

***Rotomahana Parekarangi  
6J2B5B Trust***

***REPORTS***

***&***

***Financial Statement***

***For the Years Ended 31 March 2003 to  
2017***

# ROTOMAHANA PAREKARANGI 6J2B5B TRUST

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FOR THE YEARS ENDED 31 MARCH 2003 TO 2017

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## **ROTOMAHANA PAREKARANGI 6J2B5B TRUST**

Notice is hereby given that a general meeting of beneficial owners of the Trust will be held at Te Aomarama, Ohinemutu, Rotorua on Saturday 26<sup>th</sup> August 2017 commencing at 10.30 am (Registrations from 10.00 am)

### **Business.**

1. To receive the Reports of the Trustees, and Summary of Finances for the years ended 31<sup>st</sup> March 2016 to 2017.
2. To receive nominations to fill one vacancy for trustee.
3. To Review the Trust Order
4. Trustee Fees
5. Dividend

Note            Nomination forms are available during working hours from the secretary's office Kusabs Lasike Ltd, 1<sup>st</sup> Floor, 1141 Pukaki Street, Rotorua. Ph: 07 3477533  
Fax:07 3477523 Email: lau@kll.co.nz  
Nomination forms must be returned no later than 4.00pm Wednesday 23<sup>rd</sup> August 2017.

James Schuster  
Trustee

Mihimera Gail Lee  
Trustee

**ROTOMAHANA PAREKARANGI 6J2B5B**  
**GENERAL MEETING OF OWNERS - 26 AUGUST 2017**  
**TRUSTEES REPORT**

For those of you who don't know the block, it is 14 km from Rotorua Central, 1 km further on is the Buried Village and a further 2 km is the Tarawera Landing.

Since the Tarawera eruption on 10 June 1886 nothing has happened on Rotomahana Parekarangi 6J2B5B and has stood dormant with scrub and gorse on it and nothing much else happening on it. The block has approximately 90 shareholders with a land mass of 86 hectares.

In November 2000 I was approached by the late Mauriora Kingi (Maori Advisor to Rotorua District Council) to enter into negotiations with regards to leasing approximately 1 acre of Rotomahana Parekarangi 6J2B5B for a rural transfer station at Tarawera serving residents in that area. I asked Mauriora to call a meeting of owners to discuss and perhaps think about electing trustees on the block.

A panui was advertised in the Rotorua Daily Post and the first meeting of owners was held on 18 December 2000 at the Rotorua District Council where 6 shareholders attended. From that meeting it was decided to call another General Meeting of owners. This panui was advertised in the Whakatane Beacon on 2, 3, and 5 January 2001, the Taupo Times on 2, 4 and 5 January 2001, the Rotorua Daily Post on 3, 4, and 6 January 2001 and the NZ Herald on 3, 5 and 6 January 2001. This meeting was held on 20 January 2001 and was attended by 13 shareholders. It was decided that it would be a good idea for the Rotorua District Council to lease a portion of that block and in that way it would generate funds. The meeting approved for the election of Trustees. Those nominated and approved were, Peter Bird, Gail Lee, James Schuster and Tarihira Gladys Phillips interim trustee. Peter Bird passed away a few years ago now, hence the reason for requesting another trustee to replace Peter.

On 6 March 2001 the Order Vesting in Responsible Trustees was made vesting the land to the Trustees Peter Bird, Gail Lee, and James Schuster. Judge Savage declined the interim trustee. The Deed of Lease was granted in the Maori Land Court on 06 March 2001. The Deed of Lease was signed by both parties on 19 August 2002.

The Agreement between the Trustees and RDC was 01 July 2002 with an annual rental of \$8,500.00. The review dates were 29 June 2012 & 29 June 2017. Unfortunately it wasn't until the books were taken to our accountant to complete our tax returns when he picked up that we had not had a review in 2007 & 2012.

We organised a meeting with RDC in July 2017 to negotiate the rental review. After negotiations we agreed on the annual rental of \$18,000.00.

Because we had no funds and nothing to manage on the block, James and I have not met since we were elected on this Trust. One of the reasons this meeting has been called is for shareholders to decide how they would like the funds distributed.

Trustees  
James Schuster & Mihimera Gail Lee

**ROTOHAHANA PAREKARANGI 6J2B5B TRUST**  
**INCOME EXPENDITURE STATEMENT**  
**FOR THE YEARS 2003 to 2017**

	31.03.2003	31.03.2004	31.03.2005	31.03.2006	31.03.2007	31.03.2008	31.03.2009	31.03.2010	31.03.2011	31.03.2012	31.03.2013	31.03.2014	31.03.2015	31.03.2016	31.03.2017	TOTAL
<b>Income</b>																
Lease Of Land	8,500.00	8,500.00	8,500.00	8,500.00	8,500.00	8,500.00	8,500.00	17,000.00	8,500.00	8,500.00	17,000.00	8,500.00	8,500.00	8,500.00	8,500.00	127,500.00
Interest Received - Kiwi Bank	72.39	605.03	1,014.61	1,432.78	1,853.58	2,638.69	2,813.94	1,856.11	2,168.96	1,867.19	1,702.89	1,995.69	2,734.28	2,941.41	2,176.29	27,873.84
Total Income	8,572.39	9,105.03	9,514.61	9,932.78	10,353.58	11,138.69	2,813.94	18,856.11	10,668.96	10,367.19	1,702.89	18,995.69	11,234.28	11,441.41	10,676.29	155,373.84
<b>Less Expenses</b>																
Bank Fees										5.00						5.00
Total Expenses										5.00						5.00
Net Income	8,572.39	9,105.03	9,514.61	9,932.78	10,353.58	11,138.69	2,813.94	18,856.11	10,668.96	10,362.19	1,702.89	18,995.69	11,234.28	11,441.41	10,676.29	155,368.84
Less																
RWT Tax Paid	(28.22)	(235.95)	(395.71)	(558.79)	(722.92)	(1,029.09)	(1,097.43)	(705.33)	(767.98)	(616.17)	(561.96)	(658.59)	(902.32)	(970.65)	(718.19)	(9,969.30)
Income tax Paid										(20,000.00)						(20,000.00)
Movements for the year	8,544.17	8,869.08	9,118.90	9,373.99	9,630.66	10,109.60	1,716.51	18,150.78	9,900.98	(10,253.98)	1,140.93	18,337.10	10,331.96	10,470.76	9,958.10	125,399.54
Opening Bank Balance																
Closing Bank Balance	8,544.17	17,413.25	26,532.15	35,906.14	45,536.80	55,646.40	57,362.91	75,513.69	85,414.67	75,160.69	76,301.62	94,638.72	104,970.68	115,441.44	125,399.54	125,399.54

ORDER VESTING IN RESPONSIBLE TRUSTEES

COPY

Te Ture Whenua Maori Act 1993, Sections 215 and Section 220  
Maori Land Court Rules 1994 Rule 66(3)

In the Maori Land Court  
of New Zealand  
Waiariki District

IN THE MATTER of the Maori freehold land  
known as Rotomahana  
Parekarangi 6J2B5B

AT a sitting of the Court held at Rotorua on the 6th day of March 2001 before Patrick John Savage, Esquire, Judge.

UPON READING the application of Mihimera Gail Lee for an order pursuant to Section 215 of Te Ture Whenua Maori Act 1993 constituting an Ahu Whenua Trust over the Maori freehold land known as Rotomahana Parekarangi 6J2B5B

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 CONSTITUTE AN AHU WHENUA TRUST pursuant to section 215 of the said Act AND DOETH ORDER pursuant to section 220 of the said Act and with their consent that the said land be and the same is vested in:

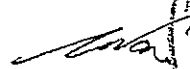
Peter Bird  
Mihimera Gail Lee  
James Schuster


26 Ariariterangi St, Ohinemutu  
25 Lake Rd, Rotorua  
24 Okataina Rd, RD 4, Rotorua

As Trustees Jointly no survivorship

AND IT IS FURTHER ORDERED pursuant to Rule 66(3) of the Maori Land Court Rules 1994 that this Order do issue IMMEDIATELY from the office of the Court

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

  
Deputy Registrar



The seal is circular with the text 'THE MAORI LAND COURT' at the top and 'NEW ZEALAND' at the bottom. In the center is the coat of arms of New Zealand, featuring a shield with a four-pointed star, a silver fern, and a crown on top.

NEW TRUST ORDER

COPY

Te Ture Whenua Maori Act 1993, Section 219  
Maori Land Court Rules 1994 Rule 66 (3)

In the Maori Land Court  
of New Zealand  
Waiariki District

IN THE MATTER \_\_\_\_\_ of the Maori freehold land known  
as Rotomahana Parekarangi  
6J2B5B



AT a sitting of the Court held at Rotorua on the 6th day of March 2001 before Patrick John Savage, Esquire, Judge.

WHEREAS the Court on the 6th day of March 2001 did vest the Maori freehold land known as Rotomahana Parekarangi 6J2B5B in Trustees pursuant to Section 215 of the Te Ture Whenua Maori Act 1993

NOW THEREFORE upon hearing and being satisfied on all things upon which it is required to be so satisfied THE COURT DOETH HEREBY make a new Trust Order under Section 219 of Te Ture Whenua Maori Act 1993 to the effect that the trustees shall now and henceforth until further or other Order of the Court hold the said land upon the Trusts subscribed hereto:

AND IT IS FURTHER ORDERED pursuant to Rule 66(3) of the Maori Land Court Rules 1994 that this Order do issue IMMEDIATELY from the office of the Court

AS witness the hand of the Deputy Registrar and the Seal of the Court.

  
Deputy Registrar  


1 Title

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This Trust shall apply to the Maori Freehold land known as Rotomahana Parekarangi 6J2B5B

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 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 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 except through the agency of the Maori Trustee or by such other means as shall ensure that the land so acquired can be vested in the appropriate beneficiaries as Maori freehold land and be made subject to the trusts hereof.

ii To subdivide

To subdivide the land in any manner permitted by law into such subdivisions or parts as may seem expedient to them, and to bring applications before the Court for partition orders to allocate such allotments amongst the owners in accordance with their entitlement.



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 upon first or second mortgage or contributory mortgage approved by a resolution of the beneficial owners at a properly constituted meeting.

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 and of any Advisory Trustees or in the furtherance of any of the objects of the Trust and, if approved by the Court, including also the reasonable fees cost and travelling expenses of the Trustees in attending the meetings of the Trust or in respect of any Trust business.

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 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 AND where appropriate as a matter of priority arrange all necessary surveys and effect registration of the Partition or other orders constituting title to the lands under the Trust in the Land Transfer Office.

x To dispose of income

To apply to the Court from time to time for orders pursuant to Section 245 of Te Ture Whenua Maori Act 1993 declaring income is held for charitable purposes.

xi 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.

xii 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.

xiii 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.

xiv 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 General Manager of Te Puni Kokiri for the repayment of loans granted by such body to anyone or more of the beneficial owners for the erection  
of

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dwellings on the said land subject to the rights of the Housing Corporation or the General Manager of Te Puni Kokiri 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.

xv 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.

xvi 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.

xvii 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.

xviii 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.

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 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

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concerned PROVIDED FURTHER THAT if a Trustee is employed by the Trust in any capacity whatsoever he shall not be paid any fees, costs, remunerations or other emolument whatsoever until same has been approved by the Court.

#### 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 section 238 of Te Ture Whenua Maori Act 1993 and of the Trustee Act 1956 he may apply to the 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 act or omission of the Trustees he may:

- 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 beneficial owners then the Trustees shall fix a time and place and convene a general meeting accordingly in manner hereinafter provided; PROVIDED FURTHER that if the Trustees fail to convene a general meeting within a reasonable time or he is dissatisfied with the resolution of this matter by the general meeting he may:
- 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 section 238 of Te Ture Whenua Maori Act 1993 and section 68 of the Trustee Act 1956 requesting the Court review any such act or omission of the Trustees and/or give directions as to any contemplated act or omission of the Trustees arising from the resolution of the general meeting of beneficial owners or any other reason; OR pursuant to section 244 of Te Ture Whenua Maori Act 1993 for the variation of this Trust order to make particular provision for the matter in dispute and in either case 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.

12/1/21

## 7 Obligations

### a General meetings

- i The Trustees shall call a general meeting of the beneficial owners within 12 months of the establishment of this Trust and then from time to time and at least once every 3 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.
- iii No general meeting shall be deemed to be constituted unless at least 5 beneficial owners are present in person throughout the meeting.

### b 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.

### c Reports and Accounts

- i 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 6 months of the said Balance date.
- ii At each 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.

### d Review of the Trust

- i The Trustee shall in the 5th 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.

### e Replacement of Trustee

Upon the death, resignation or removal by the Court of a Trustee the surviving Trustees shall:

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- i where the number of Trustees is less than 3 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;
- ii where the number of Trustees is not less than 5 and the Court has not otherwise directed, forthwith make application to the Court for an order reducing the number of Trustees.

8 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 7 (b) and 7 (c)(i) hereinbefore;
  - ii a Trustee has failed to carry out the duties of his office satisfactorily;
  - iii a Trustee has absented himself from 3 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.

9 Maori Community Purposes

The Trustees may apply the whole or any part of any specified portion of the Trust income for Maori community purposes or for such Maori Community Purposes as the Court may specify, and, in such a case, the Trustees may apply any part of such specified portion of the Trust income in accordance with section 218 of Te Ture Whenua Maori Act 1993.

