

APPLICATION TO CONSTITUTE A WHĀNAU TRUST

Te Ture Whenua Māori Act 1993
Section 214

For more information visit www.justice.govt.nz/courts/maori-land-court

WHAT IS THIS FORM FOR?

Use this form to create a Whānau Trust by vesting some or all of your interests in trustees to hold on behalf of the descendants of a given person or tupuna (the beneficiaries)

If you are creating a Whānau Trust as part of a succession application please complete form 23.

HOW TO FILE AND COMPLETE THIS APPLICATION FORM

- (i) This form must be accompanied with the appropriate application fee and be filed with the Registrar in the District in which the land is located;
- (ii) Please ensure that all information required on the form is completed;
- (iii) Where tick boxes are provided please ensure you tick all those boxes that apply to your application, unless you are required to select one box, then only select the box that applies;
- (iv) If there is insufficient room on the form to provide all the required information you should continue your application on a separate sheet of paper;
- (v) Additional information – in addition to completing this form, if the application requires you to provide further information you must include all documents, information or evidence you wish the Court to consider; and
- (vi) Comply with the requirements set out in the Checklist at the end of this form.

Office use:

Application: ACCEPTED / REFUSED

Dated:

Signed:

Name:

Designation:

Your application may be heard by a Registrar and you will not need to attend court. If you would prefer your application to be heard in court by a Judge, please tick here:

The Māori Land Court of New Zealand

(please select the name of the Māori Land Court District in which you wish your application to be heard)

| | | | |
|-------------------------------------|-------------------------------------|--|--|
| Please select one District | <input type="checkbox"/> Taitokerau | <input type="checkbox"/> Waikato Maniapoto | <input type="checkbox"/> Waiariki |
| <input type="checkbox"/> Tairāwhiti | <input type="checkbox"/> Tākitimu | <input type="checkbox"/> Aotea | <input type="checkbox"/> Te Waipounamu |

OWNER: (List all possible names that the owner(s) may have been known by including any aliases)

.....
.....

APPLICATION:

I / We.....
.....(state full name),

apply to the Court to constitute a whānau trust in respect of: tick as appropriate

all my/our land interests

the land interests listed in the schedule hereto

Details of proposed whānau trust:

1. Proposed name of Whānau Trust to be:

2. Common tupuna name is:

Note: Care must be taken in selecting the tupuna, as the beneficiaries of the trust are the descendants of that tupuna. If an applicant is forming a trust for his or her children, his or her name should be the tupuna name.

3. Section 218 of Te Ture Whēnua Māori Act 1993 contains a list of Māori community purposes to which income from the whānau trust may be applied if provision is made in the trust order.

Do you want discretionary power included in your trust order to allow income to be applied to Māori community purposes?

YES

NO

4. Names of Trustees to be appointed:

Name

Address

Email

Signed (by proposed trustee)

Name

Address

Email

Signed (by proposed trustee)

Name

| | |
|---------|---------------------------------------|
| Address | |
| Email | Signed (<i>by proposed trustee</i>) |
| Name | |
| Address | |
| Email | Signed (<i>by proposed trustee</i>) |
| Name | |
| Address | |
| Email | Signed (<i>by proposed trustee</i>) |

(NOTE: Separate consents for trustees may be filed)

| | |
|-----------------------------|---|
| 5. <input type="checkbox"/> | Signed consents of the proposed trustees are attached to this application |
| 6. <input type="checkbox"/> | A copy of the draft trust order is attached to this application; or |
| 7. <input type="checkbox"/> | I/we wish to adopt the standard draft trust order used by the Court. (A draft trust order that may be amended to suit your purposes may be obtained from the Court office) |

| |
|-----------------------------|
| PREFERRED PLACE OF HEARING: |
|-----------------------------|

| | |
|-------------------------|--------|
| SIGNATURE OF APPLICANT: | Dated: |
|-------------------------|--------|

CONTACT DETAILS

Contact Address:

.....

.....

(Address to which documents or correspondence in connection with the application can be posted or delivered)

PHONE NUMBER(S):

| | |
|----------------|-------|
| Home: | Work: |
| Mobile: | Fax: |
| Email Address: | |

NOTE: Where fax or email addresses are given these may be used as a means of notice and service.

| |
|---------------|
| Fee: \$ 60.00 |
|---------------|

CHECKLIST OF DOCUMENTS REQUIRED:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Signed consents of any owners who have not signed the application |
| <input type="checkbox"/> | Signed consents of proposed trustees |
| <input type="checkbox"/> | Minutes of meeting agreeing to constitute a Whānau Trust (<i>where applicable</i>) |
| <input type="checkbox"/> | Draft trust order if the standard trust order is not used (<i>or modified draft supplied by the Court</i>) |

MĀORI LAND COURT CONTACT DETAILS

All applications may be lodged with the Registrar in any office of the Māori Land Court

TAITOKERAU

L3, Manaia House
41 Rathbone St
WHANGĀREI

DX Box AX10086
WHANGĀREI

PH: (09) 983 9940
Fax: (09) 983 9941
mlctaitokerau@justice.govt.nz

TAITOKERAU

Auckland Information Office
65B Main Highway
Ellerslie, AUCKLAND

DX Box EX10912
AUCKLAND

PH: (09) 279 5850
Fax: (09) 279 5852
mlctamakimakaurau@justice.govt.nz

WAIKATO MANIAPOTO

L2, BNZ Centre
354-358 Victoria St
HAMILTON

DX Box GX10101
HAMILTON

PH: (07) 957 7880
Fax: (07) 957 7881
mlcwaikato@justice.govt.nz

WAIARIKI

Hauora House
1143 Haupapa St
ROTORUA

DX Box JX10529
ROTORUA

PH: (07) 921 7402
Fax: (07) 921 7412
mlcwaiariki@justice.govt.nz

TAIRĀWHITI

Ngā Wai e Rua Building
Cnr Lowe Str & Reads Quay
GISBORNE

DX Box PX10106
GISBORNE

PH: (06) 869 0370
Fax: (06) 869 0371
mlctairawhiti@justice.govt.nz

TĀKITIMU

106 Eastbourne Street West
HASTINGS

DX Box MX10024
HASTINGS

PH: (06) 974 7630
Fax: (06) 974 7631
mlctakitimu@justice.govt.nz

AOTEA

Ingestre Chambers
74 Ingestre Street
WHANGANUI

DX Box PX10207
WHANGANUI

PH: (06) 349 0770
Fax: (06) 349 0771
mlcaotea@justice.govt.nz

TE WAIPOUNAMU

Level 1
20 Lichfield Street
CHRISTCHURCH

DX Box WX11124
CHRISTCHURCH

PH: (03) 962 4900
Fax: (03) 962 4901
mlctewaipounamu@justice.govt.nz

SCHEDULE OF LAND INTERESTS

| Name of Current Owner | Name of Land | Number of shares | Number of shares to vest in Trust |
|-----------------------|--------------|------------------|-----------------------------------|
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