



**Far North
District Council**

RFS 3470099

5 November 2010

Francene Beckham
Te Kooti Whenua Maori
Registry Office
2nd Floor, Manaia House
WHANGAREI 1040

Dear Francene

RE: KOPUAKAWAU – SURVEY REQUISITION

Further to Judge Ambler's request for a preliminary report to be presented not less than 7 days before the Judicial conference, I attach a report outlining research undertaken that complements the research undertaken by Patterson Pitts.

If you require any further information please do not hesitate to contact me on our freephone number 0800 920 029 or on 09 4052750 (if using a cellphone).

Yours sincerely

Mark Lagerstedt
PROPERTY LEGALISATION OFFICER

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Encl - report

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Te Kaunihera o Tai Tokerau Ki Te Raki

Frontier of opportunity



Introduction

The intention of this report is to provide the Court with additional evidence to the Paterson Pitts report derived in the main from the chain of titles issued under the Land Transfer Act. The report also highlights a conflict within the Court records as to when the title (equitable interest) to Kopuakawau was issued, and postulates that Kopukawau was absorbed into CT NA750/184 Limited as to Parcels and Title by adverse occupation presumably because the Equitable Interest granted by the MLC was not exercised.

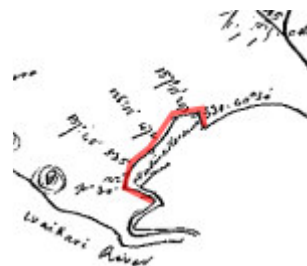
Background

- 1 02.03.1858. Crown Grant 40E to Rev Charles Baker recorded on DI 1E.28.



Figure 1 Crown Grant 40E

The plan of the Grant is shown above, with the lines around the 'Native Settlement' shown in red and enlarged below.



The Crown Grant notes the dimensions around the "Settlement" as follows

- 245°30' three hundred and thirty one links (331)
- 157°15' two hundred and ninety three links (293)
- 126°15' four hundred and seventy two links (472)
- 137°45' five hundred and thirty five links (535)

This dimension confirms that **Kopuakawau Block** was excluded from the Crown Grant.



- [illegible]

Figure 3 - Te Turuki Block

- 3 1887. Plan of OLC 135 confirms the Crown Grant by **excluding** Kopuakawau Block and Turuki Native Reserve from Bakers Grant.

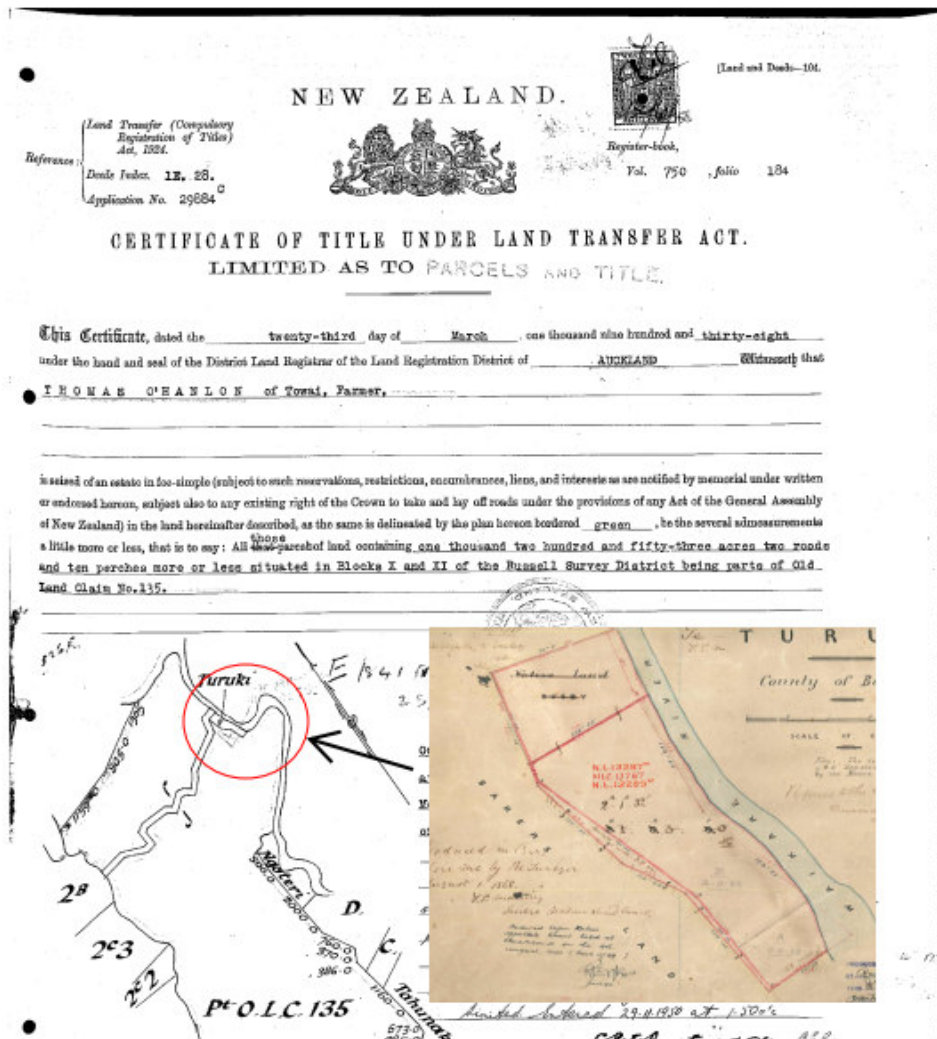


Figure 8 - CT NA750/184

- 8 08.06.1943. Order of Exchange 12542 by Maori Land Court. ML 13287 shows 3 roods and 30 perches taken from OLC 135 in exchange for Turuki A Block.

Comment

This Order of Exchange by MLC effectively creates an "island" of Kopuakawau surrounded by land owned by Thomas O'Hanlon.

- 9 16.10.1950. Application by Thomas O Hanlon to remove Limitations as to Title from CT NA750/184. Declaration by applicant, Thomas O Hanlon, attesting in 3 below that he is the occupier of all of the title except for land transferred by Order of Exchange 12542 to Tokerau District Maori Land Court on or about 8 June 1943, highlighted in red on ML 13287 below.

IN THE MATTER of "The Land Transfer
(Compulsory Registration of Titles)
Act 1924"

AND

IN THE MATTER of ALL THAT parcel of
land situate in the RUSSELL SURVEY
DISTRICT containing 1253 acres 2
roods 10 perches more or less being
parts of O.L.C. No. 35 situate in
Blocks X and XI said District and
being the whole of the land in
Certificate of Title VOLUME 750
FOLIO 184 Auckland Registry.

I THOMAS O'HANLON of Waihaha in the Bay of Islands and
Dominion of New Zealand Farmer do solemnly and sincerely
declare as follows:-

1. THAT I am the registered proprietor of the
land described above.

2. THAT on or about the 8th day of June 1943 by
Order of Exchange made by the Tokerau District Maori Land
Court 0 acres 3 roods 30 perches of the land above described
was transferred to the said Board and the said transfer will
be registered in due course.

3. THAT except as hereinbefore mentioned no
person has acquired a title to or any easement over the above
described land or any part thereof by adverse occupation or
otherwise and that I am the occupier thereof.

4. THAT save and except Deed of Mortgage
Registered No. 411204 to the Bank of New South Wales there are
no subsisting interests in the above described land created
by unregistered instruments or otherwise.

AND I make this solemn declaration conscientiously
believing the same to be true by virtue of the provisions of
"The Justices of the Peace Act 1927".

DECLARED at Kawakawa }
this 10th day of June } T. O'Hanlon
1950.
Before me: [Signature]

A Solicitor of the Supreme Court of New Zealand.



Figure 9 - Attestation by owner to bring land under LT Act

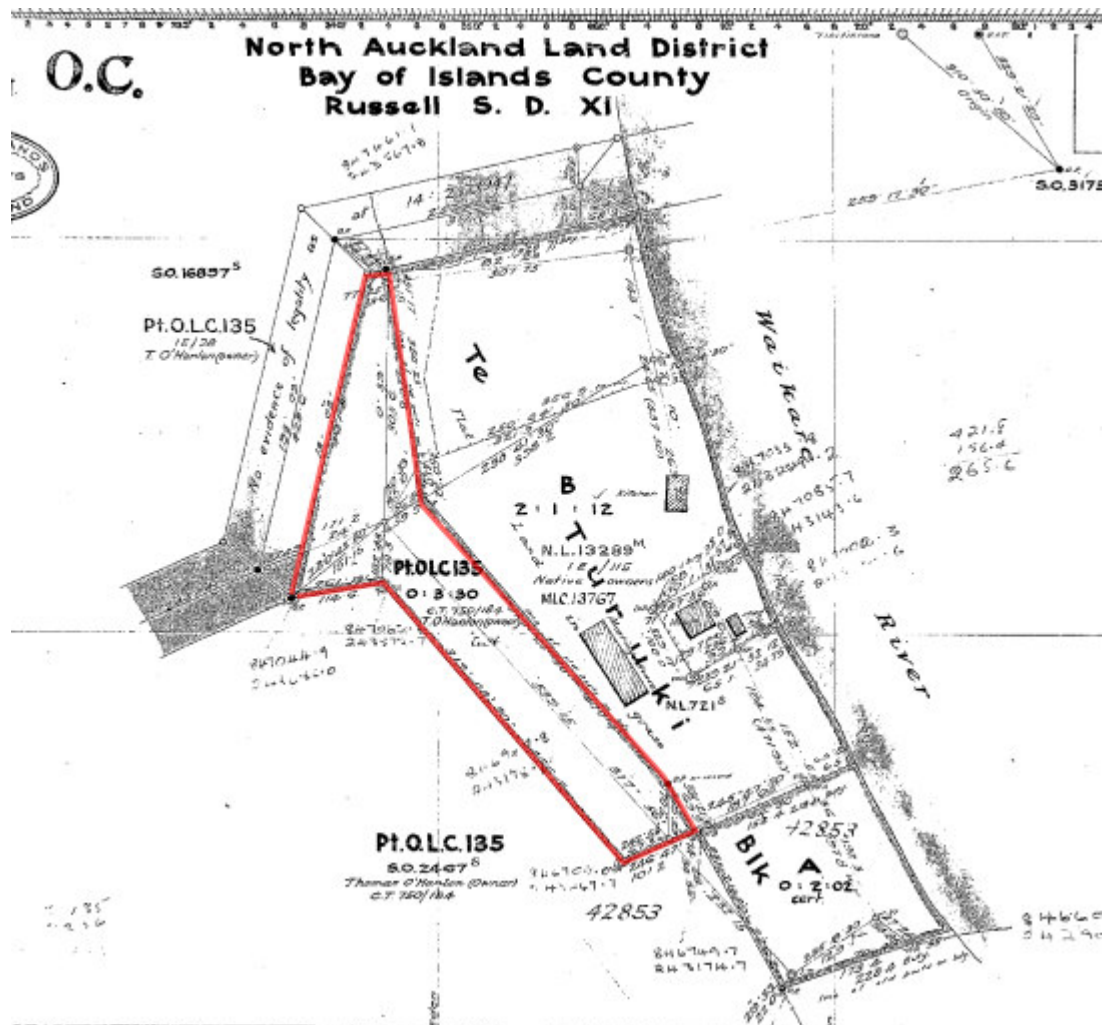


Figure 10 - Order of Exchange 12542

Comment

- (i) If there was an error in the land record it occurred on the issue of CT NA750/184 Ltd under the Land Transfer (Compulsory Registrations of Titles Act 1924), which included Kopuakawau Block in the title.
 - (ii) Notwithstanding (i) above, it could be argued that Kopuakawau Block was not and had not been occupied by its owners for some considerable time when the land was brought under the Land Transfer Act, and the absorption of Kopuakawau into the title could have been through *adverse occupation*.
- 11 31.01.1951. Limitations as to title removed from CT NA750/184, leaving parcel limitations only.
- 12 03.04.1952. CT NA1029/257 issued to Thomas O'Hanlon for Turuki A Block, being the subject of the Order of Exchange 12542. Pt OLC 135 is noted as abutting this title, confirming the **inclusion** of Kopuakawau in CT NA750/184 Ltd.

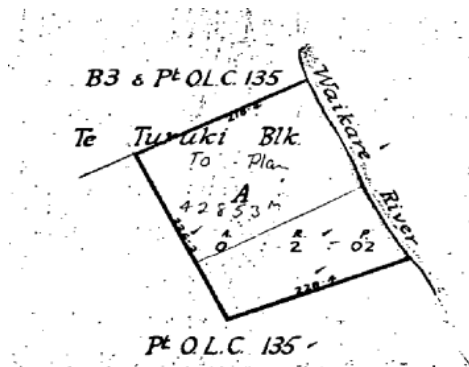


Figure 11 - Diagram of CT NA1029/257

- 13 19.10.1954. Order in 6 above entered onto CT NA750/184, transfer of residue title to Louis Clarence Goodhue, cancellation of CT NA750/184, and CT NA1123/115 Limited as Parcels issued to Louis Clarence Goodhue. The title diagram below of CT NA1123/115 Limited clearly **includes** Kapuakawau Block in the title.

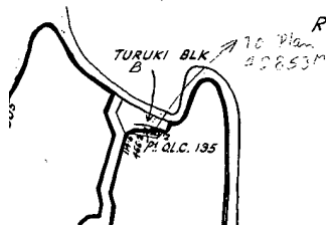


Figure 12 - Diagram of CT 1123/115

- 14 17.08.1956. Lot 1 DP 42853 taken out of CT NA1123/115 Ltd and CT NA1029/257 and CT NA1360/55 issued to multiple owners. Land in CT determined to be Maori Freehold land 4.9.1995.

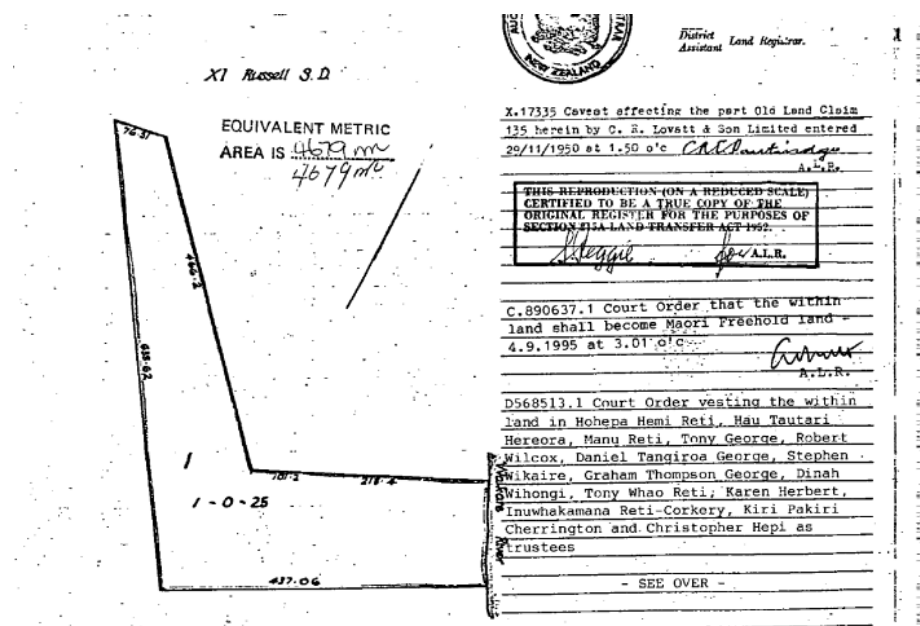


Figure 13 - Diagram of CT NA1360/55

- 15 21.03.1957. CT NA1368/89 Ltd issued to Louis Clarence Goodhue. The title diagram below clearly includes Kapuakawau Block in the new title.
 Note - the vinculum below suggests that Turuki B and Pt Turuki A are linked, whereas Pt Turuki A is in fact Pt CT NA1029/257.

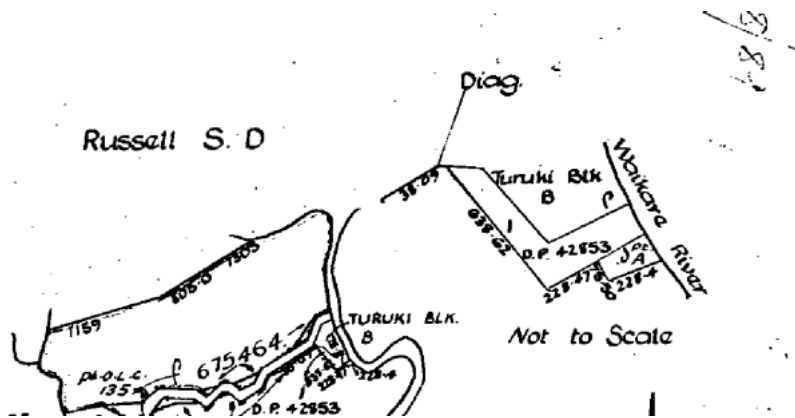


Figure 14 - Diagram of CT NA1368/89

- 16 11.08.1966. Transfer of CT 1368/89 Ltd to Cuthbert Eves.
 17 29.03.1979. CT NA1368/89 Ltd cancelled and CT 46A/755 Ltd issued to Cuthbert Eves. The title diagram below clearly includes Kapuakawau Block in the new title.

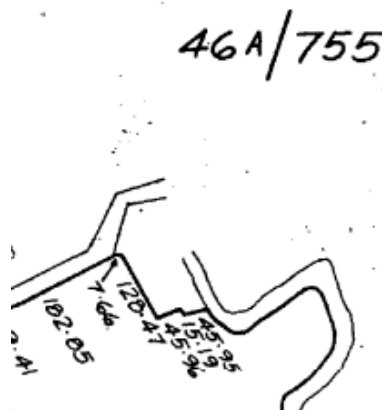


Figure 15 - Diagram of CT 46A/755

- 18 04.06.1985. Lot 9 DP 102868 vested in Bay of Islands County Council as a Local Purpose Reserve subject to reserves Act 1977.

Conclusion

The evidence of the chain of titles would indicate that Kopuakawau Block was initially excluded from the Crown Grant, but later absorbed into the title issued from that Crown Grant, presumably by adverse occupation. If that is the case then subsequent titles issued are correct and the status quo should remain.