hours Hypoxic injury during episode of cardiac arrest - 25 hours Mitral incompetence - 6 years Cardiac Dephthymia - 2 months High Alcohol consumption - 2 years Aspiration Pneumonitis - 24 hours 2. R. W. Warring 3. 15 February 1983
(10)	1. Signature of informant. 2. Description. 3. Residence.	1. R. C. Schofield 2. Funeral Director 3. Taumarunui
(11)	1. When Registered. 2. Signature of (Deputy) Registrar.	1. 21 February 1983 2. M. J. Gavan 

(Deputy) Registrar.



DEPARTMENT OF JUSTICE

DEATH REGISTERED AT TURANGI NEW ZEALAND

(1)	ENTRY NO.	1/77
(2)	1. Name and Surname. 2. Profession or Occupation. 3. Usual place of residence.	1. WARATANA RENATA NGAHANA 2. CIVIL SERVANT 3. 9 ROTA STREET TURANGI
(3)	1. Sex. 2. Age-Date of Birth.	1. MALE 2. 82 22 JUNE 1894
(4)	1. When died. 2. Where died.	1. 2 JANUARY 1977 2. PUBLIC HOSPITAL TAUMARUNUI
(5)	1. Where born. 2. How long in New Zealand.	1. TOKAANU 2. 82 YEARS
(6)	1. Name and Surname of Father. 2. Name and Surname of Mother. 3. Maiden Surname of Mother. 4. Profession or Occupation of Father.	1. RENATA NGAHANA 2. TE IWIHEKE NGAHANA 3. WHAREKAIHUA 4. FARMER
(7)	1. Where married. 2. At what Age married. 3. To whom married. 4. Age of Widow, if living. 5. If Issue living, state Ages of each Sex.	1. WELLINGTON 2. 22 3. TE KORE TE WHIWHIA 4. 5. M. F. 55
(8)	1. When buried. 2. Where buried.	1. 5 JANUARY 1977 2. TURANGI
(9)	1. Causes of Death and Intervals between Onset and Death. 2. Medical Attendant by whom certified. 3. When he last saw Deceased (i.e., before death).	1. BRONCHOPNEUMONIA 3 WEEKS INT. 2. M. LOVEROCK 3. 1 JANUARY 1977
(10)	1. Signature of informant. 2. Description. 3. Residence.	1. XXXXXXXXXX T. HARTLEY 2. XXXXXXXXXX NEXT OF KIN 3. 9 ROTA STREET TURANGI
(11)	1. When Registered. 2. Signature of (Deputy) Registrar.	1. 12 JANUARY 1977 2.  (Deputy) Registrar.

THE FORM ON THIS SIDE TO BE USED FIRST

This is not a Certificate

10 NOV 2012

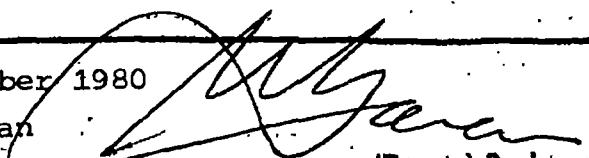


Folio No. 25773

DEPARTMENT OF JUSTICE

DEATH REGISTERED AT taumarunui

NEW ZEALAND

(1)	ENTRY NO.	81
(2)	1. Name and Surname. 2. Profession or Occupation. 3. Usual place of residence.	1. Pateriki Joseph Hura 2. Company Manager 3. 11 Porou St. Taumarunui
(3)	1. Sex, 2. Age-Date of Birth.	1. Male 2. 70 28.2.1910
(4)	1. When died. 2. Where died.	1. 1 November 1980 2. 11 Porou St. Taumarunui
(5)	1. Where born. 2. How long in New Zealand.	1. Waihi, Tokaanu 2. 70 years
(6)	1. Name and Surname of Father. 2. Name and Surname of Mother. 3. Maiden Surname of Mother. 4. Profession or Occupation of Father.	1. Kumeroa Hura 2. Te Atamira Hura 3. Te Heuheu 4. Not known
(7)	1. Where married. 2. At what Age married. 3. To whom married. 4. Age of Widow, if living. 5. If Issue living, state Ages of each Sex.	1. Tokaanu 2. 20 years 3. Harriet Asher 4. 71 5. M. 44 43 F. 47 40 35 31
(8)	1. When buried. 2. Where buried.	1. 4th November 1980 2. Tokaanu
(9)	1. Causes of Death and Intervals between Onset and Death. 2. Medical Attendant by whom certified. 3. When he last saw Deceased (i.e., before death).	1. Cardiac Failure - sudden Ischaemic Heart disease - 15 years Bronchietasis - pulmonary embolism Hypertension polyarthritits 2. E. J. F. Brewer 3. 22 October 1980
(10)	1. Signature of informant. 2. Description. 3. Residence.	1. R. C. Schofield 2. Funeral Director 3. Taumarunui
(11)	1. When Registered. 2. Signature of (Deputy) Registrar.	1. 6 November 1980 2. M. J. Gavan  (Deputy) Registrar.

THE FORM ON THIS SIDE TO BE USED FIRST

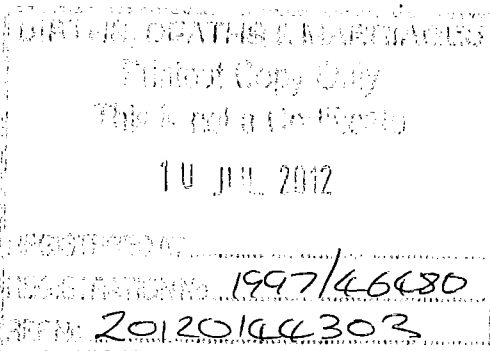


Death Registration

Office **Taupo**District No. **120/97**National No. **17711****DECLARED**

First or given name(s) **Hepi Hoani**
 Surname or family name **TE HEUHEU**
 (If different First or given name(s) at birth -
 from above) Surname or family name at birth -
 Date of death **31 July 1997**
 Place of death **Taupo Hospital, Taupo**

Cause or causes of death **Acute renal failure - 2 days**
 (as specified in doctor's certificate or coroner's order) **Diabetes Mellitus - years**
Hypostatic pneumonia - 2 days
Congestive cardiac failure - 2 weeks



Name of certifying doctor **B. Leary**
 Date last seen alive by certifying doctor **30 July 1997**
 Sex **M**
 Age and date of birth **78 26 January 1919**
 Place of birth **Wellington**
 If not born in New Zealand number of years lived here
 Usual home address **Prince of Wales Drive, Waihi, Lake Taupo**

Usual occupation, profession or job **Farmer/Paramount Chief of Ngati Tuwharetoa**
 Ethnic group(s) **NZ Maori**
 Maori descent **Yes**
 Date of burial or cremation **5 August 1997**
 Place of burial or cremation **Waihi Family Cemetery, Tokaanu**
 Age of each daughter **52 51 46**
 Age of each son **56 53 47 30**

PARENTS

MOTHER: First or given name(s) **Raukawa Tawhirau**
 Surname or family name **TE HEUHEU**
 (If different First or given name(s) at birth -
 from above) Surname or family name at birth **MANIAPOTO**
 Occupation, profession or job **Housewife**

FATHER: First or given name(s) **Hoani Tukino**
 Surname or family name **TE HEUHEU**
 (If different First or given name(s) at birth -
 from above) Surname or family name at birth -
 Occupation, profession or job **Paramount Chief of Ngati Tuwharetoa**

MARRIAGE DETAILS

Marital status **Married**
 Age at marriage **23**
 Place of marriage **Tokaanu**
 To whom married - First or given name(s) **Pauline Hinepoto**
 To whom married - Surname or family name **TE MOANA**
 Age of spouse or former spouse **79**

Funeral Details

Name **B. McIntosh**
 Description or occupation **Funeral Director**
 Address **117 Rickit Street, Taupo**

Date of registration **7 August 1997**

[Signature] **7/8/97**
 Signature of Registrar



APPENDIX II

Maori Land Court Information

Registered

23.12.40

File No. 23/692

Re TAURANGA TAUPO 262M3B3B Block

To

The District Land Registrar,
Land & Deeds Registry
HAMILTON

From

The Registrar, Maori Land Court,
PRIVATE BAG
WANGANUI

Herewith I forward the under-mentioned documents. Please acknowledge on the attached form.

W. Noble
Registrar.

TO S519609 Trustee Ord

Cpy - 01/01, Pgs - 005, 28/08/11, 09:37



DocID: 512818048

SCHEDULE OF DOCUMENTS FORWARDED

1 ORDER VESTING LAND IN TRUSTEES - DATED 25.9.1969

*Amount to be registered
until order cancelling
appointment Trustees is
registered*

25 JAN 1971
SOUTH AUCKLAND
HAMILTON

Acting:

M/S TRIPE, MATTHEWS & FEIST

P.O. Box 500.3

WELLINGTON 1.

WBG:JMC

M.F. 7509

31030

State Advances Building,
HAMILTON.

12th May 1971

Messrs Tripe Matthews & Feist,
Solicitors,
P.O. Box 5003,
WELLINGTON 1.

Dear Sirs,

TAURANGA TAUPO 2B2M3B3B

I am answering your letter dated 5th May 1971.

I received a Trustee Order on 5th January for registration vesting the abovementioned block in six persons. That Order refers to a Court Order dated 25th September 1969 cancelling Order S.307161 which was registered in 1965.

Before vesting the Maori Block in the new trustees it will be necessary for the Order cancelling the previous Trustee Order to be registered. You should ask the Registrar of the Aotea Maori Land Court to forward the Order cancelling the first Trustee Order and authorise your Hamilton agents to pay the \$2.00 registration fee on these two Orders.

When both these Orders are presented for registration there will be no delay in signing them up.

Yours faithfully,


(W.B. Greig)
DISTRICT LAND REGISTRAR

TRIPLE MATTHEWS & FEIST
SOLICITORS

TELEPHONE: 559-939
P.O. Box 5003

KEITH TAYLOR MATTHEWS, LL.B.
RUSSELL TALBOT FEIST, LL.B.
VENTRY ROLLO W. GRAY, LL.M.

CODE ADDRESS "PROCEDURE"

General Building,

Waring Taylor Street,

Wellington, 1, N. Z.

5 May 1971.

The District Land Registrar,
Land Transfer Office,
HAMILTON.

Dear Sir,

re Tauranga Taupo 2B2M3B3B.

About the middle of January the Maori Land Court forwarded to you for registration a new Trustee Order. On 21 January we instructed our Hamilton Agents, Messrs. Tompkins Wake Paterson & Bathgate, to attend at the Land Transfer Office and register such Order. In reply to a recent letter, our Agents advise that the Order is still not registered but that the Maori section in the Land Transfer Office is undergoing a certain amount of re-organisation and registration of documents is held up.

The non-registration of this Order is of some concern to us as we have settled a transaction on an undertaking that registration of the new Trustee Order has been effected. Would you please advise how long it will be before this new Order can be registered.

Yours faithfully,
TRIPLE MATTHEWS & FEIST:

RTF.MMS.

Heard

*Miss Ansell
Your report please
RTF*

Land & Deeds Office
- 7 MAY 1971
SC

RECEIVED
MAY 11 1971
LAND & DEEDS OFFICE
WELLINGTON

ENTERED BY *6/10/69*
CHECKED BY *20*

ORDER VESTING LAND IN TRUSTEES

The Maori Affairs Act 1953 - Section 438

TOK M.B. 49/194

In the Maori Land Court
of New Zealand,
Aotea District.

IN THE MATTER of the land known as
Tauranga Taupo 2B2M3B3B

AT A SITTING of the Court held at Tokaanu on the 25th day of
September 1969 before David Grant Davis, Esquire, Judge

WHEREAS by an order of the Court dated the 23rd day of October 1964,
pursuant to Section 438 of the Maori Affairs Act 1953, the land
known as Tauranga Taupo 2B2M3B3B was vested in trustees

AND WHEREAS the Court upon hearing an application for an order
giving additional powers to the trustees determined that the said
order dated the 23rd day of October 1964 be cancelled and new orders
under Section 438 of the Maori Affairs Act 1953 issue

AND WHEREAS by an order dated the 25th day of September 1969 the
said order has been cancelled

Now therefore it is HEREBY ORDERED that the land known as Tauranga
Taupo 2B2M3B3B be and the same is HEREBY VESTED in

Hepi te Heuheu
Pateriki Hura
Brian Jones
John te Oranga Hura
Waratana Ngahana
Iwa Mere Hauauru Tupu

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



D. G. Davis
Judge

S

519609

MIF 7509

Trustee Order

PARTICULARS ENTERED IN THE REGISTER-BOOK
Vol. 8th FOLIO 1061

26th DAY OF May 1971
10:50^o CLOCK.

[Signature]
Assistant Land Registrar
SOUTH ISLAND, N.Z.



NO. OF DEEDS	
NO.	110
FROM	Simpkins Wake & Co.
DATE	26 MAY 1971
TIME	10-50 ^o
AMOUNT	\$ 2-00.00
OFFICE NO.	232



APPENDIX III

Correspondence

Innis Land Services
PO Box 20392
HAMILTON

Email: tim.papps@dtz.co.nz
Direct Tel: 04 460 3847
Direct Fax: 04 472 0713

Attention: Terry Innis

Our Ref: CPC/07/12021/A

Date: 24 September 2007

Dear Terry

Tauranga Taupo School

Enclosed is a copy of the stage 1 report, which approves that part of the above closed school (area coloured pink) be offered back under Section 41(e) Public Works Act 1981. Also enclosed is background information relating to the acquisition of that land. It is apparent that the names of the former owners identified in the stage 1 report were acting as trustees for the former owners. I have determined that Brian Jones is the sole surviving trustee. I have spoken to him and he wants to arrange a hui about November to gather the former owners and successors together to discuss this. Brian's contact details are:

Brian Jones, Tuaropaki Trust, C/- Strettons Chartered Accountants, PO Box 214, Taupo ph 07 378 7105.

We would like you to arrange the hui on behalf of the Ministry. You will need to contact Brian Jones to arrange the finer details, such as where and when.

We need to determine who were the former owners and who will act for the successors with respect to the offer back.

Yours faithfully

Tim Papps
Property Services

Tim Papps

From: Terry Innis [innisland@xtra.co.nz]
Sent: Monday, 12 November 2007 1:47 p.m.
To: Tim Papps
Subject: Tauranga Taupo School

Hi Tim

Well the hui was an interesting event with 37 people attending. Brian Jones was the chairman for the day. I did the normal spiel about how the land was acquired and how the offer back process worked etc. There were several questions raised from the floor and the most contentious of the lot was the issue of Lot 1 and how the Trust of the day had offered to give the land at no consideration to the school. There were those that suggested that the Crown should be giving that part back.

It took some time to explain subdivision and reserve contributions.

What happened on the day is that a working party has been set up of 4-5 people who will investigate the purchase of the land and take that back to another hui.

I did inform them that the valuation figures in the Section 40 was dated May 2005 and would need to be updated prior to any formal offer being made. The working party also wish to obtain their own valuation as a comparison and I have suggested that there is no point in doing so until DTZ order a new report.

I would suggest that there will not be much movement until early 2008 as the local marae has hui booked solidly.

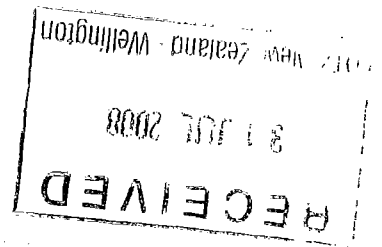
All and all it was a good hui and I meet several people that I already knew from previous work in the area.

I see that the valuation report was prepared by HF Corrigan, is that Hugh? If it is I used to work with him at L & S.

Cheers

Terry

Innis Land Services



Terry Innis, Ph/fax 07 8492024, P.O.Box 20392 Hamilton
Mobile 027 2955164
E-mail innisland@xtra.co.nz

Maori Court Applications and Procedures
Specialist in Maori Land Research
Historical Research
Status Checks
Title Searches

29 July, 2008

DTZ New Zealand
P O Box 1545
Wellington

Attention Tim Papps

Tauranga Taupo School

Dear Tim

Please find attached my invoice for the work completed in the last month with respect to the above school. This is dealing with the consultation with John Hura re the formalisation of the Trust etc.

Regarding the Trust, even though all former lands have been alienated there is still a Trust in place although there is only one survivor. I have suggested to John that new trustees could be appointed from those in the working committee but that they need to be ratified by a hui and formally put in place by application to the Court.

The minutes of the original hui are on the way to me.

Yours faithfully

Terry Innis

A handwritten signature in black ink, appearing to be "Terry Innis", written in a cursive style.

Tim Papps

From: Terry Innis [jinnisland@xtra.co.nz]
Sent: Tuesday, 23 September 2008 10:59 a.m.
To: Tim Papps
Subject: Tauranga Taupo

Morning Tim

I had a yarn to John Hura on Monday and they have popped with two options. The first was to have the land vested in the steering party to hold on behalf of the successors of the original owners.

The second was to vest the land in a Trust that is still in place for Tauranga Taupo 2B2M3B3B. While this land does not exist anymore it would seem that the Trust has not been dissolved as they still have a bank account. This, however, I will check out at the Court. It is also noted that there is only one of the original Trust that is still alive but it is intended that new Trustees will be appointed at a later date.

I will let both yourself and John what the Court comes up with.

Terry

**Minutes of Meeting of Tauranga Taupō 2B2M3B3B held at
Waitetoko Mārae on Saturday 3rd October 2009, 10am**

Present

- refer attached attendance sheet

Apologies

- Brian Jones, Claire Winitana, Lance Bell

Meeting opened with a karakia from Connie Tamaira.

Mihi extended to all those present by John Hura.

Background to Hui – John Hura

- 10th November 2007 Brian Jones being the only surviving trustee of Tauranga Taupo 2B2M3B3B Trust was approached by Crown Contractor acting for Ministry of Education re offer back on the above property
- 2007 - a working party was established to investigate and research same
- 1963 - five thousand pounds was offered to the owners by Department of Education for the land
- 1964 - the block of land was vested in trustees namely –
 - Hepi Te Heuheu
 - Pat Hura
 - Brian Jones
 - Wairamana Tamaira
 - Ngahana Hartley
 - Iwa Tupu
- 1965 - the sale of the land was processed
- 1970 – approval was granted for scheme of subdivision

Current Situation

- crown are now ready to negotiate
- legal entity now needs to be established
- suggestion has been made that an Ahu Whenua Trust be formed
- the purpose of this hui is to formerly establish an Ahu Whenua Trust, select trustees for same and go over the draft trust order

1st Motion – Formation of Ahu Whenua Trust

Motion moved by Elizabeth Hura-O'Connor, that Ahu Whenua Trust be formed and be called 'Tauranga Taupō 2B2M3B3B Ahu Whenua Trust'. Seconded by Whare Hartley.

Motion carried

2nd Motion – Election of Trustees

Elizabeth Hura-O'Connor nominated John Hura, seconded by Aroha Kuru

Motion carried

Joanne Nathan nominated Connie Tamaira, seconded by Lynn Wilcox

Motion carried

Whare Hartley nominated Papuni Hartley, seconded by John Hura

Motion carried

Mark Kahu nominated Lance Bell, seconded by Sam Belvie

Motion carried

Hariata Paki nominated Te Mare Hahipene, seconded by Whare Hartley

Motion carried

Suggestion was made that the maximum number of trustees be set at seven with a minimum of three trustees

TE KOOTI WHENUA MAAORI



MAAORI LAND COURT

Our Ref: A20090016822

4 November 2009

John Hura
PO Box 13
TURANGI

Tena koe

Subject: Tauranga Taupo 2B2M3B3B Trust – Constitute an Ahu Whenua Trust
Section: 215, Te Ture Whenua Maori Act 1993

First of all I would like to congratulate you on the mahi you have done in order to set up your Ahu Whenua Trust in respect of the above land.

I do however, require a section 134 application from the Crown vesting Tauranga Taupo 2B2M3B3B back to the beneficial owners and successors of such owners.

Following research of the land and its surrounding blocks, I am of the understanding that the block in question has a school on it? If so, you will need to approach the Ministry of Education, and if indeed they do intend to gift back the land, ask that they file a section 134 application.

The application cannot proceed until this application is received and, as it is a timely process, I have vacated the hearing of 30 November 2009 and a new date will be set once the application is received.

If you have any queries regarding any of the above please feel free to contact me on DDI:(06) 349 2602.

Heoi ano ra na

Erina Winterburn
Case Manager
mo te Pou Rehita

c.c ~~Con Tamaira, 6-35 Mawake Place, TURANGI~~
~~Papunui Hartley, 9 Rota Street, TURANGI~~
~~Lance Bell, 12 Waitapu Road, Motuere Pit, RD 2, TURANGI~~
~~Annette Hahipene, 2 Waitetoko Road, RD 2, TURANGI~~



27 NOV 2009

Innis Land Services

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Maori Court Applications and Procedures
Specialist in Maori Land Research
Historical Research
Status Checks
Title Searches

25 November, 2009

Darroch
P O Box 1545
Wellington

Attention Tim Papps

Okautete and others

Dear Tim

Please find attached my invoices for Okautete, Tauranga Taupo and Rahotu.

As for Tauranga Taupo, I rang John Hura this afternoon and we discussed the thoughts of the Court regarding the application for the Constitution of the Trust and what the proposed Trustees have envisaged for the future of the land once acquired.

He informs me that they would like the land back as General Land so that they can raise finance to build papakainga housing on the site. I have advised him that if they land is vested though the Court then the odds are high that it will become Maori Freehold.

I then read the Act thoroughly and it may not be the case after all as you can have a Trust over General land owned by Maori. I have put this to the Court for their comments.

I had also thought of Oaonui School where the purchasers managed to raise finance through Westpac?

I will be interested in seeing what the Court comes back with.

Yours faithfully

Terry Innis

