

TRUST ORDER

The Maori Affairs Act 1953

Section 438(5)

In the Maori Land Court
of New Zealand
TE WAIPOUNAMU DISTRICT

IN THE MATTER of the Maori Freehold
land known as MANGAMAUNU
2A SECTION 10

AT a sitting of the Court held at Dunedin on the 19th day of March 1991 before
Norman Francis Smith, Esquire, Judge

WHEREAS the Court has this day vested the Maori Freehold land known as
Mangamaunu 2A Section 10 (hereinafter referred to as "the land") in:

Ngapuoterangi Haeata
97 Cameron Crescent
MASTERTON

Rangipai Haeata
97 Cameron Crescent
MASTERTON

Maikara McArdell
14 Kempton Street
GREYTOWN

Leighton Hale
74 Worksop Road
MASTERTON

(hereinafter referred to as "the Trustees") pursuant to the provisions of
subsection 2 of Section 438 of the Maori Affairs Act 1953

NOW THEREFORE pursuant to subsection 5 of the said Section, the Court DOETH
HEREBY ORDER AND DECLARE that the Trustees shall hold the land upon and
subject to the following trusts:

1 Title

This Trust shall be known as the Mangamaunu 2A Section 10 TRUST and shall
apply to the Mangamaunu 2A Section 10 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 use by
beneficial owners, to ensure the retention of the land for the present

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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 or by partition as hereinafter provided.

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 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.

ii 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 for so long as that person or his executor or administrator remains in

possession of the land PROVIDED THAT such proposal has first been approved by the resolution of a meeting of beneficial owners called by the Trustees

iii To Consent to the Erection of Dwellings

To consent to the erection of dwellings on the said land 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 execute such deed or deeds as required by the Housing Corporation or the Board of Maori Affairs 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 or the Board of Maori Affairs 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.

iv 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 and vary the leases thereof.

v To Represent Owners

To prosecute from time to time in the appropriate tribunal such objection to zoning or proposed zoning such application for rezoning 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.

4 Obligations

a To Report to the Court

Any Trustee at any time, upon being required to by the Court, shall file in the Court a written report and make himself 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 duties as a Trustee.

b Reports and Accounts

- i If in any one year the income of the Trust is in excess of \$10,000, the Trustees shall cause to be prepared Annual Reports 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 annual balance date as the Trustees may from time to time fix upon and shall file a copy of such report and accounts with the Registrar of the Court within six months of the said balance date. PROVIDED HOWEVER if the accounts are prepared by a Chartered Accountant the audit requirements hereinbefore mentioned need not be adhered to.
- ii At any 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.

c Review of the Trust

- i The Trustee shall in the tenth year after the constitution of this Trust 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 Replacement of Trustee

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 three, 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.

5 Removal of Trustees

- a The Court, for sufficient cause, may at any time remove a Trustee from office.
- b In addition to the grounds upon which a Trustee might be removed by the Court, it shall be sufficient cause for removal that:
 - i a Trustee has not complied with the provisions of clause 4(a) and 4(b)(i) hereinbefore;

- ii a Trustee has failed to carry out the duties of his office satisfactorily;
- iii a Trustee has absented himself from three consecutive, properly convened meetings of the Trust without reasonable excuse;
- iv because of physical or mental infirmity or prolonged absence, a Trustee is or will be incapable of carrying out his duties satisfactorily;
- v a Trustee has become a bankrupt;
- vi a Trustee is convicted of any offence whereby he is sentenced to prison and is still serving such sentence.

6 To Establish a Putea Account

- a Upon all or any distribution to beneficial owners, the Trustees, upon first being authorised by a resolution of the owners passed at a special or general meeting of the owners, may:
 - i set a minimum distribution figure (being not more than the sum of \$10) and pay to an account to be known as a putea account the share of any person to receive less than the minimum distribution figure; and in that event, the Trustees shall further deduct from the share of all persons entitled to more than the distribution figure an amount equal to the minimum distribution figure or the amount to which they are entitled, whichever is the lesser, and pay the same to the said putea account; and
 - ii pay to the said putea account the shares of those persons for whom the Trustees are not holding a current address or who are deceased or in respect of whom distributions are returned unclaimed.
- b Monies in the putea account may be invested in any manner in which the Trustees may effect investments by this Trust order and the whole or any part of the funds in the putea account may at any time be applied:
 - i in the furtherance of any of the objects of this Trust or in advancing any of the powers vested in the Trustees;
 - ii to the assistance of elderly or needy beneficial owners or elderly or needy persons who, in the opinion of the Trustees, are descendant from any beneficial owner;

- iii to assist with the tangi expenses of any beneficial owner or any person who, in the opinion of the trustees, is descendant from any beneficial owner;
 - iv to the educational advancement of any beneficial owner or of any person who, in the opinion of the Trustees, is descendant from any beneficial owner or to enable any owner or descendant as aforesaid to follow some form of artistic or cultural pursuit;
 - v to assist with marae or tribal project where, in the opinion of the Trustees, there is a sufficient connection between the beneficial owners or any section of them and the particular marae or tribal project.
- c The Trustees may establish a council of elders or whanau representatives to express a view on the application of any monies for any of the aforesaid purposes.
- d The Trustees may recover from the putea account if and when sufficient monies have accrued to it the share that any person would have received had that person's address been known at the time of the distribution or had a succession then been completed, and may make payment (without interest) to the person or persons then entitled upon that person's address being supplied or upon an appropriate succession having been completed.

AND IT IS HEREBY FURTHER ORDERED, pursuant to the provisions of Section 34(10) of the Maori Affairs Act 1953, that this order do issue FORTHWITH from the Office of the Court

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



REGISTRAR

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PMP

ENTERED BY 15/06/91 RHD