

Department of Lands & Survey

OUR REFERENCE: 20/1326

ADDRESS: 'LANDS'

361-840

DISTRICT OFFICE,

Maori & Crown Affairs Dept.
10 SEP 1969

P.O. BOX 2206;
AUCKLAND, 1.

9 September 1969

The Registrar,
Maori Land Court,
Tokerau District,
Private Bag,
WHANGAREI.



OTITO BLOCK : MAORI RESERVE

On Friday, 5 September 1969 the Maori Land Court made Orders under S.439(5) and S.438 of the Maori Affairs Act 1953.

Before preparing a Memorandum of Transfer from the S.438 trustees to the Crown and lodging the \$13,000 consideration with the Maori Trustee, the Court recommendation needs to be processed and a revocation Notice to issue in the Gazette.

Will you please advise the outcome of the Court recommendation and when I may expect the Notice to issue should the recommendation be accepted.

J.D. O'BRIEN
Commissioner of Crown Lands
per:

20/1326 - not in our System

Check 1/2/70 Doc - Auckland

2

EXTRACT FROM WHANGAREI MINUTE BOOK VOLUME 40 FOLIO 170-1

Whangarei - Friday 5th September 1969
W.C. Nicholson - Judge
A. Walters - Clerk & Int.

BLOCK 439(5)/53

Maia Clotworthy applicant.
Waetford, S. Davies, J. Walters present.
Mr Pugh unable to attend from illness.

Mrs Clotworthy - a meeting held 2nd August representatives of 6 original owners present. 13 interested persons now present. Also notice given on panui - majority agree to sell on terms proposed - produce minutes. Assurance only educational trust is enough.

Whetu McGregor - did not agree for trust for education only.
S. Davies - raised a point as to value it should go to the owners and not to a trusteeship - no funds go to education purposes. I agree with the sale but am against a trust. Two whaitapus to be cared for.

Mr Phillips for Commissioner of Crown Lands - application drafted by me. Current val \$10,000 (Special 13.3.68). Have approval for \$11,500 and assured up to \$13,000 which was the price discussed with trustee. I can confirm this figure. Will respect whaitapus - require them to be pointed out. Agree to grant life tenancy for Mrs Morrison in adverse possession of part. Agree to use land as scenic or ~~*****~~ recreation reserve or other consistent purpose and not to enter into any exchanges with this Otito block and agree to price \$13,000.

Order 439(5)/53 - recommending revocation of Order in Council and re vesting in the owners.

Order 438/53 vesting in trustees - being the 5 present trustees upon trust to sell to H.M. the Queen at a price of not less than \$13000.00 the nett proceeds of sale to be lodged with the Maori Trustee and held by him until further order of this Court.

Order to issue Section 34(10)/53
Copy minutes to Mr Phillips

red - 5
11/10/69

hrs. 20/11

(3)

517(1)
of forma 10

ORDER CREATING TRUSTS IN RESPECT OF MAORI LAND

The Maori Affairs Act 1953

Section 438

IN THE MAORI LAND COURT)
OF NEW ZEALAND)
TOKERAU DISTRICT)

IN THE MATTER of Section 438 of
the Maori Affairs Act 1953,

AND IN THE MATTER of the Maori
land called "Otito" containing
Sixtytwo Acres (62 acres) more
or less

AT A SITTING of the Court held at Whangarei on the 5th day of
September 1969 before William Collinson Nicholson, Esquire, Judge.

WHEREAS the Court on the 5th day of September 1969 did make an Order
vesting the land called Otito Block in trustees.

AND WHEREAS this Court is required to create conditions and terms
of trusts under which the said land has so been vested.

NOW THEREFORE in pursuance of the provisions of Section 438 of the
Maori Affairs Act 1953 as amended by Section 142 of the Maori Affairs
Amendment Act 1967, IT IS HEREBY ORDERED that the following trusts
and conditions be created in respect of the said Otito Block:-

- (1) To sell to Her Majesty the Queen (The Crown)
- (2) Consideration for such sale to be not less than Thirteen
Thousand Dollars (\$13,000).
- (3) The nett proceeds of such sale to be lodged with the
Maori Trustee and to be held by him pending a further
order of this Court.
- (4) The two "Wahitapus" on the land to be pointed out to
the purchaser and purchaser to respect such sacred grounds.
- (5) The trustees to arrange with the purchaser a life tenancy
grant for Mrs Morrison as that part of Otito Block
occupied by her dwelling house and outbuildings and
gardens therearound in adverse possession.

As witness the hand of the Judge and the seal of the Court.

William Collinson Nicholson
Judge.



④

ENTERED BY
CHECKED BY

No. 97

File

45/176/7

On Saturday 2nd August 1969 at 11.15 A.M. a meeting was held at the Maori Community Centre Whangarei to discuss the Lands & Surveys request to purchase the block and turn it into a Public Reserve.

Those present were descendants of:

1. HONE PAAMA

Mary Williams, Dave Woodford Jim Singh

2. IHAPERA NOKINOKI

Jim Walters, Mary Williams, Jim Singh

3. KINO

Sid Davis, Taa Davis, Ari Henare, Whetu McGregor, Doreen Hoey,
~~Sister~~ Harriette Randall

4. HORI KIMATE

Sam Brown, Ted Amos,

5. RIHI

Sam Brown, Ted Amos, Maraea Blomfield,

6. Hone Papiti, Hone Heeriu Korepiti

The trustees in turn explained to the meeting the history of the Ototo Trust. They also explained the offer made by the Department.

The trustees informed the meeting that they were in favour of selling, the majority of the trustees were also in favour of investing the funds and setting up a trust for education purposes. After further discussion a show of hands indicated a 98% in favour of selling.

Mr Brown asked whether the property had been put on the market. He was informed that it had not. He was also informed that it was almost-inevitable for subdivision.

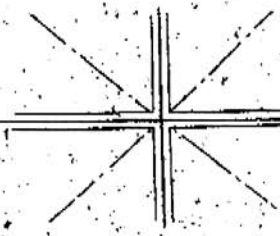
No 99

In addition there was no access other than
 along the beach.
 Whether McGregor was not entirely in
 favour of forming a Trust but hoped to attend
 the board to express her views
 The meeting closed at 2.30 p.m

(6)

TRACING SUPPLIERS
TO VALUATION DEPT.
13. 4. 13. G.A.S.

126



67603 m

Mataipouri Bay

5 6 2 3 4

62 Ac.

Takoua Bay

Teangi teapa
Otaupou

62acs set apart as a Reservation
Gaz 1957 p 46
(62-0-00) Cancelling Maori
Reservation Gaz 1969 p 2342
Decl Crown Land (62 000) Gaz 1970 p 919
Declared Public Reserve Gaz 1972 p 1820
MATAPOURI BAY

Produced in pursuance of the
19th 20th Sept 1877



Approved to be deposited

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Handwritten notes and signatures in the bottom left corner.

add. about 140