

View Instrument Details



Instrument No 10839839.1
Status Registered
Date & Time Lodged 12 July 2017 15:13
Lodged By Gray, David Kevin
Instrument Type Application for Record of Title - ss155, 172 or 204 Land Transfer Act 2017



Affected Computer Registers Land District

774424	North Auckland
774425	North Auckland
774426	North Auckland
774428	North Auckland
NA95/60	North Auckland

Annexure Schedule Contains 108 Pages.

Applicant Certifications

I certify that I have the authority to act for the Applicant and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by David Kevin Gray as Applicant Representative on 29/01/2020 06:07 PM

***** End of Report *****

IN THE MATTER of the Land Transfer
Amendment Act 1963

A N D

IN THE MATTER of an Application under
the said Act by Universal
Homes Limited

for Record of Title to land on grounds of
possession

**APPLICATION FOR COMPUTER FREEHOLD REGISTER TO LAND
ON GROUNDS OF POSSESSION**

1. I Graham Basil Street of Auckland, Director of Universal Homes Limited ("The Applicant") and I Deborah Michelle Landale of Auckland, Vice Chief Financial Officer and authorised signatory of The Applicant (together "We") solemnly and sincerely declare that we have the authority to bind the Applicant and make Declarations for the Applicant and the Applicant hereby applies pursuant to Section 3 of the Land Transfer Amendment Act 1963 for the issue to the Applicant of a Computer Register under the Land Transfer Act 1952 for an estate in fee simple in all those parcels of land situated in the land district of North Auckland set out below:

- (a) Lot 1 on Deposited Plan 502952, Record of Title 774424 pre-allocated being 212 metres square more or less ("Lot 1").
- (b) Lot 2 on Deposited Plan 502952, Record of Title 774425 pre-allocated being 366 metres square more or less ("Lot 2").
- (c) Lot 3 on Deposited Plan 502952, Record of Title 774426 pre-allocated being 278 metres square more or less ("Lot 3").
- (d) Lot 5 on Deposited Plan 502952, Record of Title 774428 pre-allocated being 2568 metres square more or less ("Lot 5").

Lot 1, Lot 2, Lot 3, and Lot 5 are together referred to as "the Subject Lots" throughout this application. The Subject Lots are four separate parts of the land comprised and described in Computer Freehold Register NA95/60 (North Auckland Land Registry).

The Particulars of Possession for each of the Subject Lots is set out below, following which evidence to support the applications for the Subject Lots is provided.

For the avoidance of doubt to avoid unnecessary duplication reference to the Applicant in clauses 6-11 (inclusive) is a reference also to the Applicant's predecessors in title unless otherwise stated. Furthermore reference to the "Applicant's predecessors" is a reference to the Applicant's predecessors in title throughout this Application.

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2. LOT 1 CLAIM AND PARTICULARS OF POSSESSION:**(a) LOT 1 CLAIM**

- (i) The Applicant claims Lot 1 on the grounds that the Applicant and the Applicant's predecessors in title have been in continuous possession, within the meaning of the said Section 3, of Lot 1 for a period of 46 years from the 13th day of July 1973 to the time of making this application. In support of our application, we append the following:

(b) PARTICULARS OF POSSESSION LOT 1

- (i) Roy Darrell Frederick Wigg ("Roy Wigg") owned the land in Computer Freehold Register NA22B/873 ("NA22B/873") from 13 July 1973 to 1 February 2018. NA22B/873 is adjacent to and adjoins Lot 1. From the date Roy Wigg became the Owner of NA22B/873 Roy Wigg was the occupier of Lot 1.
- (ii) Lot 1 was from, on or before 13 July 1973 in the possession of Roy Wigg pursuant to Transfer 236970.1;
- (iii) The Applicant has owned NA22B/873 since 1 February 2018. NA22B/873 is adjacent to and adjoins Lot 1. From the date the Applicant became the Owner of NA22B/873 the Applicant was the occupier of Lot 1.
- (iv) The Applicant has been the occupier of Lot 1 since 1 February 2018 and has occupied the aforesaid land since then pursuant to Transfer 10997744.16;
- (v) Lot 1 was for all practical purposes treated as part of NA22B/873 being owned by the Applicant and the Applicant's predecessors in title. Lot 1 is contiguous to NA22B/873 and was treated as part of that land by the Applicant and the Applicant's predecessors in title.
- (vi) The Applicant and the Applicant's predecessors in title have occupied and used Lot 1 in the manner set out in points 7 and 8 (a)-(c) of this Application.
- (vii) The Applicant and the Applicant's predecessors in title have been in possession of Lot 1 continuously and unbroken since 13 July 1973. That possession has been exclusive and undisputed.
- (viii) The land is fenced by way of a wooden post and wire fence bordering Lot 1. Such fence is shown on the plan attached as Annexure 1. The fence is also shown in a number of photographs attached as Annexure 2A. The fence encloses both NA22B/873 and Lot 1. The age of the fence is

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estimated as being in excess of 46 years as the fence existed in its current state at the time Roy Wigg acquired NA22B/873 as evidenced by Annexure 5.

- (ix) No payments have been claimed by the Registered Proprietor nor have any payments been made to the Registered Proprietor.
- (x) Deposited Plan 2088 shows an "Area of Road from C to D". Part of that area was taken as road and is now Dunlop Road. For ease of reference the balance of Area C to D shall be referred to as "The Proposed Road."
- (xi) The Subject Lots are part of Deposited Plan 2088 and are not road.
- (xii) The Proposed Road was never taken as road and no road was ever formed.
- (xiii) The Proposed Road remains farm land which has been used by the adjacent land owners for their own purposes.
- (xiv) As The Proposed Road was never taken as road and no road was formed Title NA95/60 is shown as subject to an easement appurtenant to the several lots shown on Deposited Plan 2088 over The Proposed Road shown on that Plan ("the Easement").
- (xv) Auckland Transport has confirmed that The Proposed Road is not legal road and is not closed road. Attached as Annexure 16 is confirmation that the land is not road.
- (xvi) The Applicant along with Castlefinn Developments Limited, whose land adjoins Lot 1, has disclaimed their interest in the Easement.
- (xvii) Any party whose land adjoins Lot 1 who has not disclaimed their interest in the Easement will be given notice of this Application and will have the opportunity to raise any valid objections that they have.
- (xviii) Lot 1 has not, during the Applicant's exclusive possession of the same (and during the Applicant's predecessor's exclusive possession of the same), been used as road or access way of any type. The Proposed Road is partitioned into multiple parts by fences which are, to the Applicant's knowledge, at least 42 years old and which prevent any passing over The Proposed Road by vehicle or on foot.
- (xix) To the best of the Applicant's knowledge, during the Applicant's exclusive possession of Lot 1 (and during the Applicant's predecessor's exclusive possession of Lot 1) no

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part of The Proposed Road has been used as a road or access way of any type by any person.

- (xx) The nature of the Land in The Proposed Road, the improvements on it, the alternative access available to all the Land shown on Deposited Plan 2088, the lack of use of The Proposed Road as a road by any party and the failure of any party to utilise The Proposed Road as a road indicate that Land in The Proposed Road is not road. This is supported by Auckland Transport's advice attached at Annexure 16. The granting of the Easement pursuant to Section 168 of the Land Transfer Act 1952 (Repealed) also had the effect of making the setting aside for Road redundant.
- (xxi) The nature of the Land in The Proposed Road, the improvements on it, the alternative access available to all the Land shown on Deposited Plan 2088, the lack of use of the Easement by any party to the Easement and the separation of the Dominant Tenements from the Servient Tenement as a result of further subdivisions and developments appear to make the Easement over The Proposed Road in favour of the several lots shown on Deposited Plan 2088 unnecessary and redundant.

3. **LOT 2 CLAIM AND PARTICULARS OF POSSESSION:**

(a) **LOT 2 CLAIM**

- (i) The Applicant claims Lot 2 on the grounds that the Applicant and the Applicant's predecessors in title have been in continuous possession, within the meaning of the said Section 3, of Lot 2 for a period of 41 years from the 3rd of March 1978 to the time of making this application. In support of our application, we append the following:

(b) **PARTICULARS OF POSSESSION LOT 2**

- (i) Colin Albert Bartrom and Raewyn Norma Bartrom ("Colin and Raewyn Bartrom") owned the land in Computer Freehold Register NA22B/872 ("NA22B/872") from 3 March 1978 to 1 February 2018. NA22B/872 is adjacent to and adjoins Lot 2. From the date Colin and Raewyn Bartrom became the Owners of NA22B/872 Colin and Raewyn Bartrom were the occupiers of Lot 2.
- (ii) Lot 2 was from, on or before 3 March 1978 in the possession of Colin and Raewyn Bartrom pursuant to Transfer 659729.3;
- (iii) The Applicant has owned NA22B/872 since 1 February 2018. NA22B/872 is adjacent to and adjoins Lot 2. From the

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date the Applicant became the Owner of NA22B/872 the Applicant was the occupier of Lot 2.

- (iv) The Applicant has been the occupier of Lot 2 since 1 February 2018 and has occupied the aforesaid land since then pursuant to Transfer 10997744.9;
- (v) Lot 2 was for all practical purposes treated as part of NA22B/872 being owned by the Applicant and the Applicant's predecessors in title. Lot 2 is contiguous to NA22B/872 and was treated as part of that land by the Applicant and the Applicant's predecessors in title.
- (vi) The Applicant and the Applicant's predecessors in title have occupied and used Lot 2 in the manner set out in points 7 and 8 (d)-(f) of this Application.
- (vii) The Applicant and the Applicant's predecessors in title have been in possession of Lot 2 continuously and unbroken since 3 March 1978. That possession has been exclusive and undisputed.
- (viii) The land is fenced by way of a wooden post and wire fence bordering Lot 2. Such fence is shown on the plan attached as Annexure 1. The fence is also shown in a number of photographs attached as Annexure 2B. The fence encloses both NA22B/872 and Lot 2. The age of the fence is estimated as being in excess of 41 years as the fence existed in its current state at the at the time Colin and Raewyn Bartrom acquired NA22B/872 as evidenced by Annexure 6.
- (ix) No payments have been claimed by the Registered Proprietor nor have any payments been made to the Registered Proprietor.
- (x) Deposited Plan 2088 shows an "Area of Road from C to D". Part of that area was taken as road and is now Dunlop Road. For ease of reference the balance of Area C to D shall be referred to as "The Proposed Road."
- (xi) The Subject Lots are part of Deposited Plan 2088 and are not road.
- (xii) The Proposed Road was never taken as road and no road was ever formed.
- (xiii) The Proposed Road remains farm land which has been used by the adjacent land owners for their own purposes.
- (xiv) As The Proposed Road was never taken as road and no road was formed The Proposed Road is shown as subject

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to an easement appurtenant to the several lots shown on Deposited Plan 2088 over the "road" shown on that Plan ("the Easement").

- (xv) Auckland Transport has confirmed that the land in The Proposed Road is not legal road and is not closed road. Attached as Annexure 16 is confirmation that the land is not road.
- (xvi) The Applicant along with Castlefinn Developments Limited, whose land adjoins Lot 2, has disclaimed their interest in the Easement.
- (xvii) Any party whose land adjoins Lot 2 who has not disclaimed their interest in the Easement will be given notice of this Application and will have the opportunity to raise any valid objections that they have.
- (xviii) Lot 2 has not, during the Applicant's exclusive possession of the same (and during the Applicant's predecessor's exclusive possession of the same), been used as road or access way of any type. The Proposed Road is partitioned into multiple parts by fences which are, to the Applicant's knowledge, at least 42 years old and which prevent any passing over The Proposed Road by vehicle or on foot.
- (xix) To the best of the Applicant's knowledge, during the Applicant's exclusive possession of Lot 2 (and during the Applicant's predecessor's exclusive possession of Lot 2) no part of The Proposed Road has been used as a road or access way of any type by any person.
- (xx) The nature of the Land in The Proposed Road, the improvements on it, the alternative access available to all the Land shown on Deposited Plan 2088, the lack of use of The Proposed Road as a road by any party and the failure of any party to utilise The Proposed Road as a road indicate that Land in NA95/60 is not road. This is supported by Auckland Transport's advice attached at Annexure 16. The granting of the Easement pursuant to Section 168 of the Land Transfer Act 1952 (Repealed) also had the effect of making the setting aside for Road redundant.
- (xxi) The nature of the Land in The Proposed Road, the improvements on it, the alternative access available to all the Land shown on Deposited Plan 2088, the lack of use of the Easement by any party to the Easement and the separation of the Dominant Tenements from the Servient Tenement as a result of further subdivisions and developments appear to make the Easement over The Proposed Road in favour of the several lots shown on Deposited Plan 2088 unnecessary and redundant.

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4. **LOT 3 CLAIM AND PARTICULARS OF POSSESSION:**

(a) **LOT 3 CLAIM**

- (i) The Applicant claims Lot 3 on the grounds that the Applicant and the Applicant's predecessors in title have been in continuous possession, within the meaning of the said Section 3, of Lot 3 for a period of 28 years from the 19th of October 1990 to the time of making this application. In support of our application, we append the following:

(b) **PARTICULARS OF POSSESSION LOT 3**

- (i) George Alexander Tervit and Lorraine Marea Denise Tervit ("George and Marea") owned the land in Computer Freehold Register NA22B/871 ("NA22B/871") from 19 October 1990 to 9 October 1998. NA22B/871 is adjacent to and adjoins Lot 3. From the date George and Marea became the Owners of NA22B/871 George and Marea were the occupiers of Lot 3.
- (ii) Lot 3 was from, on or before 19 October 1990 in the possession of George Alexander Tervit and Lorraine Marea Denise Tervit pursuant to Transfer C203730.4;
- (iii) Christopher Cameron Liddell, Fenella Claire Liddell and Diane Evelyn Snow ("The Liddells") owned NA22B/871 from 9 October 1998 to 16 October 2014. NA22B/871 is adjacent to and adjoins Lot 3. From the date The Liddells became the Owners of NA22B/871 The Liddells were the occupiers of Lot 3.
- (iv) Lot 3 was from, on or before 9 October 1998 in the possession of Christopher Cameron Liddell, Fenella Claire Liddell and Diane Evelyn Snow pursuant to Transfer D319068.2;
- (v) Tecman International Limited ("Tecman") owned NA22B/871 from 16 October 2014 to 1 February 2018. NA22B/871 is adjacent to and adjoins Lot 3. From the date Tecman became the Owner of NA22B/871 Tecman was the occupier of Lot 3.
- (vi) Lot 3 was from, on or before 16 October 2014 in the possession of Tecman International Limited pursuant to Transfer 9868583.3;
- (vii) The Applicant has owned NA22B/871 since 1 February 2018. NA22B/871 is adjacent to and adjoins Lot 3. From the date the Applicant became the Owner of NA22B/871 the Applicant was the occupier of Lot 3.

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- (viii) The Applicant has been the occupier of Lot 3 since 1 February 2018 and has occupied the aforesaid land since then pursuant to Transfer 10997744.14;
- (ix) Lot 3 was for all practical purposes treated as part of NA22B/871 being owned by the Applicant and the Applicant's predecessors in title. Lot 3 is contiguous to NA22B/871 and was treated as part of that land by the Applicant and the Applicant's predecessors in title.
- (x) The Applicant and the Applicant's predecessors in title have occupied and used Lot 3 in the manner set out in points 7 and 8 (g)-(i) of this Application.
- (xi) The Applicant and the Applicant's predecessors in title have been in possession of Lot 3 continuously and unbroken since 19 October 1990. That possession has been exclusive and undisputed.
- (xii) The land is fenced by way of a wooden post and wire fence bordering Lot 3. Such fence is shown on the plan attached as Annexure 1. The fence is also shown in a number of photographs attached as Annexure 2C. The fence encloses both NA22B/871 and Lot 3. To the best of the Applicant's knowledge the age of the fence is estimated as being in excess of 42 years. This belief is based on the Applicant's neighbour, Mongorry Farms Limited, who has confirmed that the fence has been in place since Mongorry Farms Limited acquired the neighbouring land at NA606/250 42 years ago, such confirmation is attached as Annexure 3.
- (xiii) The fence is shared by the Applicant and the land formerly contained in NA606/250.
- (xiv) No payments have been claimed by the Registered Proprietor nor have any payments been made to the Registered Proprietor.
- (xv) Deposited Plan 2088 shows an "Area of Road from C to D". Part of that area was taken as road and is now Dunlop Road. For ease of reference the balance of Area C to D shall be referred to as "The Proposed Road."
- (xvi) The Subject Lots are part of Deposited Plan 2088 and are not road.
- (xvii) The Proposed Road was never taken as road and no road was ever formed.
- (xviii) The Proposed Road remains farm land which has been used by the adjacent land owners for their own purposes.

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- (xix) As The Proposed Road was never taken as road and no road was formed The Proposed Road is shown as subject to an easement appurtenant to the several lots shown on Deposited Plan 2088 over the "road" shown on that Plan ("the Easement").
- (xx) Auckland Transport has confirmed that the land in The Proposed Road is not legal road and is not closed road. Attached as Annexure 16 is confirmation that the land is not road.
- (xxi) The Applicant along with Castlefinn Developments Limited, whose land adjoins Lot 3, has disclaimed their interest in the Easement.
- (xxii) Any party whose land adjoins Lot 3 who has not disclaimed their interest in the Easement will be given notice of this Application and will have the opportunity to raise any valid objections that they have.
- (xxiii) Lot 3 has not, during the Applicant's exclusive possession of the same (and during the Applicant's predecessor's exclusive possession of the same), been used as road or access way of any type. The Proposed Road is partitioned into multiple parts by fences which are, to the Applicant's knowledge, at least 42 years old and which prevent any passing over The Proposed Road by vehicle or on foot.
- (xxiv) To the best of the Applicant's knowledge, during the Applicant's exclusive possession of Lot 3 (and during the Applicant's predecessor's exclusive possession of Lot 3) no part of The Proposed Road has been used as a road or access way of any type by any person.
- (xxv) The nature of the Land in The Proposed Road, the improvements on it, the alternative access available to all the Land shown on Deposited Plan 2088, the lack of use of The Proposed Road as a road by any party and the failure of any party to utilise The Proposed Road as a road indicate that Land in The Proposed Road is not road. This is supported by Auckland Transport's advice attached at Annexure 16. The granting of the Easement pursuant to Section 168 of the Land Transfer Act 1952 (Repealed) also had the effect of making the setting aside for Road redundant.
- (xxvi) The nature of the Land in The Proposed Road, the improvements on it, the alternative access available to all the Land shown on Deposited Plan 2088, the lack of use of the Easement by any party to the Easement and the separation of the Dominant Tenements from the Servient

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Tenement as a result of further subdivisions and developments appear to make the Easement over The Proposed Road in favour of the several lots shown on Deposited Plan 2088 unnecessary and redundant.

5. **LOT 5 CLAIM AND PARTICULARS OF POSSESSION:**

(a) **LOT 5 CLAIM**

- (i) The Applicant claims Lot 5 on the grounds that the Applicant and the Applicant's predecessors in title have been in continuous possession, within the meaning of the said Section 3, of Lot 5 for a period of 30 years from the 31st of October 1988 to the time of making this application. In support of our application, we append the following:

(b) **PARTICULARS OF POSSESSION LOT 5**

- (i) Richard Hereward Vivian-Greer ("Richard") owned the land in Computer Freehold Register NA51B/1174 ("NA51B/1174") from 31 October 1988 to 24 February 2014. NA51B/1174 is adjacent to and adjoins Lot 5. From the date Richard became the Owner of NA51B/1174 Richard was the occupier of Lot 5.
- (ii) Lot 5 was from, on or before 31 October 1988 in the possession of Richard Hereward Vivian-Greer as survivor pursuant to Transmission B907454.3.
- (iii) Gail Mary Smith and Joy Vivian-Greer ("Gail and Joy") owned NA51B/1174 from 24 February 2014 to 25 November 2015. NA51B/1174 is adjacent to and adjoins Lot 5. From the date Gail and Joy became the Owners of NA51B/1174 Gail and Joy were the occupiers of Lot 5.
- (iv) Lot 5 was from, on or before 24 February 2014 in the possession of Gail Mary Smith and Joy Vivian-Greer as executors pursuant to Transmission 9646032.1.
- (v) Great Peace Limited ("Great Peace") owned NA51B/1174 from 25 November 2015 to 1 February 2018. NA51B/1174 is adjacent to and adjoins Lot 5. From the date Great Peace became the Owner of NA51B/1174 Great Peace was the occupier of Lot 5.
- (vi) Lot 5 was from, on or before 25 November 2015 in the possession of Great Peace Limited pursuant to Transfer 10262760.3.
- (vii) The Applicant has owned NA51B/1174 since 1 February 2018. NA51B/1174 is adjacent to and adjoins Lot 5. From

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the date the Applicant became the Owner of NA51B/1174 the Applicant was the occupier of Lot 5.

- (viii) The Applicant has been the occupier of Lot 5 since 1 February 2018 and has occupied the aforesaid land since then pursuant to Transfer 10997744.13
- (ix) Lot 5 was for all practical purposes treated as part of NA51B/1174 being owned by the Applicant and the Applicant's predecessors in title. Lot 5 is contiguous to NA51B/1174 and was treated as part of that land by the Applicant and the Applicant's predecessors in title.
- (x) The Applicant and the Applicant's predecessors in title have occupied and used Lot 5 in the manner set out in points 7 and 8 (j)-(l) of this Application.
- (xi) The Applicant and the Applicant's predecessors in title have been in possession of Lot 5 continuously and unbroken since 31 October 1988. That possession has been exclusive and undisputed.
- (xii) The land is fenced by way of a wooden post and wire fence bordering Lot 5. Such fence is shown on the plan attached as Annexure 1. The fence is also shown in a number of photographs attached as Annexure 2D. The fence encloses both NA51B/1174 and Lot 5. To the best of the Applicant's knowledge the age of the fence is estimated as being in excess of 42 years. This belief is based on the Applicant's neighbour Mongorry Farms Limited who owned NA606/250 and currently owns 790158 which is adjacent to Lot 5. Mongorry Farms Limited has confirmed that the fence has been in place since Mongorry Farms Limited acquired the neighbouring land at NA606/250 42 years ago, such confirmation is attached as Annexure 3.
- (xiii) The fence is shared by the Applicant and the land formerly contained in NA606/250.
- (xiv) No payments have been claimed by the Registered Proprietor nor have any payments been made to the Registered Proprietor.
- (xv) Deposited Plan 2088 shows an "Area of Road from C to D". Part of that area was taken as road and is now Dunlop Road. For ease of reference the balance of Area C to D shall be referred to as "The Proposed Road."
- (xvi) The Subject Lots are part of Deposited Plan 2088 and are not road.

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- (xvii) The Proposed Road was never taken as road and no road was ever formed.
- (xviii) The Proposed Road remains farm land which has been used by the adjacent land owners for their own purposes.
- (xix) As The Proposed Road was never taken as road and no road was formed The Proposed Road is shown as subject to an easement appurtenant to the several lots shown on Deposited Plan 2088 over the "road" shown on that Plan ("the Easement").
- (xx) Auckland Transport has confirmed that the land in The Proposed Road is not legal road and is not closed road. Attached as Annexure 16 is confirmation that the land is not road.
- (xxi) The Applicant along with Mongorrry Farms Limited, whose land adjoins Lot 5, has disclaimed their interest in the Easement.
- (xxii) Any party whose land adjoins Lot 5 who has not disclaimed their interest in the Easement will be given notice of this Application and will have the opportunity to raise any valid objections that they have.
- (xxiii) Lot 5 has not, during the Applicant's exclusive possession of the same (and during the Applicant's predecessor's exclusive possession of the same), been used as road or access way of any type. The Proposed Road is partitioned into multiple parts by fences which are, to the Applicant's knowledge, at least 42 years old and which prevent any passing over The Proposed Road by vehicle or on foot.
- (xxiv) To the best of the Applicant's knowledge, during the Applicant's exclusive possession of Lot 5 (and during the Applicant's predecessor's exclusive possession of Lot 5) no part of The Proposed Road has been used as a road or access way of any type by any person.
- (xxv) The nature of the Land in The Proposed Road, the improvements on it, the alternative access available to all the Land shown on Deposited Plan 2088, the lack of use of The Proposed Road as a road by any party and the failure of any party to utilise NA95/60 as a road indicate that Land in The Proposed Road is not road. This is supported by Auckland Transport's advice attached at Annexure 16. The granting of the Easement pursuant to Section 168 of the Land Transfer Act 1952 (Repealed) also had the effect of making the setting aside for Road redundant.

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(xxvi) The nature of the Land in The Proposed Road, the improvements on it, the alternative access available to all the Land shown on Deposited Plan 2088, the lack of use of the Easement by any party to the Easement and the separation of the Dominant Tenements from the Servient Tenement as a result of further subdivisions and developments appear to make the Easement over The Proposed Road in favour of the several lots shown on Deposited Plan 2088 unnecessary and redundant.

6. EVIDENCE TO SUPPORT APPLICATION FOR THE SUBJECT LOTS

- (a) A Statutory Declaration from Mongorri Farms Limited regarding the age of the fence on the subject Lots has been obtained and is attached hereto as Annexure 3.
- (b) A Statutory Declaration from Henry Basil Norcross, Justice of the Peace of Auckland, being a person of good repute with a long-standing knowledge of the Subject Lots, has been obtained and is attached hereto as Annexure 4.
- (c) A Predecessor support Statutory Declaration for Lot 1 has been obtained from Roy Wigg and is attached hereto as Annexure 5.
- (d) A Predecessor support Statutory Declaration for Lot 2 has been obtained from Colin Albert Bartrom and Raewyn Norma Bartrom and is attached hereto as Annexure 6.
- (e) Predecessor support Statutory Declarations for Lot 3 have been obtained from Christopher Cameron Liddell and Tecman International Limited and are attached hereto as Annexure 7.
- (f) Predecessor support Statutory Declarations for Lot 5 have been obtained from Gail Mary Smith and Great Peace Limited and are attached hereto as Annexure 8.
- (g) A search of the General Register Office of England has revealed that Registered Proprietors of the Subject Land, Edward Hunt of Surrey, England and William Astle of Reigate, England, are both deceased. Edward Hunt's death Record is attached as Annexure 9. William Astle's death Record is attached as Annexure 10.
- (h) Lot 1 Photos - Photographs of Lot 1 numbered 10 and 11 are attached to this Application as Annexure 2A. A Plan showing the locations of those photographs and the direction in which the photographer was facing immediately precedes the photographs. These photos show the fence separating Lot 1 Deposited Plan 502952 from Lot 4 Deposited Plan 502952 with Lot 1 being between the photographer and the fence. These photos show Lot 1 as farm land as well as the fence that borders Lot 1.

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- (i) Lot 2 Photos - Photographs of Lot 2 numbered 12 - 16 are attached to this Application as Annexure 2B. A Plan showing the locations of those photographs and the direction in which the photographer was facing immediately precedes the photographs. These photos show the fence separating Lot 2 Deposited Plan 502952 from Lot 4 Deposited Plan 502952 with Lot 4 being between the photographer and the fence in the photos and Lot 2 being immediately on the other side of the fence. These photos show Lot 2 as farm land as well as the fence that borders Lot 2.
- (j) Lot 3 Photos - Photographs of Lot 3 numbered 14 – 16 are attached to this Application as Annexure 2C. A Plan showing the locations of those photographs and the direction in which the photographer was facing immediately precedes the photographs. These photos show the fence separating Lot 2 Deposited Plan 502952 from Lot 4 Deposited Plan 502952 in the foreground (“first fence”). In the background a fence can be seen running at a right angle from the first fence (“second fence”). The second fence is the boundary between Lot 3 Deposited Plan 52123 and Lot 2 Deposited Plan 64737. Lot 2 DP 64737 is on the opposite side of the first and second fences from the photographer. Lot 3 502952 is a small section of Land between the first fence and Lot 2 Deposited Plan 64737 (being in the background and on the opposite side of the two fences from the photographer). These photos show Lot 3 as farm land as well as the fence that borders Lot 3.
- (k) Lot 5 Photos - Photographs of Lot 5 numbered 17 – 24 are attached to this Application as Annexure 2D. A Plan showing the locations of those photographs and the direction in which the photographer was facing immediately precedes the photographs.
 - (i) Photographs 17 to 20 show the fence as being between the photographer and Lot 5.
 - (ii) Photographs 21 – 24 show Lot 5 as being between the photographer and the fence.

These photos show Lot 5 as farm land as well as the fence that borders Lot 5.
- (l) The Applicant is informed and verily believes that the Land contained in Record of Title NA95/60 does not appear on the roll of valuations in New Zealand and we are also informed and verily believe that the Land contained in Record of Title NA95/60 is shown in the records of Land Information New Zealand as being a live and current Computer Freehold Register.
- (m) Formal request to Auckland Council has determined that the Land contained in Record of Title NA95/60 has not been classified for rating purposes. Attached as Annexure 11 are copies of email confirmations received from Auckland Council on 23 May 2017 and

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17 September 2019 that the Land contained in Record of Title NA95/60 is not rated.

- (n) Formal request to Auckland Transport has determined that the Land contained in Record of Title NA95/60 has not been taken as road. Attached as Annexure 16 is a copy of email confirmation received from Auckland Transport on 16 July 2019 that the Land contained in Record of Title NA95/60 has not been taken as road.

7. PURPOSES FOR WHICH LAND HAS BEEN USED

- (a) The Subject Lots have each been used by the Applicant as farm land and specific uses include: grazing land for livestock; farm land; and, as a finishing paddock.
- (b) The Applicant has kept livestock on each of the Subject Lots for grazing purposes to keep the Subject Lots in a tidy condition for the Applicant's use and enjoyment.

8. IMPROVEMENTS

- (a) The Applicant has the following improvements on Lot 1: the fence shown in Annexure 1 and Annexure 2A. The Applicant has maintained the fence on Lot 1 in order to keep livestock on Lot 1 and on the Applicant's own land. The fence is estimated to be at least 42 years old.
- (b) The Applicant has improved Lot 1 by fertilising it to improve yields. Such improvements have been carried out on an annual and ongoing basis.
- (c) The Applicant has improved Lot 1 by grazing animals on it in order to keep Lot 1 tidy and free of weeds. Such improvements have been carried out on an ongoing basis.
- (d) The Applicant has the following improvements on Lot 2: the fence shown in Annexure 1 and Annexure 2B respectively. The Applicant has maintained the fence on Lot 2 in order to keep livestock on Lot 2 and on the Applicant's own land. The fence is estimated to be at least 42 years old.
- (e) The Applicant has improved Lot 2 by fertilising it to improve yields. Such improvements have been carried out on an annual and ongoing basis.
- (f) The Applicant has improved Lot 2 by grazing animals on it in order to keep Lot 2 tidy and free of weeds. Such improvements have been carried out on an ongoing basis.
- (g) The Applicant has the following improvements on Lot 3: the fence shown in Annexure 1 and Annexure 2C. The Applicant has maintained the fence on Lot 3 in order to keep livestock on Lot 3

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and on the Applicant's own land. The fence is estimated to be at least 42 years old.

- (h) The Applicant has improved Lot 3 by fertilising it to improve yields. Such improvements have been carried out on an annual and ongoing basis.
- (i) The Applicant has improved Lot 3 by grazing animals on it in order to keep Lot 3 tidy and free of weeds. Such improvements have been carried out on an ongoing basis.
- (j) The Applicant has the following improvements on Lot 5: the fence shown in Annexure 1 and Annexure 2D. The Applicant has maintained the fence on Lot 5 in order to keep livestock on the Lot 5 and on the Applicant's own land. The fence is estimated to be at least 42 years old.
- (k) The Applicant has improved Lot 5 by fertilising it to improve yields. Such improvements have been carried out on an annual and ongoing basis.
- (l) The Applicant has improved Lot 5 by grazing animals on it in order to keep Lot 5 tidy and free of weeds. Such improvements have been carried out on an ongoing basis.

9. ACKNOWLEDGEMENT

- (a) The Applicant has not acknowledged the title of the Registered Proprietor of the Land. The Applicant's agents have not acknowledged the title of the Registered Proprietor of the Land.
- (b) The Applicant has no knowledge of the Applicant's predecessors in possession, nor their agents, ever acknowledging the title of the Registered Proprietor of the Land.

10. ADDRESS OF REGISTERED PROPRIETOR

- (a) The Applicant has no knowledge of any present or past address for the Registered Proprietor.

11. DISABILITY OF REGISTERED PROPRIETOR

- (a) The Applicant confirms that it is not aware of any disability affecting the Registered Proprietor.

12. ADDRESS FOR SERVICE

- (a) Our address for service is at the offices of Daniel Overton and Goulding, Solicitors, 33 Selwyn Street Onehunga, Auckland 1643, (PO BOX 13017 Onehunga).
- (b) Phone Number 09 6222 222

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(c) Attention: David Gray

13. **ADDRESS FOR SERVICE OF ADJOINING LAND OWNERS**


- (a) The addresses for service of adjoining land owners of Lot 1 are attached to this Application as Annexure 12.
- (b) The addresses for service of adjoining land owners of Lot 2 are attached to this Application as Annexure 13.
- (c) The addresses for service of adjoining land owners of Lot 3 are attached to this Application as Annexure 14.
- (d) The addresses for service of adjoining land owners of Lot 5 are attached to this Application as Annexure 15.
- (e) The addresses for service of adjoining land owners of NA95/60 are attached to this Application as Annexure 17.

Dated this 20 day of December 2019

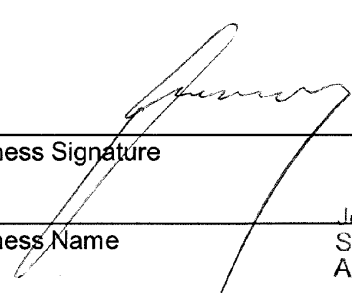
UNIVERSAL HOMES LIMITED the
Applicant by its Director and Authorised
Signatory in the presence of



Director



Authorised Signatory



Witness Signature

Witness Name

John Paul Goulding
Solicitor
Auckland

Witness Occupation

Witness Address

Certified Correct under the Land Transfer Act 1952
by the solicitor for the Applicant

DAVID KEVIN GRAY
SOLICITOR
AUCKLAND

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STATUTORY DECLARATION OF APPLICANT

We Graham Basil Street, of Auckland, Director and Deborah Michelle Landale of Auckland, Vice Chief Financial Officer do solemnly and sincerely declare:

1. That Graham Basil Street is a Director of the Applicant in the foregoing Application;
2. That Deborah Michelle Landale is an Authorised Signatory of the Applicant in the foregoing Application;
3. That to the best of our knowledge and belief all the statements made therein are true and complete;
4. That we are not in possession of any information not disclosed in our application which would be adverse to the granting thereof by the Registrar.

And we make this declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

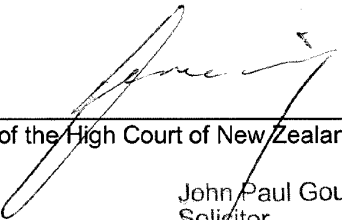
Declared at Auckland by the above named Director and Authorised Signatory on behalf of the Applicant Universal Homes Limited


Graham Basil Street
Director


Deborah Michelle Landale
Authorised Signatory

Dated this 20 day of December 2019

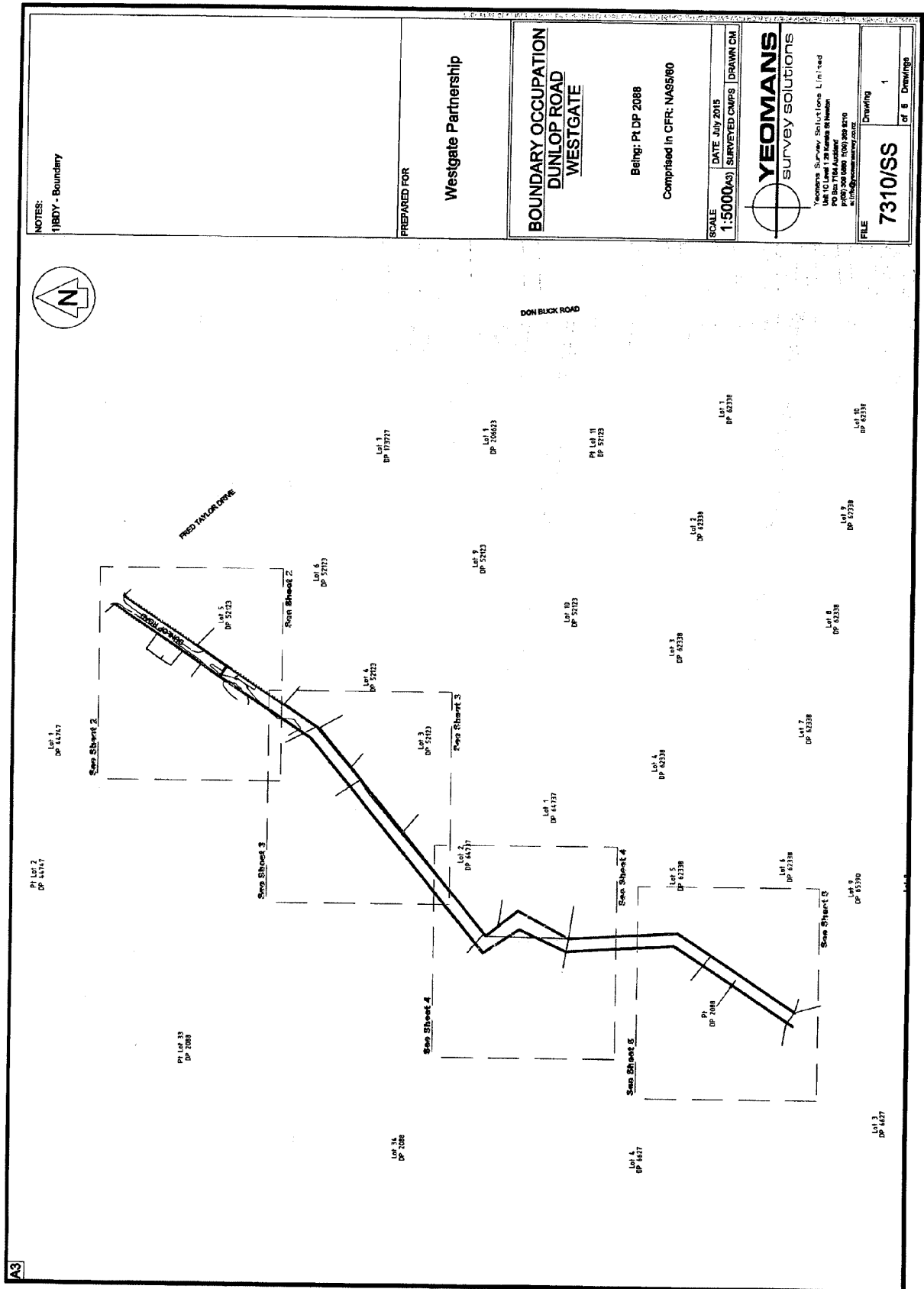
Before me

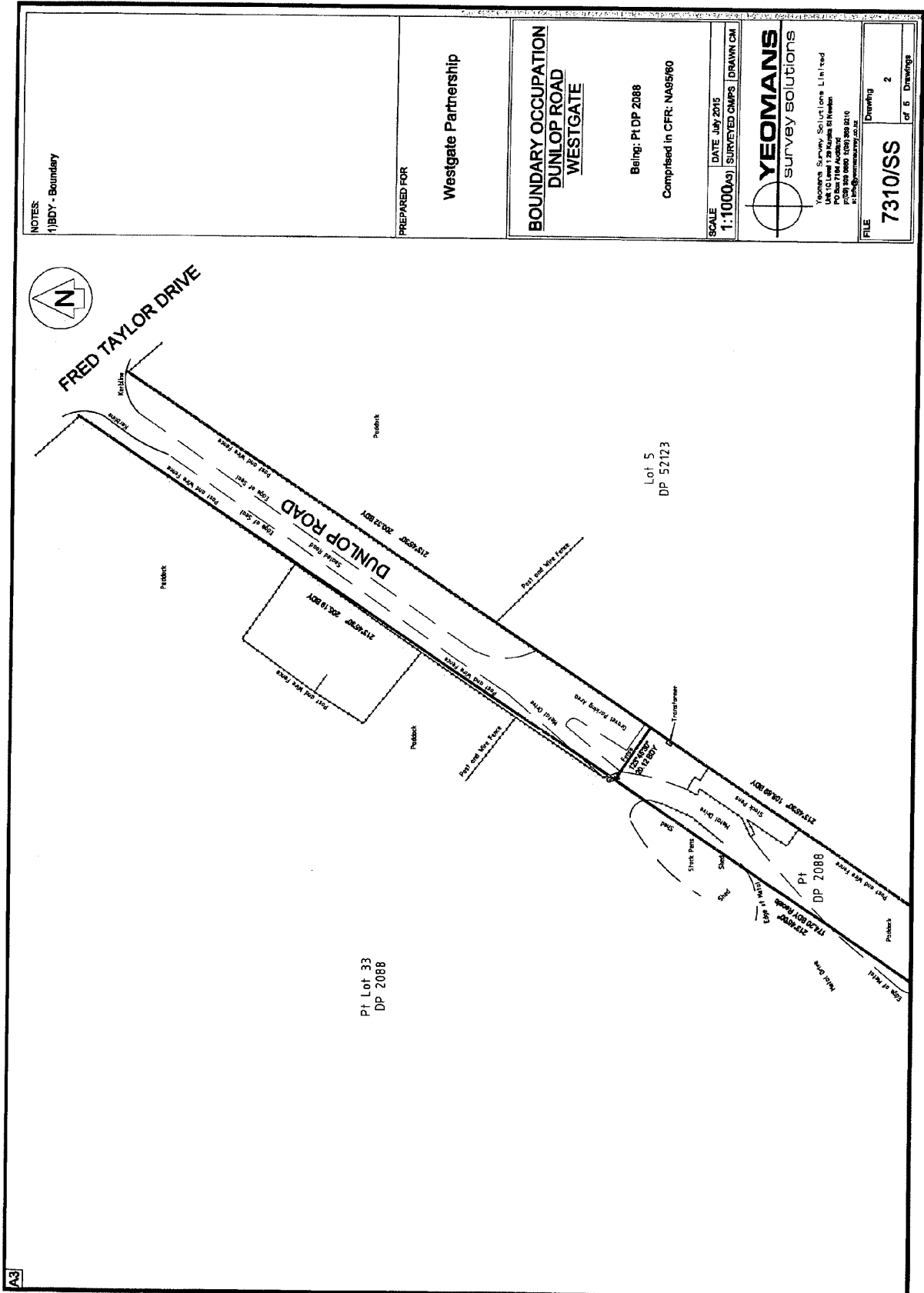

A Solicitor of the High Court of New Zealand
John Paul Goulding
Solicitor
Auckland

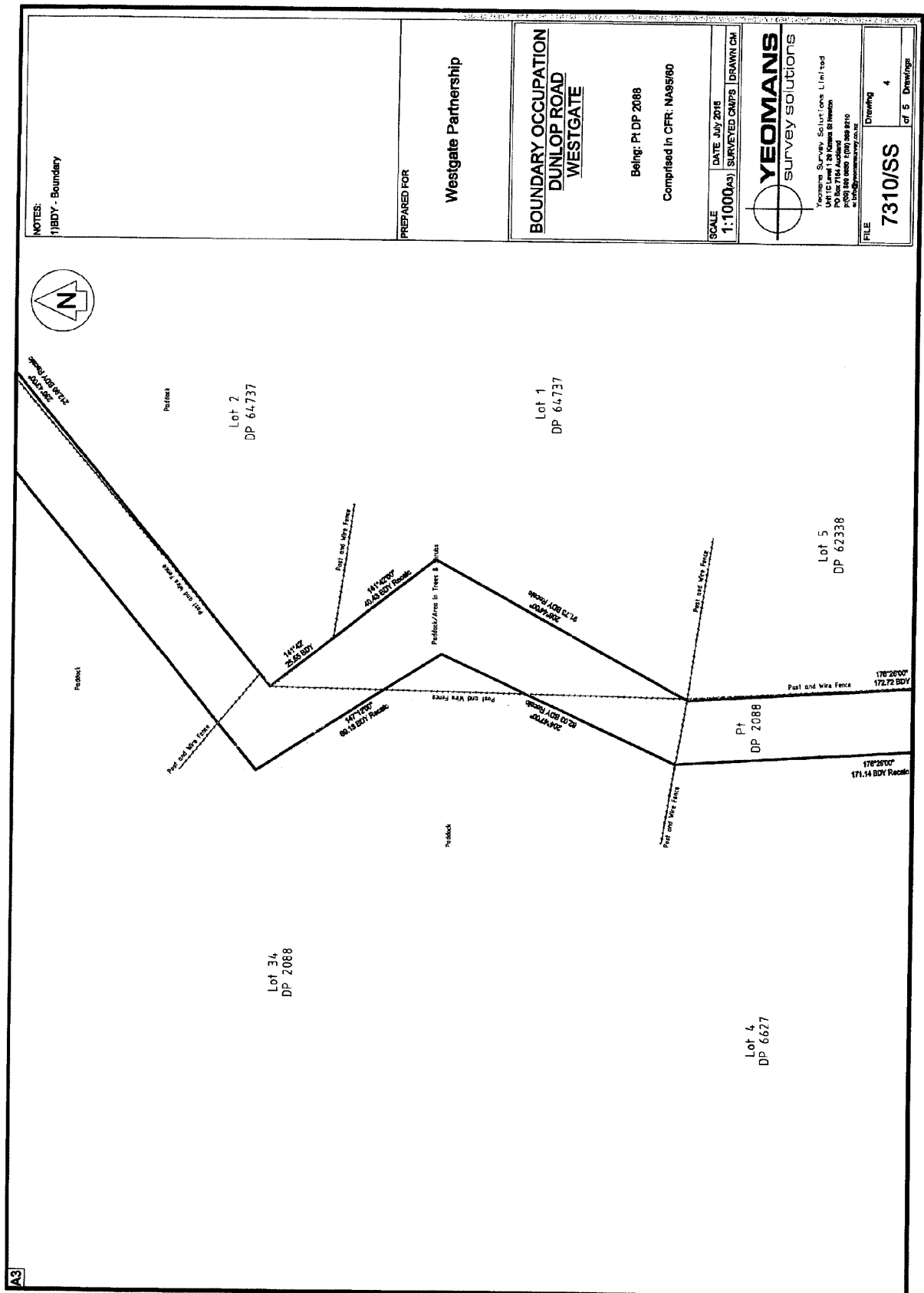
- 19 -

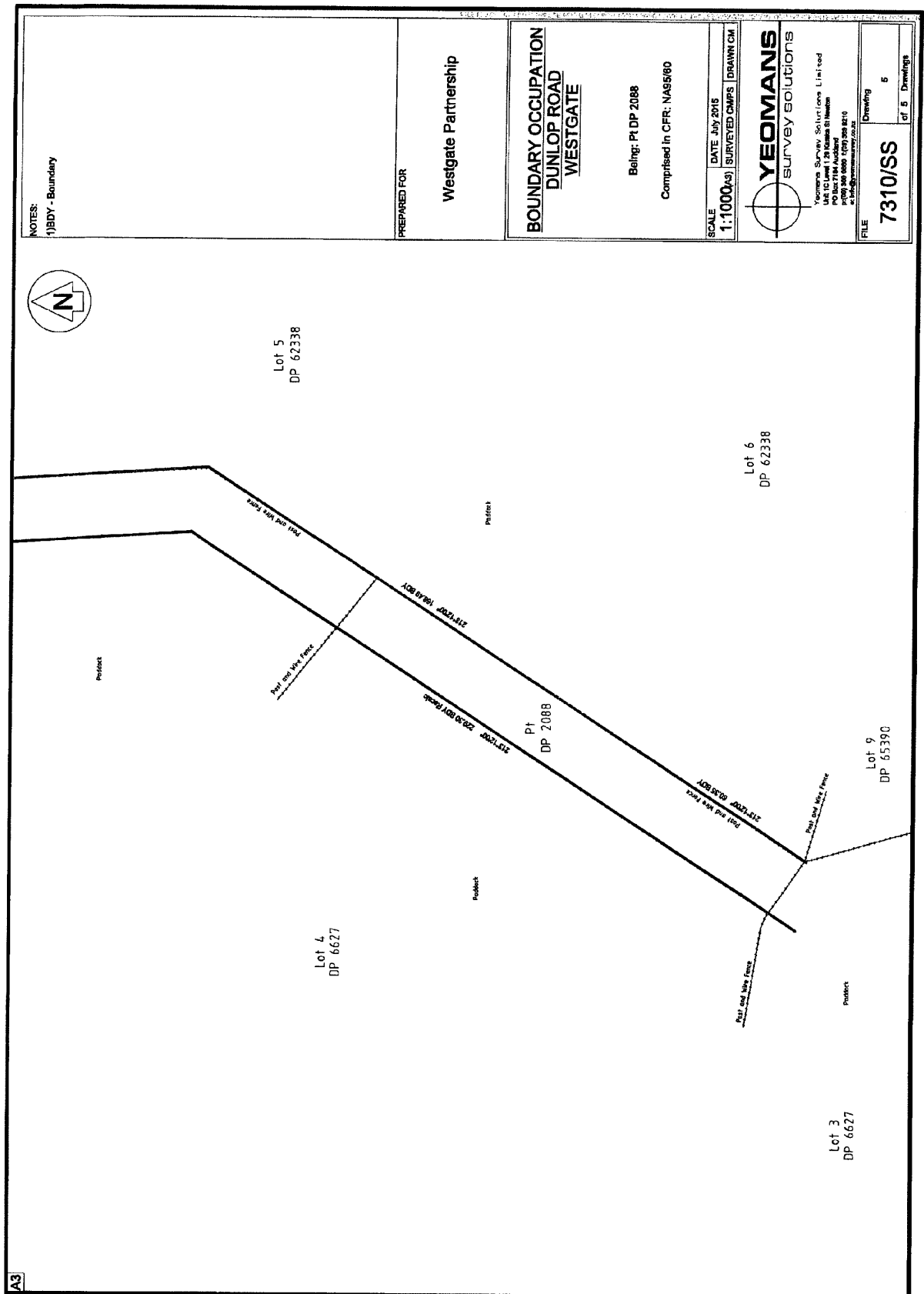
**ANNEXURE 1
PLAN SHOWING FENCE LOCATION**

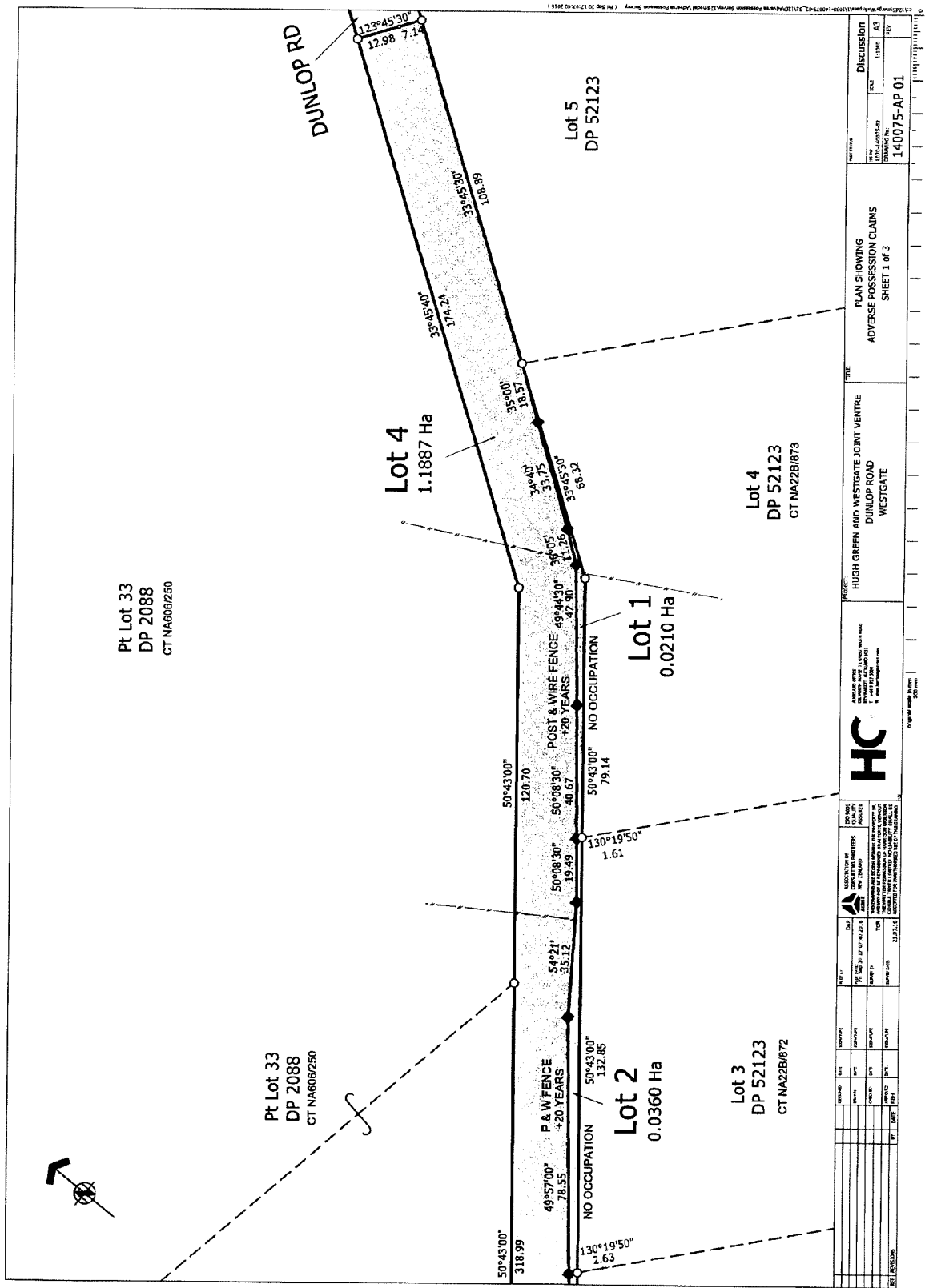
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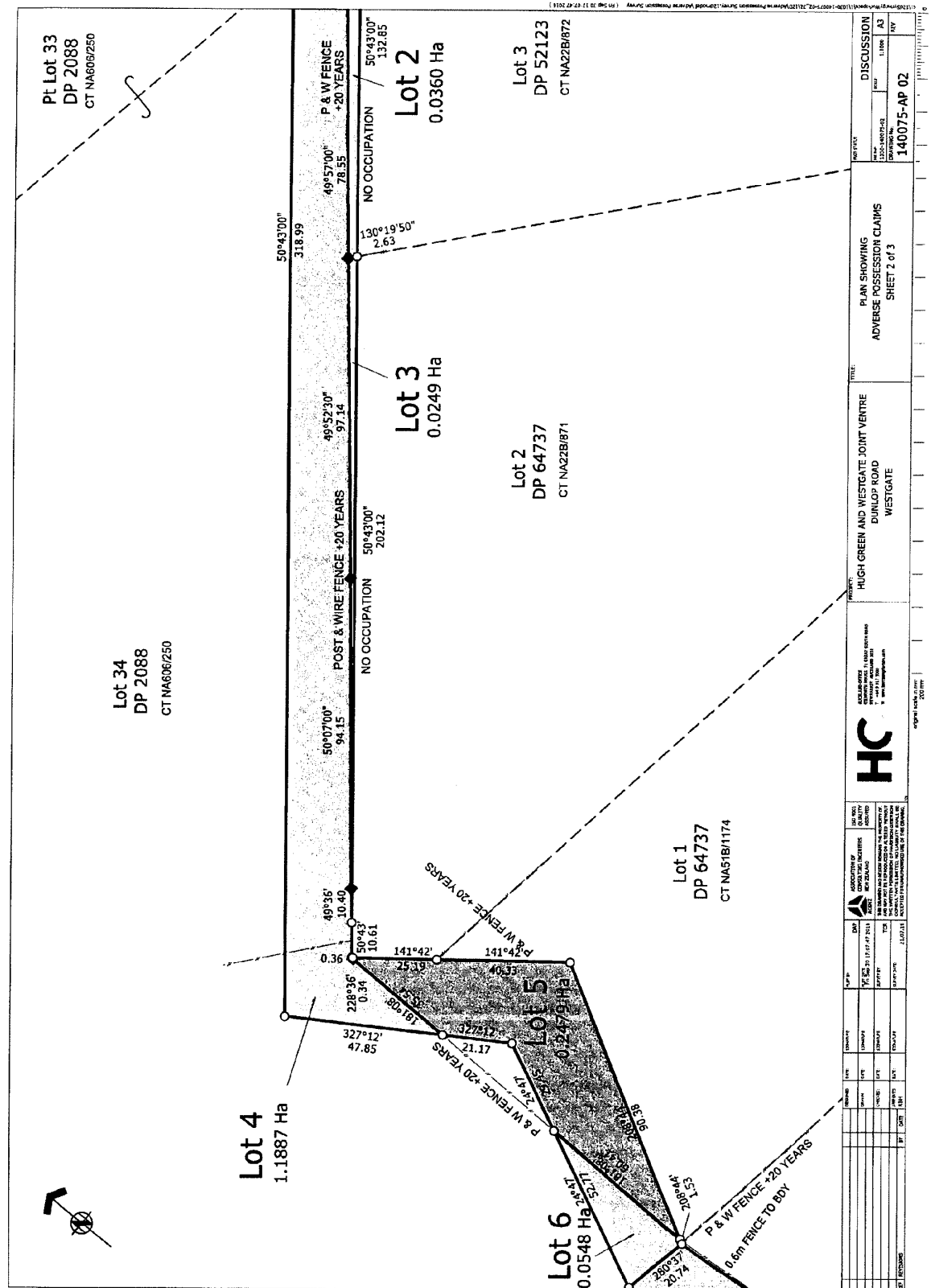


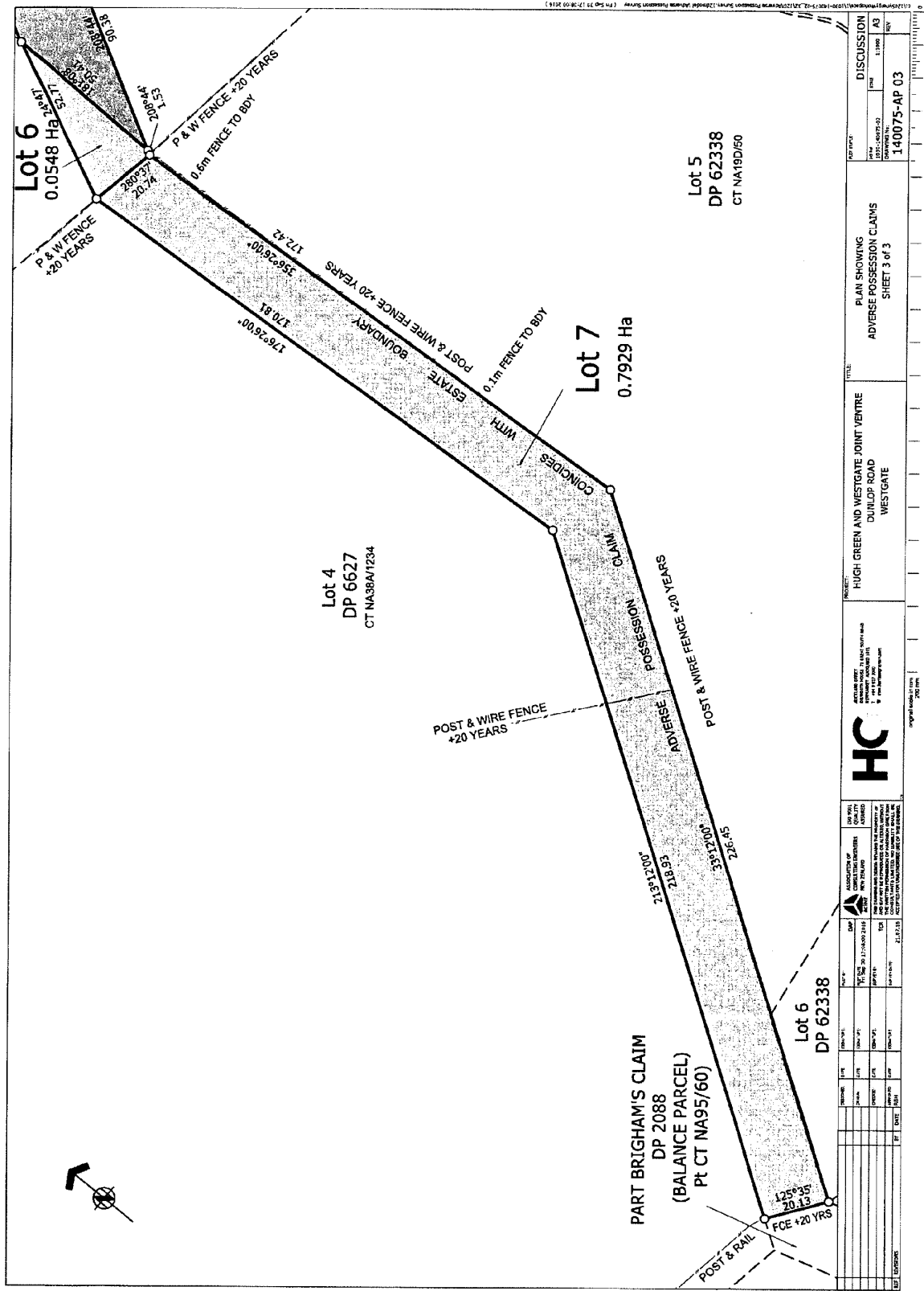










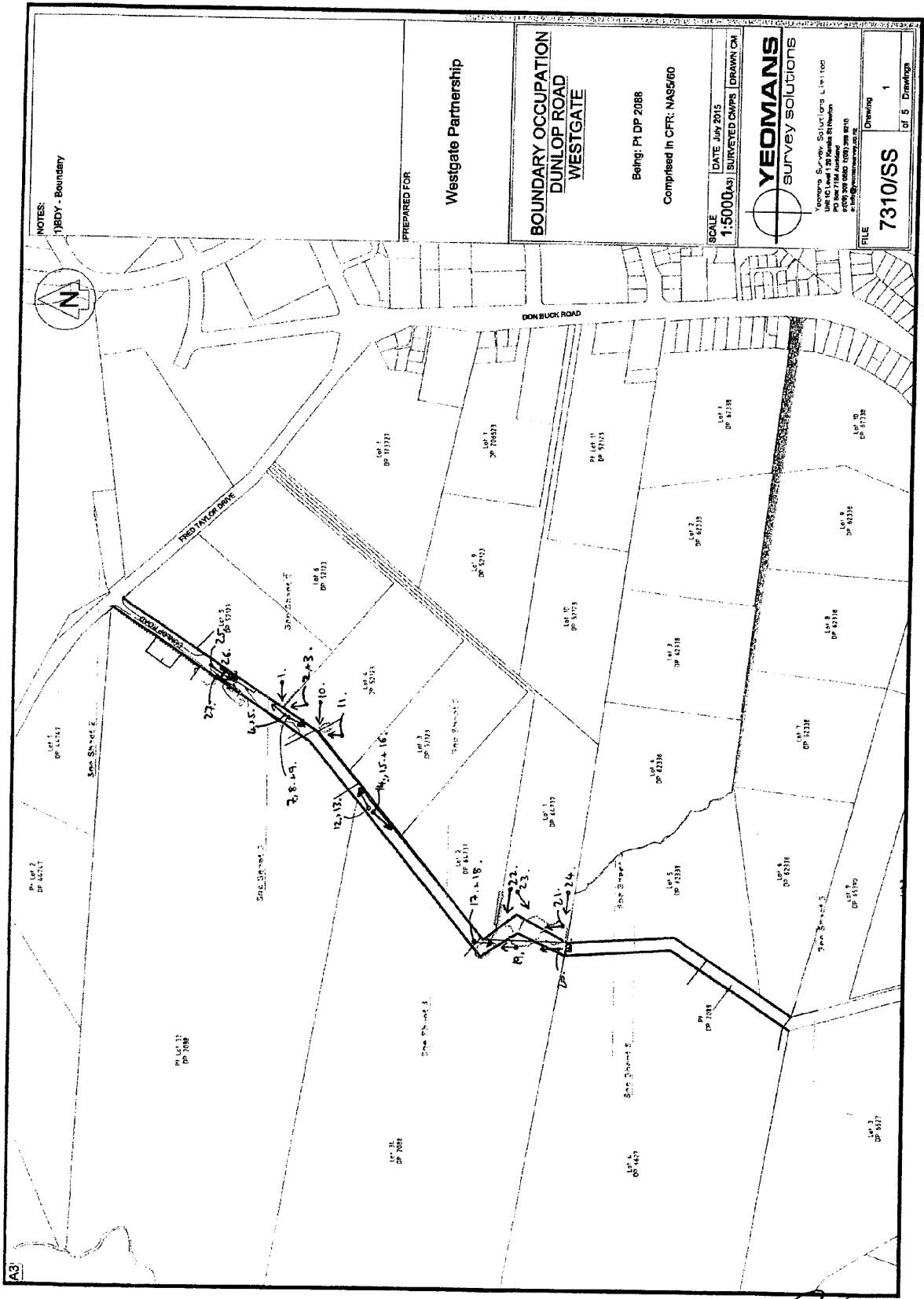


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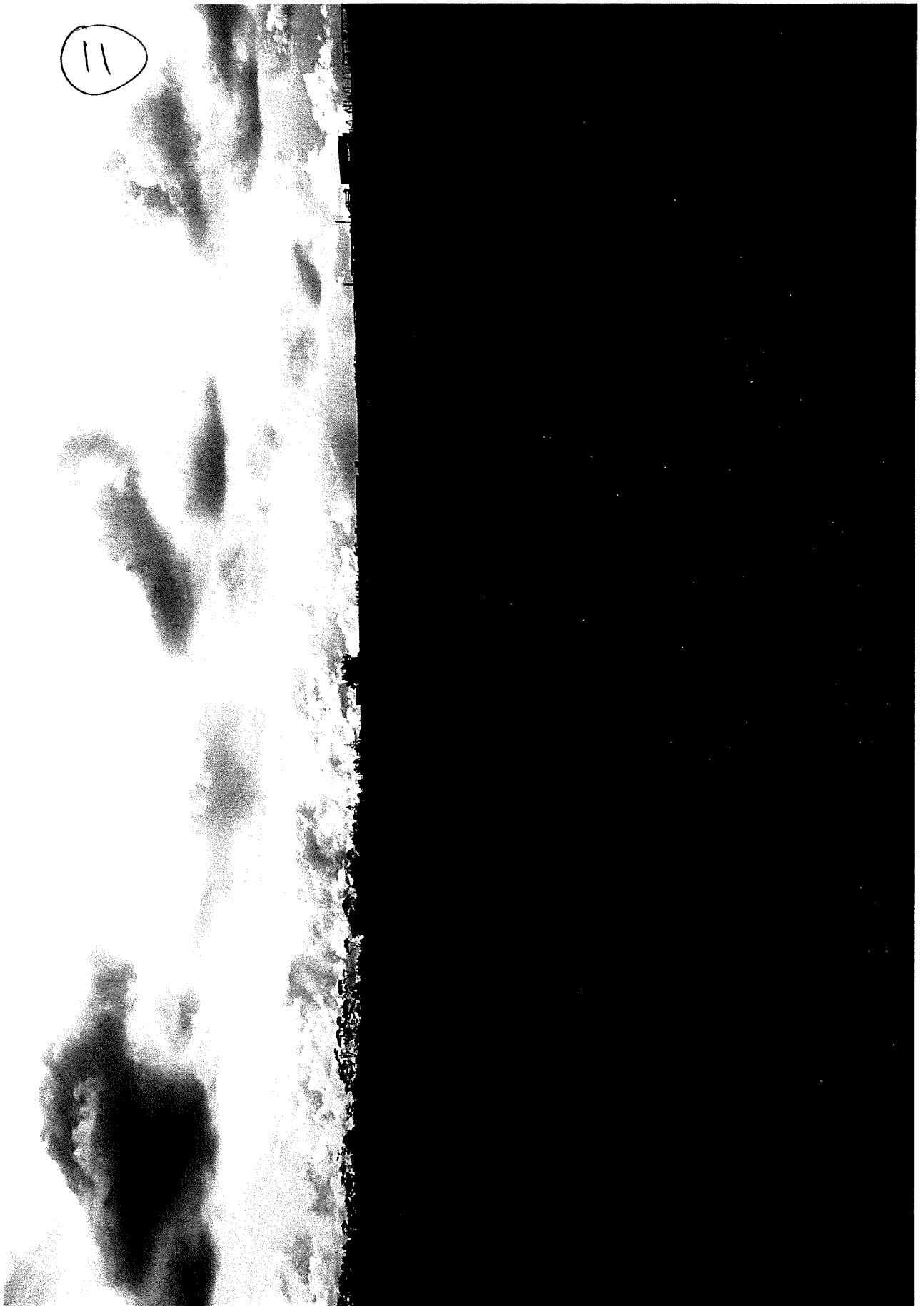
**ANNEXURE 2A
PHOTOS OF LOT 1 LAND AND IMPROVEMENTS**

DKG-406377-1-671-V1:KMK



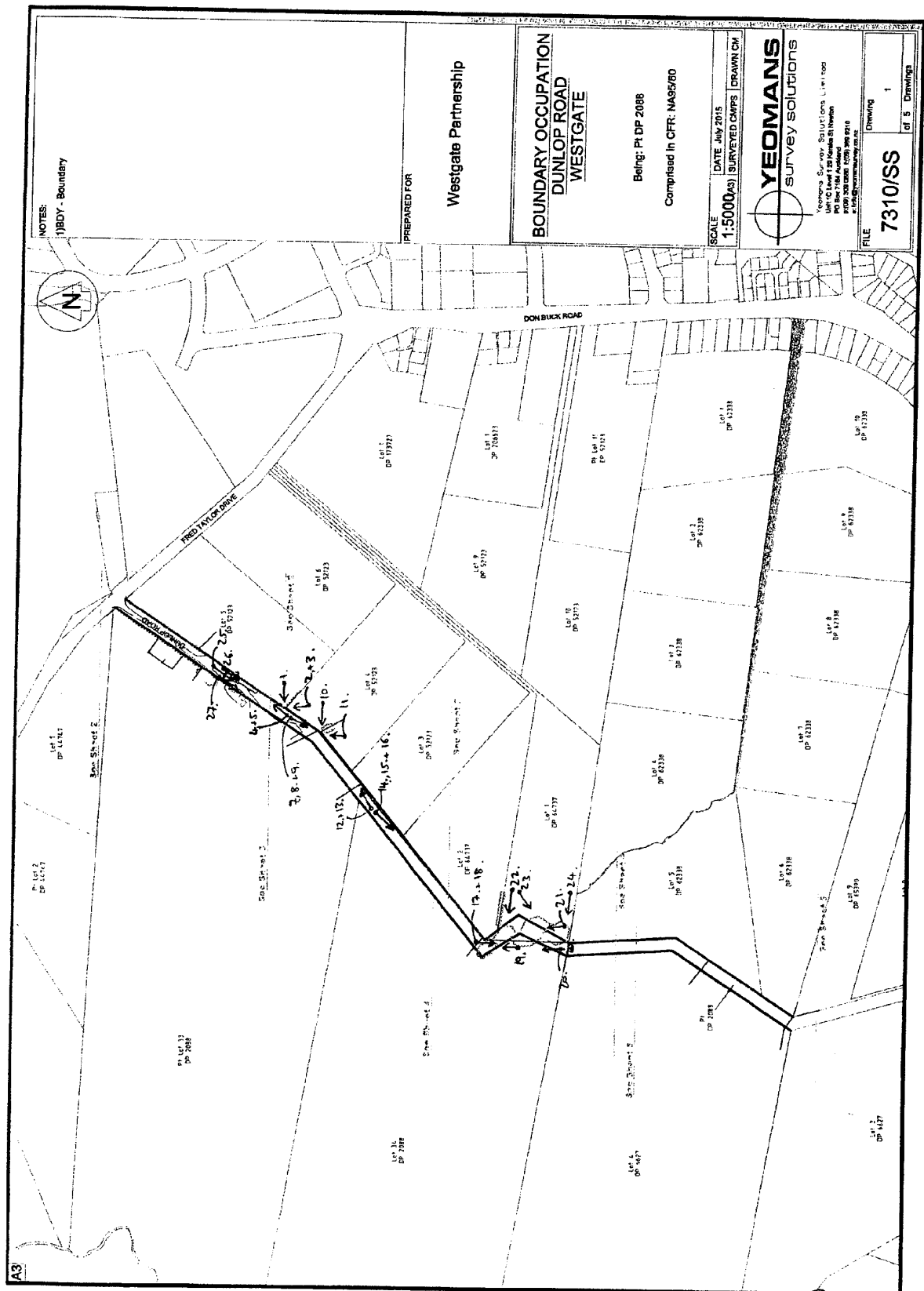
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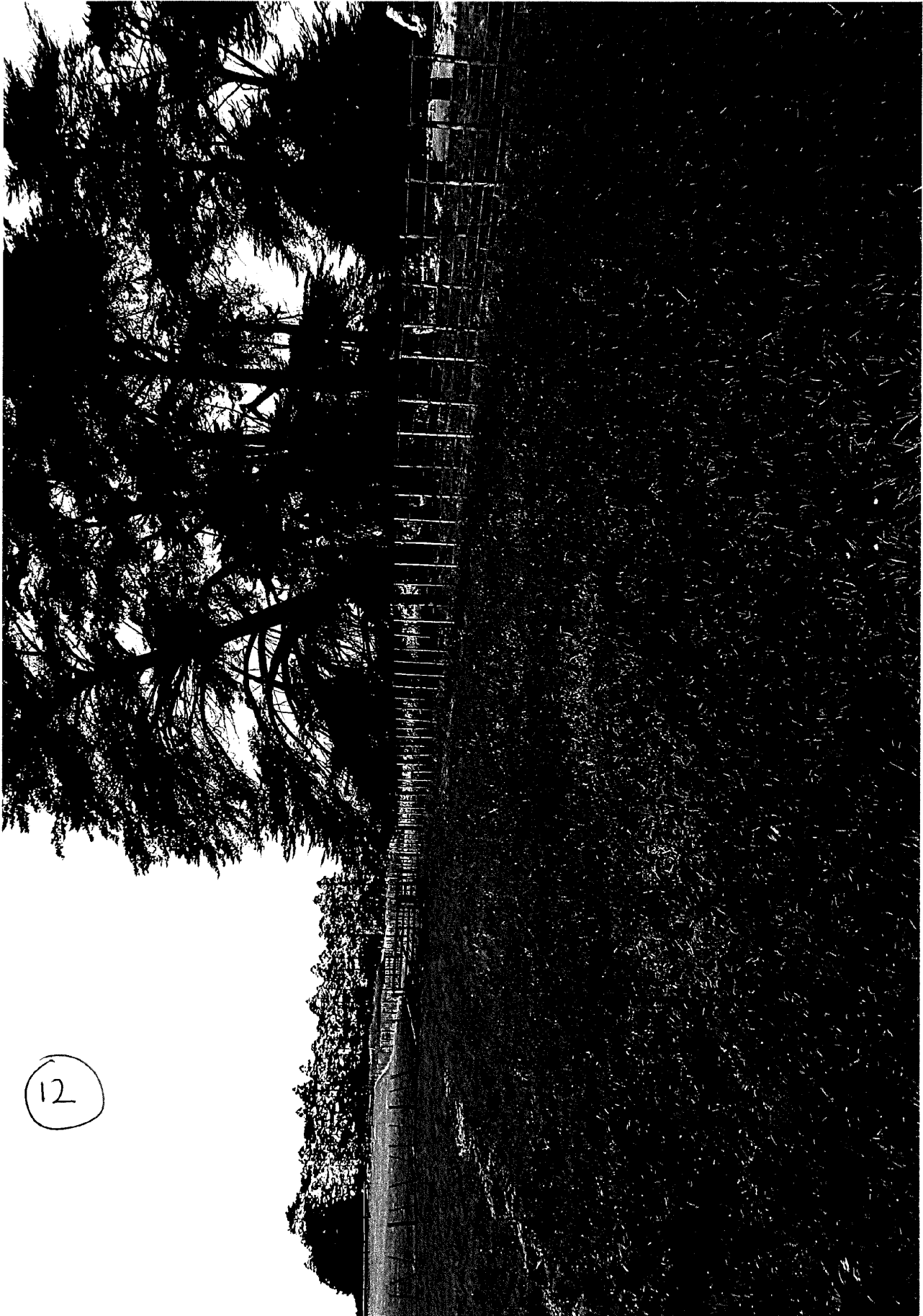




- 21 -

**ANNEXURE 2B
PHOTOS OF LOT 2 LAND AND IMPROVEMENTS**

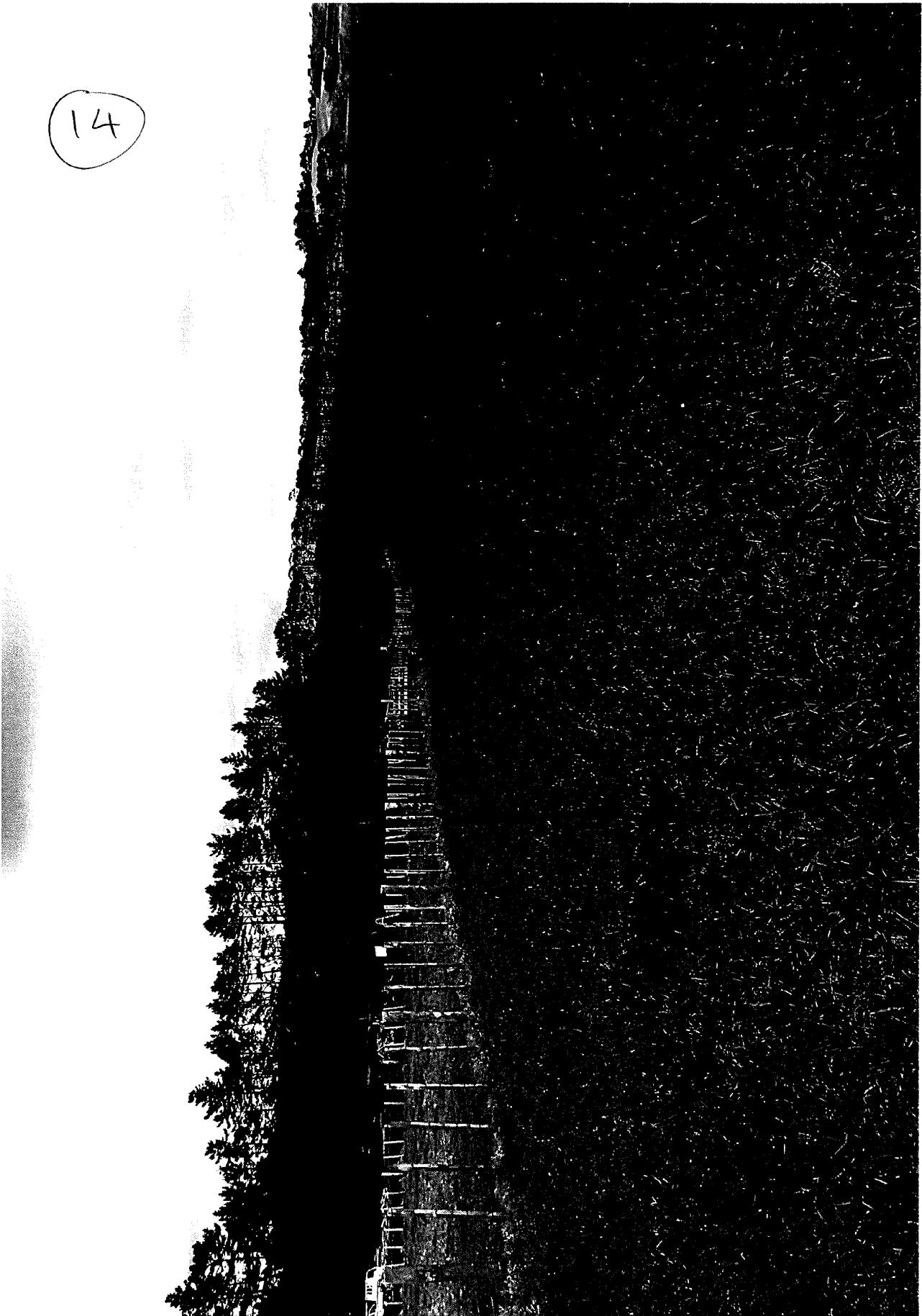




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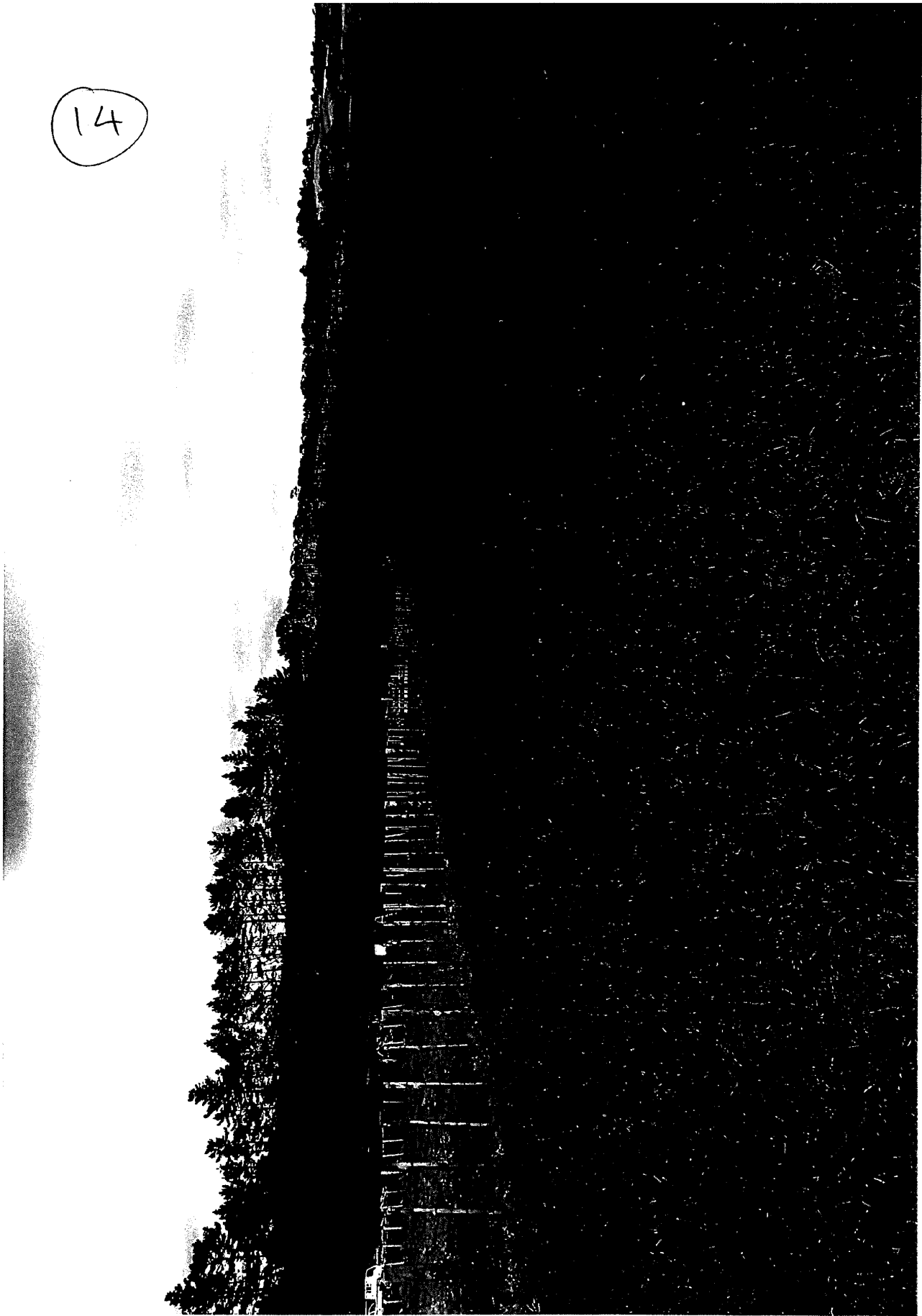


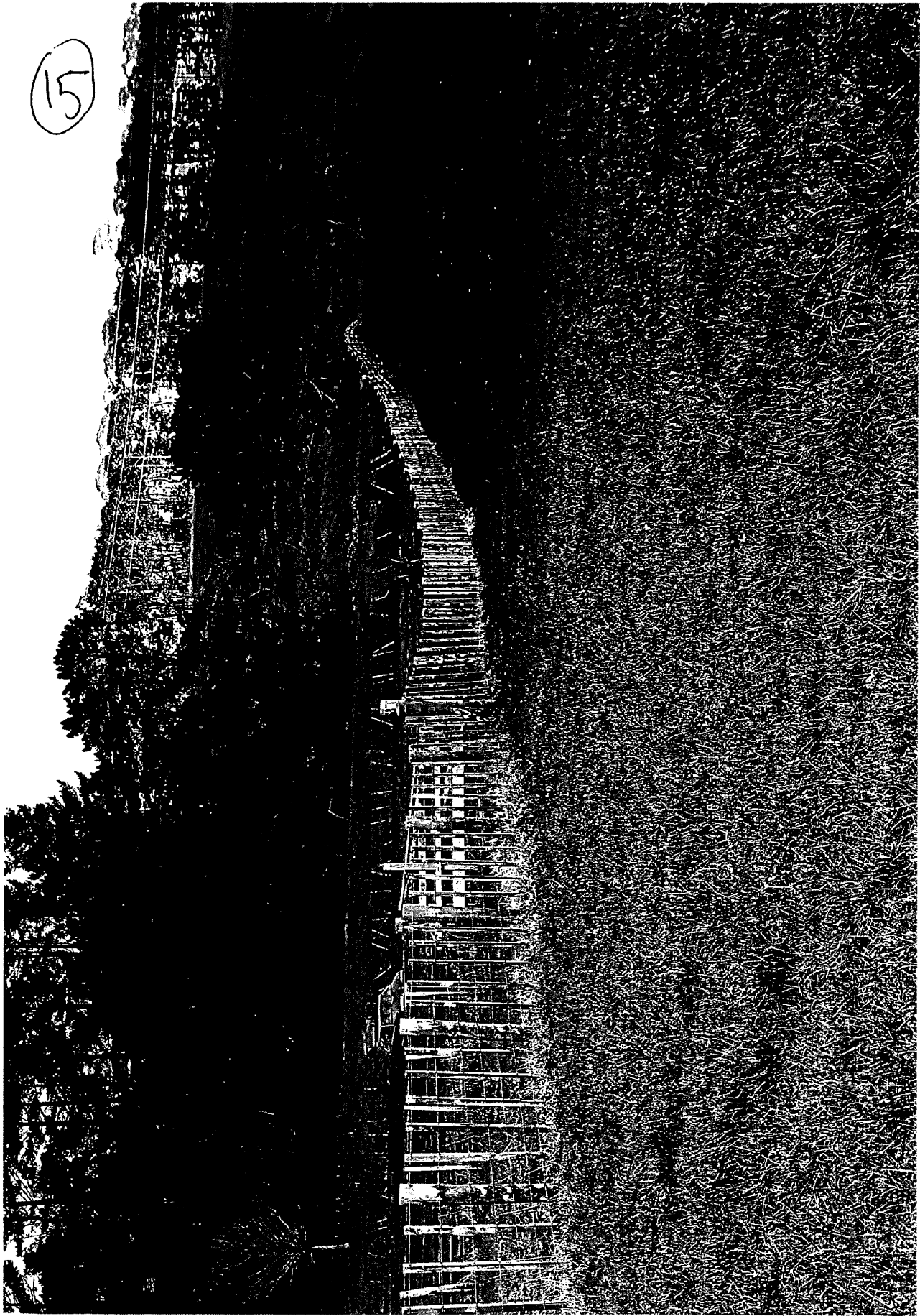


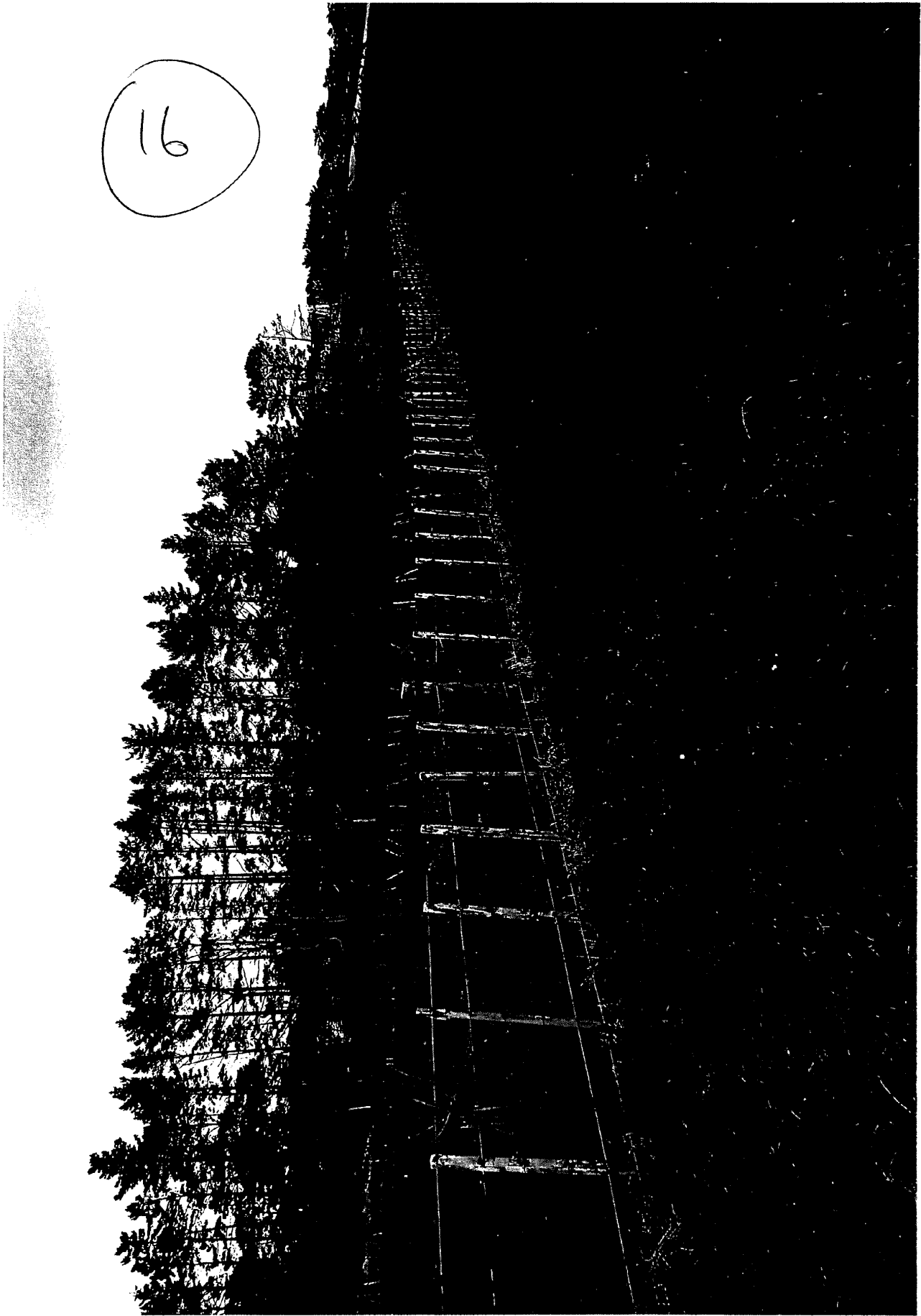
- 22 -

**ANNEXURE 2C
PHOTOS OF LOT 3 LAND AND IMPROVEMENTS**

14

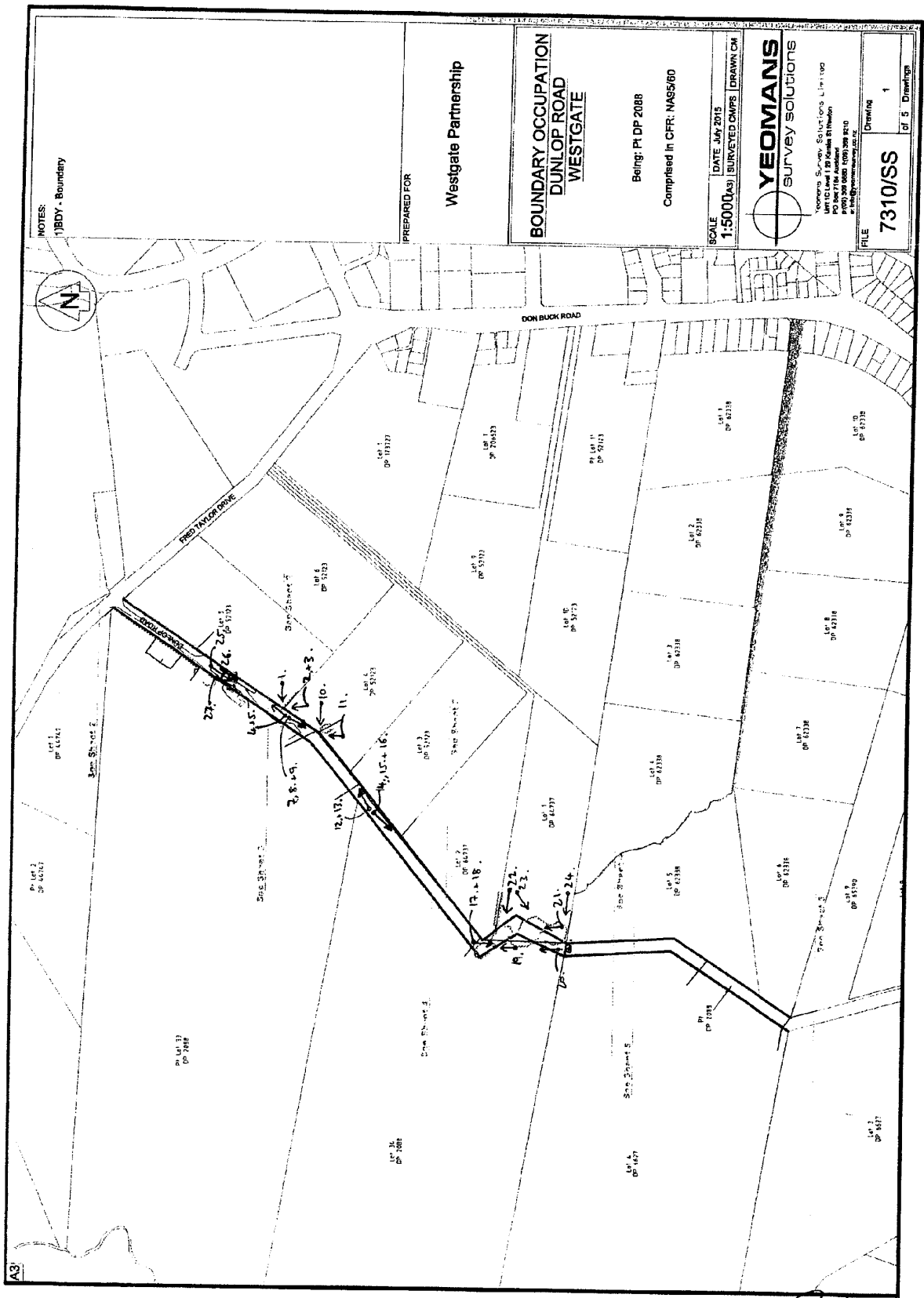


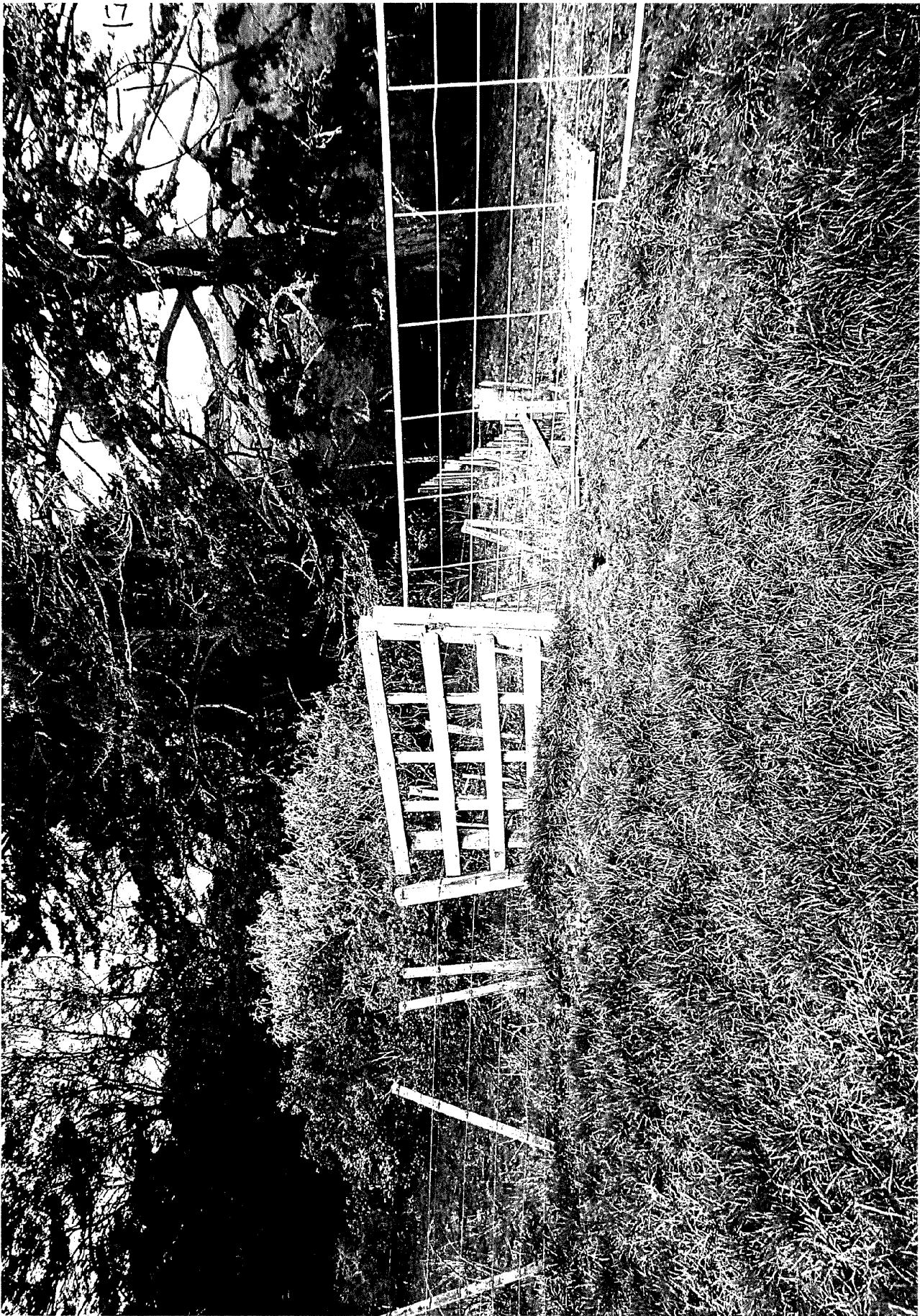


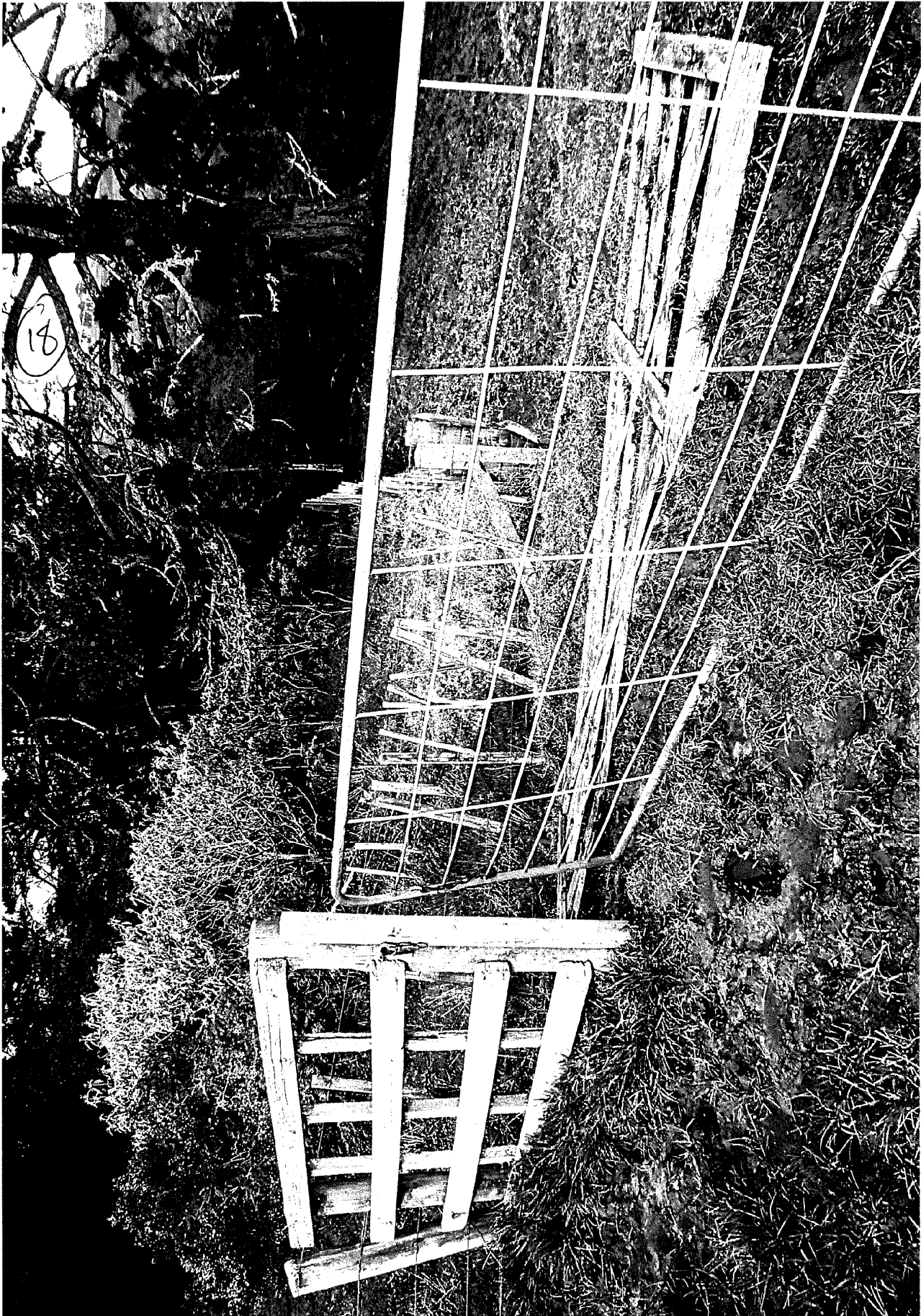


- 23 -

**ANNEXURE 2D
PHOTOS OF LOT 5 LAND AND IMPROVEMENTS**

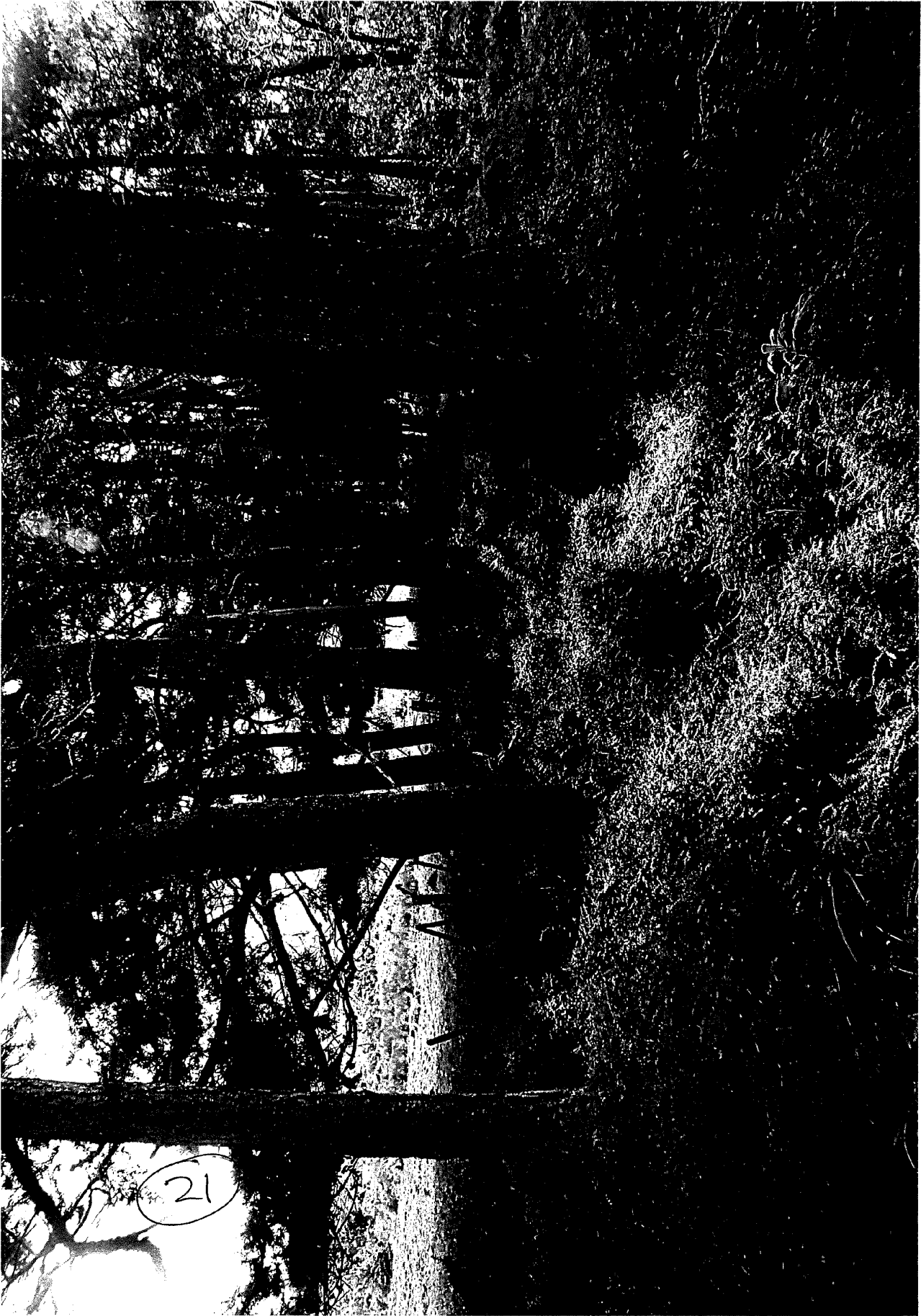


















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ANNEXURE 3
MONGORRY FARMS LIMITED DECLARATION IN SUPPORT

DKG-406377-1-671-V1:KMK

- 25 -

STATUTORY DECLARATION

I David Harding Randell Director of Mongorrry Farms Limited ("the Company") do solemnly and sincerely declare:

1. That the Company owned the land contained in Record of Title NA606/250 from 13 June 1974 to 28 February 2018 and during that time a fence existed between NA606/250 and Lots 1, 2, 3 and 5 on Land Transfer Plan 502952 ("the Fence");
2. To the best of my knowledge the Fence is at least 42 years old;
3. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Auckland by the above named Director on behalf of Mongorrry Farms Limited



David Harding Randell

Dated this 23 day of December 2019

Before me


A Solicitor of the High Court of New Zealand

**DAVID KEVIN GRAY
SOLICITOR
AUCKLAND**

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**ANNEXURE 4
STATUTORY DECLARATION
IN SUPPORT BY UNINTERESTED PARTY**

- 27 -

**STATUTORY DECLARATION
IN SUPPORT BY UNINTERESTED PARTY**

I, **HENRY BASIL NORCROSS** of Auckland, Justice of the Peace do solemnly and sincerely declare that:

1. I am the Director of Fossil Stone Limited ("the Company") and have been since the Company was incorporated in 2001. The Company owns the land at 54 Fred Taylor Drive, Massey being the land contained in Record of Title NA105D/111 ("My Property"). The Company acquired the land from Norcross Development Corporation Limited who in turn acquired the land from Henry B Norcross Limited. I confirm that I was the Director and Shareholder of those two prior companies.
2. I owned 54 Fred Taylor Drive, Massey in my personal capacity from 1978 to the date it was transferred to Henry B Norcross Limited.
3. I lived at 54 Fred Taylor Drive, Massey from 1978 until February 2018 and have a great deal of local knowledge. I have always taken an interest in the history of the community and in my role as a Justice of the Peace I have often visited members of the community and my neighbours.
4. During my ownership of the above property (and my directorship of the above Companies) I have never met nor been contacted by any person claiming to be the registered proprietor of the land contained in Record of Title NA95/60 being land near to My Property.
5. The fences that run the length of Record of Title NA95/60, and which divide it, have been in place since I became owner of My Property.
6. I have always considered that part of the land contained in Record of Title NA95/60 shown as Lot 1 on Deposited Plan 502952 ("Lot 1") to be the property of the owner of Record of Title NA22B/873, currently Universal Homes Limited and previously their predecessors in title (together "Universal Homes Limited"). Lot 1 has always been fenced and appeared to form part of Universal Homes Limited's land in Title NA22B/873.

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7. I have always considered that part of the land contained in Record of Title NA95/60 shown as Lot 2 on Deposited Plan 502952 ("Lot 2") to be the property of the owner of Record of Title NA22B/872, currently Universal Homes Limited and previously their predecessors in title (together "Universal Homes Limited"). Lot 2 has always been fenced and appeared to form part of Universal Homes Limited's land in Title NA22B/872.
8. I have always considered that part of the land contained in Record of Title NA95/60 shown as Lot 3 on Deposited Plan 502952 ("Lot 3") to be the property of the owner of Record of Title NA22B/871, currently Universal Homes Limited and previously their predecessors in title (together "Universal Homes Limited"). Lot 3 has always been fenced and appeared to form part of Universal Homes Limited's land in Title NA22B/871.
9. I have always considered that part of the land contained in Record of Title NA95/60 shown as Lot 5 on Deposited Plan 502952 ("Lot 5") to be the property of the owner of Record of Title NA51B/1174, currently Universal Homes Limited and previously their predecessors in title (together "Universal Homes Limited"). Lot 5 has always been fenced and appeared to form part of Universal Homes Limited's land in Title NA51B/1174.
10. I will refer to Lot 1, Lot 2, Lot 3 and Lot 5 together as the Subject Lots.
11. To the best of my knowledge Universal Homes Limited (and their predecessors in title) have always occupied and believed the Subject Lots to be part of their land contained in Universal Homes Limited Records of Title NA22B/871, NA22B/872, NA22B/873 and NA51B/1174.
12. To the best of my knowledge the Subject Lots are not used for access to any other properties and are each treated as the private property of Universal Homes Limited by Universal Homes Limited and all of their neighbours who share the fence with Universal Homes Limited.
13. I consider the Subject Lots to be abandoned by the registered proprietor and have no knowledge of the registered proprietor visiting the property, or making any claim of ownership or any claim for payment in relation to the Subject Lots or any of them.

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14. I am not in possession of any information which would be adverse to the granting of title of the Subject Lots to Universal Homes Limited by the Land Information New Zealand registry.

15. I confirm that I am not, nor have I been:

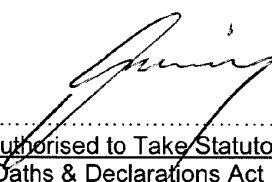
- (a) Employed by Universal Homes Limited; or,
- (b) Related to Universal Homes Limited

and I do not have any vested interest in the outcome of any claim for adverse possession of the Subject Lots which Universal Homes Limited is making.

16. I make this declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at Auckland this
day of 28th NOVEMBER 2019
by **HENRY BASIL NORCROSS**
before me:

)
)
) Henry B Norcross
)
) John Paul Goulding
Solicitor
Auckland


.....
A Person Authorised to Take Statutory Declarations
Under the Oaths & Declarations Act 1957

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ANNEXURE 5
DECLARATION OF PREDECESSOR IN TITLE ROY WIGG REGARDING LOT 1

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STATUTORY DECLARATION OF ROY DARRELL FREDERICK WIGG

I, Roy Darrell Frederick Wigg do solemnly and sincerely declare that:

1. I owned the land contained in Record of Title NA22B/873 ("NA22B/873") from 13 June 1973 to 1 February 2018.
2. Lot 1 Deposited Plan 502952 ("Lot 1") was from, on or before 13 July 1973 to 1 February 2018 in my possession pursuant to Transfer 236970.1.
3. On 14 June 2017 I made an Application under Section 3 of the Land Transfer Amendment Act 1963 for the issue to my name of a Computer Register under the Land Transfer Act 1952 for an estate in fee simple in Lot 1.
4. The fencing on Record of Title NA95/60 ("NA95/60") was in place at the time I took possession.
5. During my ownership of NA22B/873 Lot 1 was treated as my land and I dealt with Lot 1 as if I owned Lot 1. Further to this I used Lot 1 as follows: as a finishing paddock; for grazing animals in order to keep the animals fed and Lot 1 clear and tidy; I maintained the fence that bordered Lot 1 and enclosed NA22B/873 and Lot 1 in order to keep the animals on NA22B/873 and Lot 1; I fertilised Lot 1 in order to improve yields on it. Such use was carried out on an ongoing basis during my ownership of NA22B/873.
6. During my ownership of NA22B/873 I was in possession of Lot 1 continuously and unbroken and that possession was exclusive and undisputed.
7. Following the transfer of NA22B/873 to Universal Homes Limited ("the Applicant") the Applicant took possession of Lot 1.
8. I understand that the Applicant intends to make an application for Adverse Possession of Lot 1.
9. I am not in possession of any information which would be adverse to the granting of a title thereof by the Registrar General of Land to the said Applicant.
10. To the best of my knowledge and belief, if the Applicant has continued to use Lot 1 in the way in which I used it then I believe they would be entitled to make a claim for adverse possession and be granted a title for Lot 1.
11. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Auckland by Roy Darrell Frederick Wigg


 Roy Darrell Frederick Wigg

Dated this 23 day of December 2019

Before me


 A Solicitor of the High Court of New Zealand

DAVID KEVIN GRAY
SOLICITOR
AUCKLAND

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**ANNEXURE 6
DECLARATION OF PREDECESSOR IN TITLE COLIN ALBERT BARTROM AND
RAEWYN NORMA BARTROM REGARDING LOT 2**

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**STATUTORY DECLARATION OF COLIN ALBERT BARTROM AND RAEWYN
NORMA BARTROM**

We Colin Albert Bartrom and Raewyn Norma Bartrom do solemnly and sincerely declare that:

1. We owned the land contained in Record of Title NA22B/872 ("NA22B/872") from 3 March 1978 to 1 February 2018.
2. Lot 2 Deposited Plan 502952 ("Lot 2") was from, on or before 3 March 1978 to 1 February 2018 in our possession pursuant to Transfer 659729.3
3. On 30 May 2017 we made an Application under Section 3 of the Land Transfer Amendment Act 1963 for the issue to our names of a Computer Register under the Land Transfer Act 1952 for an estate in fee simple in Lot 2.
4. The fencing on Record of Title NA95/60 ("NA95/60") was in place at the time we took possession.
5. During our ownership of NA22B/872 Lot 2 was treated as our land and we dealt with Lot 2 as if we owned Lot 2. Further to this we used Lot 2 as follows: as a finishing paddock; for grazing animals in order to keep the animals fed and Lot 2 clear and tidy; we maintained the fence that bordered Lot 2 and enclosed NA22B/872 and Lot 2 in order to keep the animals on NA22B/872 and Lot 2; we fertilised Lot 2 in order to improve yields on it. Such use was carried out on an ongoing basis during our ownership of NA22B/872.
6. During our ownership of NA22B/872 we were in possession of Lot 2 continuously and unbroken and that possession was exclusive and undisputed.
7. Following the transfer of NA22B/872 to Universal Homes Limited ("the Applicant") the Applicant took possession of Lot 2.
8. We understand that the Applicant intends to make an application for Adverse Possession of Lot 2.
9. We are not in possession of any information which would be adverse to the granting of a title thereof by the Registrar General of Land to the said Applicant.
10. To the best of our knowledge and belief, if the Applicant has continued to use Lot 2 in the way in which we used it then we believe they would be entitled to make a claim for adverse possession and be granted a title for Lot 2.

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11. We make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Auckland by Colin Albert Bartrom



Colin Albert Bartrom

Dated this 20 day of December 2019

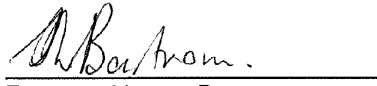
Before me



DAVID KEVIN GRAY
SOLICITOR
AUCKLAND

A Solicitor of the High Court of New Zealand

Declared at Auckland by Raewyn Norma Bartrom



Raewyn Norma Bartrom

Dated this 20 day of December 2019

Before me



A Solicitor of the High Court of New Zealand

DAVID KEVIN GRAY
SOLICITOR
AUCKLAND

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ANNEXURE 7
DECLARATION OF PREDECESSOR IN TITLE CHRISTOPHER CAMERON
LIDDELL AND TECMAN INTERNATIONAL LIMITED REGARDING LOT 3

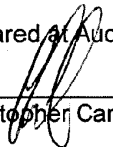
- 36 -

STATUTORY DECLARATION OF CHRISTOPHER CAMERON LIDDELL

I, Christopher Cameron Liddell do solemnly and sincerely declare that:

1. I, along with Fenella Claire Liddell and Diane Evelyn Snow, was one of the past registered proprietors of the Land in Record of Title NA22B/871 ("NA22B/871") from 9 October 1998 to 16 October 2014.
1. Lot 3 Deposited Plan 502952 ("Lot 3") was from, on or before 9 October 1998 to 16 October 2014 in Fenella Claire Liddell's, Diane Evelyn Snow's and my possession pursuant to Memorandum of Transfer instrument D319068.2.
2. The fencing on Record of Title NA95/60 ("NA95/60") was in place at the time we took possession.
3. During our ownership of NA22B/871 Lot 3 was treated as our land and we dealt with Lot 3 as if we owned Lot 3.
4. During our ownership of NA22B/871 we were in possession of Lot 3 continuously and unbroken and that possession was exclusive and undisputed. Further to this we used Lot 3 as follows: as a finishing paddock; for grazing animals in order to keep the animals fed and Lot 3 clear and tidy; we maintained the fence that bordered Lot 3 and enclosed NA22B/871 and Lot 3 in order to keep the animals on NA22B/871 and Lot 3; we fertilised Lot 3 in order to improve yields on it. Such use was carried out on an ongoing basis during our ownership of NA22B/871.
5. Following the transfer of NA22B/871 to Tecman International Limited ("Tecman") on 16 October 2014 Tecman took possession of Lot 3.
6. I am not in possession of any information which would be adverse to the granting of a title to Lot 3 by the Registrar General of Land to the current owner of NA22B/871.
7. To the best of my knowledge and belief, if the owners of NA22B/871 have continued to use Lot 3 in the way in which we used it then I believe they would be entitled to make a claim for adverse possession and be granted a title for Lot 3.
8. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

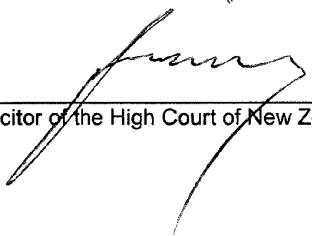
Declared at Auckland by Christopher Cameron Liddell


Christopher Cameron Liddell

Dated this 20 day of December 2019

Before me

John Paul Goulding
Solicitor
Auckland


A Solicitor of the High Court of New Zealand

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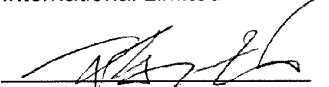
- 37 -

STATUTORY DECLARATION OF TECMAN INTERNATIONAL LIMITED

I Long Chen Director of Tecman International Limited ("the Company") do solemnly and sincerely declare:

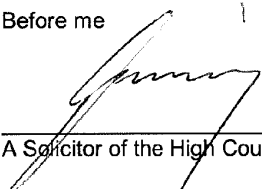
1. The Company owned the land contained in Record of Title NA22B/871 ("NA22B/871") from 16 October 2014 to 1 February 2018.
2. Lot 3 Deposited Plan 502952 ("Lot 3") was from, on or before 16 October 2014 to 1 February 2018 in the Company's possession pursuant to Transfer 9868583.3.
3. On 13 June 2017 The Company made an Application under Section 3 of the Land Transfer Amendment Act 1963 for the issue to the Company's name of a Computer Register under the Land Transfer Act 1952 for an estate in fee simple in Lot 3.
4. The fencing on Record of Title NA95/60 ("NA95/60") was in place at the time the Company took possession.
5. During the Company's ownership of NA22B/871 Lot 3 was treated as the Company's land and the Company dealt with Lot 3 as if it owned Lot 3. Further to this we used Lot 3 as follows: as a finishing paddock; for grazing animals in order to keep the animals fed and Lot 3 clear and tidy; we maintained the fence that bordered Lot 3 and enclosed NA22B/871 and Lot 3 in order to keep the animals on NA22B/871 and Lot 3; we fertilised Lot 3 in order to improve yields on it. Such use was carried out on an ongoing basis during our ownership of NA22B/871.
6. During the Company's ownership of NA22B/871 the Company was in possession of Lot 3 continuously and unbroken and that possession was exclusive and undisputed.
7. Following the transfer of NA22B/871 to Universal Homes Limited ("the Applicant") the Applicant took possession of Lot 3.
8. The Company is not in possession of any information which would be adverse to the granting of a title thereof by the Registrar General of Land to the said Applicant.
9. To the best of my knowledge and belief, if the Applicant has continued to use Lot 3 in the way in which the Company used it then I believe they would be entitled to make a claim for adverse possession and be granted a title for Lot 3.
10. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Auckland by the above named Director on behalf of Tecman International Limited


Long Chen

Dated this 20 day of December 2019

Before me


A Solicitor of the High Court of New Zealand

John Paul Goulding
Solicitor
Auckland

DKG-406377-1-671-V1:KMK

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**ANNEXURE 8
DECLARATION OF PREDECESSOR IN TITLE GAIL MARY SMITH AND GREAT
PEACE LIMITED REGARDING LOT 5**

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STATUTORY DECLARATION OF GAIL MARY SMITH

I, Gail Mary Smith do solemnly and sincerely declare that:

1. My father Richard Hereward Vivian-Greer (deceased) was in possession of Record of Title NA51B/1174 ("NA51B/1174") from 31 October 1988 to 24 February 2014.
2. As executrix of my father's estate I was one of the past registered proprietors of NA51B/1174.
3. Lot 5 Deposited Plan 502952 ("Lot 5") was from, on or before 24 February 2014 to 25 November 2015 held by Joy Vivian-Greer ("Joy") and myself pursuant to Transmission instrument 9646032.1 in the estate of my father.
4. The fencing on Record of Title NA95/60 ("NA95/60") was in place at the time we took possession.
5. During my father's ownership of NA51B/1174 he treated Lot 5 as his land and dealt with Lot 5 as if he owned it.
6. Following my father's death when we owned NA51B/1174 as Executrices Joy and I treated Lot 5 as our land and we dealt with Lot 5 as if we owned Lot 5.
7. During our ownership of NA51B/1174 we were in possession of Lot 5 continuously and unbroken and that possession was exclusive and undisputed. Further to this we used Lot 5 as follows: as a finishing paddock; for grazing animals in order to keep the animals fed and Lot 5 clear and tidy; we maintained the fence that bordered Lot 5 and enclosed NA51B/1174 and Lot 5 in order to keep the animals on NA51B/1174 and Lot 5; we fertilised Lot 5 in order to improve yields on it. Such use was carried out on an ongoing basis during our ownership of NA51B/1174.
8. Following the transfer of NA51B/1174 to Great Peace Limited ("Great Peace") on 25 November 2015 Great Peace took possession of Lot 5.
9. I am not in possession of any information which would be adverse to the granting of a title to Lot 5 by the Registrar General of Land to the current owner of NA51B/1174.
10. To the best of my knowledge and belief, if the owners of NA51B/1174 have continued to use Lot 5 in the way in which we used it then I believe they would be entitled to make a claim for adverse possession and be granted a title for Lot 5.
11. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Auckland by Gail Mary Smith


Gail Mary Smith

Dated this 20th day of December 2019

Before me  John Paul Goulding
Solicitor
Auckland

A Solicitor of the High Court of New Zealand

DKG-406377-1-671-V1:KMK

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STATUTORY DECLARATION OF GREAT PEACE LIMITED

I Long Chen Director of Great Peace Limited ("the Company") do solemnly and sincerely declare:

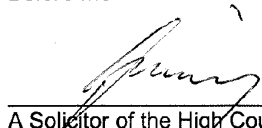
1. The Company owned the land contained in Record of Title NA51B/1174 ("NA51B/1174") from 25 November 2015 to 1 February 2018.
2. Lot 5 Deposited Plan 502952 ("Lot 5") was from, on or before 25 November 2015 to 1 February 2018 in the Company's possession pursuant to Transfer 10262760.3.
3. On 13 June 2017 The Company made an Application under Section 3 of the Land Transfer Amendment Act 1963 for the issue to the Company's name of a Computer Register under the Land Transfer Act 1952 for an estate in fee simple in Lot 5.
4. The fencing on Record of Title NA95/60 ("NA95/60") was in place at the time the Company took possession.
5. During the Company's ownership of NA51B/1174 Lot 5 was treated as the Company's land and the Company dealt with Lot 5 as if it owned Lot 5. Further to this we used Lot 5 as follows: as a finishing paddock; for grazing animals in order to keep the animals fed and Lot 5 clear and tidy; we maintained the fence that bordered Lot 5 and enclosed NA51B/1174 and Lot 5 in order to keep the animals on NA51B/1174 and Lot 5; we fertilised Lot 5 in order to improve yields on it. Such use was carried out on an ongoing basis during our ownership of NA51B/1174.
6. During the Company's ownership of NA51B/1174 the Company was in possession of Lot 5 continuously and unbroken and that possession was exclusive and undisputed.
7. Following the transfer of NA51B/1174 to Universal Homes Limited ("the Applicant") the Applicant took possession of Lot 5.
8. The Company is not in possession of any information which would be adverse to the granting of a title thereof by the Registrar General of Land to the said Applicant.
9. To the best of my knowledge and belief, if the Applicant has continued to use Lot 5 in the way in which the Company used it then I believe they would be entitled to make a claim for adverse possession and be granted a title for Lot 5.
10. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Auckland by the above named Director on behalf of Great Peace Limited


Long Chen

Dated this 20 day of December 2019

Before me


A Solicitor of the High Court of New Zealand

John Paul Goulding
Solicitor
Auckland

DKG-406377-1-671-V1:KMK

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**ANNEXURE 9
DEATH CERTIFICATE OF EDWARD HUNT**

REGISTRATION DISTRICT		REIGATE						
1907 DEATH in the Sub-district of Reigate		in the County of Surrey						

Columns:-								
No.	When and where died	Name and surname	Sex	Age	Occupation	Cause of death	Signature, description and residence of informant	When registered
384	Twenty first November 1907 Reigate Hill	Edward Hunt	Male	90 years	Of independent means	Senile decay Arteriosclerosis Mild to 7 years Certified by Sydney Webb Esq. M.B.	E. V. Hunt Esq. In attendance Reigate Hill Reigate	Twenty third November 1907 Registrar

CERTIFIED to be a true copy of an entry in the certified copy of a Register of Deaths in the District above mentioned.

Given at the GENERAL REGISTER OFFICE, under the Seal of the said Office, the

20th

day of

February

2017

DYE 129218

See note overleaf

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WARNING: A CERTIFICATE IS NOT EVIDENCE OF IDENTITY.

7365977 519/40 04/16 WL/AISP



KEG

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**ANNEXURE 10
DEATH CERTIFICATE OF WILLIAM ASTLE**

CERTIFIED COPY OF AN ENTRY OF DEATH



GIVEN AT THE GENERAL REGISTER OFFICE

Application Number 8052150-1

REGISTRATION DISTRICT	
LAMBETH	
1904	DEATH in the Sub-district of Brixton
in the County of London	

Columns:-	1	2	3	4	5	6	7	8	9
No.	When and where died	Name and surname	Sex	Age	Occupation	Cause of death	Signature, description and residence of informant	When registered	Signature of registrar

116	Seventeenth March 1904 Non-malicious S.B.	William Onda	Male	42	Bank Director (London and Wolverhampton Road)	Amile Onda Drowning Highgate	W. Onda Onda Son 100, 100, 100 The Onda Pavley Mont	1904	H. Onda H. Onda H. Onda H. Onda H. Onda H. Onda H. Onda H. Onda H. Onda H. Onda
-----	--	-----------------	------	----	---	------------------------------------	--	------	--

CERTIFIED to be a true copy of an entry in the certified copy of a Register of Deaths in the District above mentioned.

Given at the GENERAL REGISTER OFFICE, under the Seal of the said Office, the

21st

day of

February

2017

DYE 130342



See note overleaf

736997 515MD 04/16 WLAI/SP

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ARO

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**ANNEXURE 11
CONFIRMATION LAND NOT RATED**

David Gray

From: Elaine Irvine <elaine. Irvine@aucklandcouncil.govt.nz>
Sent: Tuesday, 17 September 2019 8:30 AM
To: David Gray
Subject: RE: Certificate of Title NA95/60

Kia Ora David

I refer to our previous correspondence and to clarify :

We confirm that the strip of land that starts where Dunlop Road ends is not currently rated and has no outstanding rates.

If I can be of any further assistance, please do not hesitate to contact me.

Ngā mihi | Kind Regards

Elaine

**Elaine Irvine | Rates Customer Relationship Specialist
Rates, Valuations & Data Management**

From: David Gray <DavidG@doglaw.co.nz>
Sent: Monday, 16 September 2019 4:34 PM
To: Elaine Irvine <elaine. Irvine@aucklandcouncil.govt.nz>
Subject: FW: Certificate of Title NA95/60

Hi Elaine,

We had some correspondence in late July regarding the land contained in record of title NA95/60. You may recall that our client is making an application to LINZ and we need information regarding the land. Our original request on 20 March 2017, below, received the following reply:

"Dear David

Thank you for contacting us.

Apologies for the delay in response.

We confirm that the strip of land that starts where Dunlop Road ends has never been rated and therefore has no outstanding rates."

That is included in the attached.

You replied to our email earlier this year stating that *"I can confirm currently that land is not rated and therefore has no outstanding rates to 30 June 2019."*

I hate to be a pain but LINZ has unfortunately asked for confirmation along the lines of the earlier confirmation. I have supplied the land information below and I am hoping that LINZ will be satisfied if you reply to this email saying the following:

We confirm that the strip of land that starts where Dunlop Road ends is not currently rated and has no outstanding rates.

Thanks, I will call as well. Please let me know if you have any questions.

DAVID GRAY || Partner



33 Selwyn Street, PO Box 13017, Onehunga, Auckland 1643
DX EP71005 | Phone: 09 622 2222 | Facsimile: 09 622 2555
davidg@doglaw.co.nz | www.doglaw.co.nz

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From: Kim Kimi
Sent: Monday, 20 March 2017 2:54 PM
To: enquiry@aucklandcouncil.govt.nz
Cc: David Gray
Subject: Certificate of Title NA95/60

ATTN Rates Dept

Could you please provide rates information for the below parcel. We are unable to find any information on Auckland Council Geo-maps and we are advised that this piece of land is not subject to council rates. We would be grateful if you could confirm the same for us.

Certificate of Title NA95/60 (historical search **attached**).
The parcel description the council has is Part DP 2088
The LINZ parcel ID is 4938841
The SDE object ID is 210932

Kim P M Kimi || Registered Legal Executive (for David Gray)



Proud Winners of Employer of Choice at the 2016 NZ Law Awards.

33 Selwyn Street, PO Box 13017, Onehunga, Auckland 1643
DX EP71005 | Phone: 09 622 2222 | Facsimile: 09 622 2555
kim@doglaw.co.nz | www.doglaw.co.nz

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David Gray

From: David Gray
Sent: Monday, 29 May 2017 11:05 AM
To: David Gray
Subject: FW: Certificate of Title NA95/60 - Hugh Green (Dunlop Rd Adverse Possession file)
Categories: IDM

Copy Council Email Below

DAVID GRAY || Senior Associate

**DANIEL
OVERTON
GOULDING**



Proud Winners of Employer of Choice at the 2016 NZ Law Awards.

33 Selwyn Street, PO Box 13017, Onehunga, Auckland 1643
DX EP71005 | Phone: 09 622 2222 | Facsimile: 09 622 2555
davidg@doglaw.co.nz | www.doglaw.co.nz

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From: enquiry@aucklandcouncil.govt.nz [<mailto:enquiry@aucklandcouncil.govt.nz>]
Sent: Tuesday, 23 May 2017 11:11 AM
To: David Gray
Subject: Re: FW: Certificate of Title NA95/60 - Hugh Green (Dunlop Rd Adverse Possession file)

Dear David

Thank you for contacting us.
Apologies for the delay in response.
We confirm that the strip of land that starts where Dunlop Road ends has never been rated and therefore has no outstanding rates.

Please feel free to contact us at enquiry@aucklandcouncil.govt.nz if you have any further queries.

Naku noa na | Regards

Sharmila Dsouza
Written Communications Team
Auckland Council
(09) 301 0101
www.aucklandcouncil.govt.nz

On 20/03/2017 2:58 p.m. Kim@doglaw.co.nz wrote:

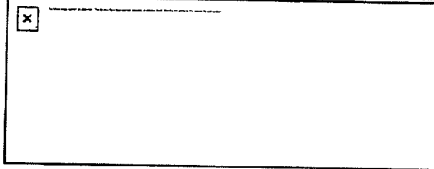
ATTN Rates Dept

Could you please provide rates information for the below parcel. We are unable to find any information on Auckland Council Geo-maps and we are advised that this piece of land is not subject to council rates. We would be grateful if you could confirm the same for us.

A handwritten signature in black ink, appearing to be 'DG' or similar initials.

Certificate of Title NA95/60 (historical search attached).
The parcel description the council has is Part DP 2088
The LINZ parcel ID is 4938841
The SDE object ID is 210932

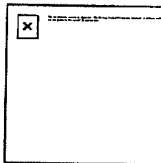
Kim P M Kimi | Registered Legal Executive (for David Gray)



Proud Winners of Employer of Choice at the 2016 NZ Law Awards.

33 Selwyn Street, PO Box 13017, Onehunga, Auckland 1643
DX EP71005 | Phone: 09 622 2222 | Facsimile: 09 622 2555
kim@doglaw.co.nz | www.doglaw.co.nz

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ANNEXURE 12
ADDRESSES FOR NOTICES OF OWNERS OF LAND ADJOINING LOT 1

1. Owner of NA95/60 has no known address as per the Application.
No mortgage, encumbrance or other charge
2. Owner of Lot 1, 4 DP 537938 (Record of Title 895990)
Company Name: Castlefinn Developments Limited
Address for Service: Level 2, 8 Gloucester Park Road, Onehunga, Auckland, 1061, New Zealand

By virtue of its possession and control of Lot 4 Deposited Plan 502952

No mortgage, encumbrance or other charge
3. Owner of Lot 3 Deposited Plan 52123 (Record of Title NA22B/872)
Company Name: Universal Homes Limited
Address for Service: 246 Bush Road, Albany, Auckland 0632, New Zealand

And by virtue of its possession and control of Lot 2 Deposited Plan 502952

No mortgage, encumbrance or other charge

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ANNEXURE 13
ADDRESSES FOR NOTICES OF OWNERS OF LAND ADJOINING LOT 2

1. Owner of NA95/60 has no known address as per the Application.

No mortgage, encumbrance or other charge
2. Owner of Lot 1, 4 DP 537938 (Record of Title 895990)
Company Name: Castlefinn Developments Limited
Address for Service: Level 2, 8 Gloucester Park Road, Onehunga, Auckland, 1061, New Zealand

By virtue of its possession and control of Lot 4 Deposited Plan 502952

No mortgage, encumbrance or other charge
3. Owner of Lot 2 Deposited Plan 64737 (Record of Title NA22B/871)
Company Name: Universal Homes Limited
Address for Service: 246 Bush Road, Albany, Auckland 0632, New Zealand

And by virtue of its possession and control of Lot 3 Deposited Plan 502952

No mortgage, encumbrance or other charge
4. Owner of Lot 4 Deposited Plan 52123 (Record of Title NA22B/873)
Company Name: Universal Homes Limited
Address for Service: 246 Bush Road, Albany, Auckland 0632, New Zealand

And by virtue of its possession and control of Lot 1 Deposited Plan 502952

No mortgage, encumbrance or other charge

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ANNEXURE 14
ADDRESSES FOR NOTICES OF OWNERS OF LAND ADJOINING LOT 3

1. Owner of NA95/60 has no known address as per the Application.
No mortgage, encumbrance or other charge
2. Owner of Lot 3 Deposited Plan 52123 (Record of Title NA22B/872)
Company Name: Universal Homes Limited
Address for Service: 246 Bush Road, Albany, Auckland 0632, New Zealand

And by virtue of its possession and control of Lot 2 Deposited Plan 502952

No mortgage, encumbrance or other charge
3. Owner of Lot 1, 4 Deposited Plan 537938 (Record of Title 895990)
Company Name: Castlefinn Developments Limited
Address for Service: Level 2, 8 Gloucester Park Road, Onehunga, Auckland, 1061, New Zealand

By virtue of its possession and control of Lot 4 Deposited Plan 502952

No mortgage, encumbrance or other charge

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**ANNEXURE 15
ADDRESSES FOR NOTICES OF OWNERS OF LAND ADJOINING LOT 5**

1. Owner of NA95/60 has no known address as per the Application.
No mortgage, encumbrance or other charge
2. Owner of Lot 2 Deposited Plan 64737 (Record of Title NA22B/871)
Company Name: Universal Homes Limited
Address for Service: 246 Bush Road, Albany, Auckland 0632, New Zealand

No mortgage, encumbrance or other charge
3. Owner of Lot 5 Deposited Plan 62338 (Record of Title NA19D/50)
Name: Auckland Council
Address for service: Private Bag 92300, Victoria Street West Auckland 1142, New Zealand

No mortgage, encumbrance or other charge
4. Owner of Lot 1, 4 Deposited Plan 537938 (Record of Title 895990)
Company Name: Castlefinn Developments Limited
Address for Service: Level 2, 8 Gloucester Park Road, Onehunga, Auckland, 1061, New Zealand

By virtue of its possession and control of Lot 4 Deposited Plan 502952

No mortgage, encumbrance or other charge
5. Owner of Lot 2 Deposited Plan 512699 (Record of Title 790158)
Company Name: Mongorry Farms Limited
Address for Service: Level 2, 8 Gloucester Park Road, Onehunga, Auckland, 1061, New Zealand

No mortgage, encumbrance or other charge

And by virtue of its possession and control of Lot 6 Deposited Plan 502952
6. **Owner of Lot 4 DP 6627**
Identifier: Record of Title NA38A/1234
Name: Ducansa Holdings Limited
Address for Service: Level 2, 8 Gloucester Park Rd, Onehunga, Auckland 1061

No Encumbrance, Mortgage or other Charge

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ANNEXURE 16
CONFIRMATION LAND HAS NOT BEEN TAKEN AS ROAD

David Gray

From: Irene Tulloch (AT) <Irene.Tulloch@at.govt.nz>
Sent: Tuesday, 16 July 2019 9:53 AM
To: David Gray
Subject: Dunlop Road enquiry
Attachments: Dunlop Road Massey - LINZ spatial map July 19.pdf; Dunlop Road Massey - SO 44466.pdf

Sent: Tuesday, 16 July 2019 8:55 a.m.

To: David Gray

Cc: pat@hgg.co.nz; Alastair Lovell (AT) <Alastair.Lovell@at.govt.nz>; Angelene Burn (AT) <Angelene.Burn@at.govt.nz>

Subject: Dunlop Road enquiry

Hello David

Your enquiry has been forwarded to me by Pat Gavaghan.

This is not matter which we have been dealing with, and I see from review of the email chain your query was regarding a strip of land by Dunlop Road, Massey.

Rates

We do not hold information on rates at AT. Rating information is held and provided by Auckland Council (AC). I note you have already received information regarding rates on the subject land from AC. Any further enquiry regarding the rates can be directed to rates@aucklandcouncil.govt.nz.

Land as Road

The strip of land which you have enquired about is not legal road. Information on the status of land is available to any Landonline users.

Attached is a copy of the spatial map from Landonline showing the area of Dunlop Road which is legal road (shown in yellow/sepia) and the area of land which you enquired which is not legal road (shown as white) along with a copy of SO Plan 44466 which details the area taken which is legal road.

We do not provide historic or background information in regards to private land and you will need to undertake your own enquires on the property.

Regards Irene

Irene Tulloch |
Technical Property Services Manager
Property & Planning
Integrated Networks Division

20 Viaduct Harbour Avenue, Auckland 1010
Private Bag 92250, Auckland 1142
P 09 447 4436 M 021 865 939
www.at.govt.nz | irene.tulloch@at.govt.nz



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This data has been compiled from official records. Location of boundaries requires an analysis of all relevant information in compliance with the Survey Regulations. Attribute data requires an analysis of the appropriate legal record.

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ANNEXURE 17
ADDRESSES FOR NOTICES OF OWNERS OF LAND ADJOINING NA95/60

1. **Owner of Fred Taylor Drive**
Identifier:
Name: Auckland Council
Address for Service: Bledisloe Lane Service Centre (City Centre), Bledisloe House, Ground Floor, 24 Wellesley St, Auckland 1010
2. **Owner of Red Hills Road**
Identifier:
Name: Auckland Council
Address for Service: Bledisloe Lane Service Centre (City Centre), Bledisloe House, Ground Floor, 24 Wellesley St, Auckland 1010
3. **Owner of Dunlop Rd**
Identifier:
Name: Auckland Council
Address for Service: Bledisloe Lane Service Centre (City Centre), Bledisloe House, Ground Floor, 24 Wellesley St, Auckland 1010

Lots West of Dunlop Rd

1. **Owner of Lot 1 and 4 DP 537938**
Identifier: Record of Title 895990
Name: Castlefinn Developments Limited
Address for Service: Level 2, 8 Gloucester Park Rd, Onehunga, Auckland 1061
No Encumbrance, Mortgage or other Charge
2. **Owner of Lot 2 DP 512699**
Identifier: Record of Title 790158
Name: Mongorrry Farms Limited
Address for Service: Level 2, 8 Gloucester Park Rd, Onehunga, Auckland 1061
No Encumbrance, Mortgage or other Charge
3. **Owner of Lot 4 DP 6627**
Identifier: Record of Title NA38A/1234
Name: Ducansa Holdings Limited
Address for Service: Level 2, 8 Gloucester Park Rd, Onehunga, Auckland 1061
No Encumbrance, Mortgage or other Charge
4. **Owner of Lot 3 DP 6627**
Identifier: Record of Title NA38A/1233
Name: Ducansa Holdings Limited
Address for Service: Level 2, 8 Gloucester Park Rd, Onehunga, Auckland 1061
No Encumbrance, Mortgage or other Charge
5. **Owner of Lot 2 DP 6627**
Identifier: Record of Title NA38A/1232
Name: Acanthus Limited

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Address for Service: Level 1, Lobby 2, Shed 24 Princes Wharf, 143 Quay Street, Auckland Central, Auckland, 1010, New Zealand

Mortgage # 11621715.3 in favour of **ASAP Finance Limited**
Address for Service: Level 3, The Blade, 12 St Marks Road, Remuera, Auckland, 1050, New Zealand

Mortgage # 11621715.4 in favour of **Veda Capital Limited**
Address for Service: Level 3, The Blade, 12 St Marks Road, Remuera, Auckland, 1050, New Zealand

Lots East of Dunlop Rd

1. **Owner of Lot 5 DP 52123**
Identifier: Record of Title NA31D/554
Name: Olga Nuich
Address for Service: 2 Dunlop Rd, Massey, Auckland 0814

Caveat# B211647.1 in favour of The Waitemata City Council (now Auckland Council)
Name: Auckland Council
Address for Service: Bledisloe Lane Service Centre (City Centre), Bledisloe House, Ground Floor, 24 Wellesley St, Auckland 1010

2. **Owner of Lot 4 DP 52123**
Identifier: Record of Title NA22B/873
Name: Universal Homes Limited
Address for Service: Universal Homes Limited, 246 Bush Rd, Albany, Auckland 0632

Encumbrance # 11249860.1 to West Hills Residents Society Incorporated
Address for Service: Universal Homes Limited, 246 Bush Rd, Albany, Auckland 0632

3. **Owner of Lot 3 DP 52123**
Identifier: Record of Title NA22B/872
Name: Universal Homes Limited
Address for Service: Universal Homes Limited, 246 Bush Rd, Albany, Auckland 0632

Encumbrance # 11249860.1 to West Hills Residents Society Incorporated
Address for Service: Universal Homes Limited, 246 Bush Rd, Albany, Auckland 0632

4. **Owner of Lot 2 DP 64737**
Identifier: Record of Title NA22B/871
Name: Universal Homes Limited
Address for Service: Universal Homes Limited, 246 Bush Rd, Albany, Auckland 0632

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Encumbrance # 11249860.1 to West Hills Residents Society Incorporated**Address for Service:** Universal Homes Limited, 246 Bush Rd, Albany, Auckland 06325. **Owner of Lot 1 DP 64737****Identifier:** Record of Title NA51B/1174**Name:** Universal Homes Limited**Address for Service:** Universal Homes Limited, 246 Bush Rd, Albany, Auckland 0632**Encumbrance # 11249860.1 to West Hills Residents Society Incorporated****Address for Service:** Universal Homes Limited, 246 Bush Rd, Albany, Auckland 06326. **Owner of Lot 5 DP 62338****Identifier:** Record of Title NA19D/50**Name:** Auckland Council**Address for Service:** Bledisloe Lane Service Centre (City Centre), Bledisloe House, Ground Floor, 24 Wellesley St, Auckland 1010*No Encumbrance, Mortgage or other Charge*7. **Owner of Lot 6 DP 62338****Identifier:** NA19D/51**Name:** Ministry of Education**Address for Service:** PO Box 1666, Wellington, 6140 and/or DX SR51201**cc:** Private Bag 92644, Symonds Street, Auckland**cc: Property Officer** Westbridge Residential School – John Collins
john.collins@education.govt.nz**cc:** 488E Don Buck Rd, Massey, Auckland 06148. **Owner of Lot 9 DP 65390****Identifier:** Record of Title NA26B/1378**Name:** Pei-Ying Chen & Jung-Hui Chen**Address for Service:** 29 Red Hills Rd, Massey, Auckland 0614*No Encumbrance, Mortgage or other Charge*9. **Owner of Lot 8 DP 65390****Identifier:** Record of Title NA26B/1377**Name:** Yat Kwong Wong & Susan Wong**Address for Service:** 27 Red Hills Rd, Massey, Auckland 0614*No Encumbrance, Mortgage or other Charge*10. **Owner of Lot 7 DP 65390****Identifier:** Record of Title NA26B/1376**Name:** Gaylene Ann Hight**Address for Service:** 25 Red Hills Rd, Massey, Auckland 0614**Mortgage # 9068979.1 to ASB Bank Limited**securityalterations@asb.co.nz**Address for Service:** PO Box 35, Shortland Street, Auckland 1140

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11. **Owner of Lot 4 DP 65390**
Identifier: Record of Title NA26B/1373
Name: Bruce Wai Moon Loo & Angel Bao Wen Loo
Address for Service: 23 Red Hills Rd, Massey, Auckland 0614
- Mortgage # 9875456.4 to ANZ Bank New Zealand Limited**
anzsecurityrequests@anz.com
Address for Service: Private Bag 92210, Victoria Street West, Auckland 1142
12. **Owner of Lot 3 DP 65390**
Identifier: Record of Title NA62B/1063
Name: Shamina Ali & Faizal Faiyaz Ali
Address for Service: 21 Red Hills Rd, Massey, Auckland 0614
- Mortgage # 11201067.2 to Bank of New Zealand**
bnz_security_discharges@bnz.co.nz
Address for Service: Private Bag 39806, Wellington Mail Centre, Lower Hutt, 5045
13. **Owner of Lot 2 DP 65390**
Identifier: Record of Title NA26B/1371
Name: Prosperity Partners (2000) Limited, Ramona Lisa Dillon & Stephanie Rosalyn Steele
Address for Service: 19 Red Hills Rd, Massey, Auckland 0614
No Encumbrance, Mortgage or other Charge

DISCLAIMER UNDER SECTION 168 OF THE LAND TRANSFER ACT 1952

In the matter of the Land Transfer Act 1952

And

In the matter of certain Implied Right of Way shown on Deposited Plan 2088 (North Auckland Registry)

Edward Hunt and William Astle are the registered proprietors of the land contained in Certificate of Title NA95/60 ("the Subject Land"). Copies of Edward Hunt's and William Astle's respective death certificates are attached.

Mongorri Farms Limited ("Mongorri") is the registered proprietor of the land contained in Certificate of Title 790158 ("the Benefitting Land").

The Subject Land is subject to an Implied Right of Way shown on Deposited Plan 2088 ("Right of Way") and the Benefitting Land benefits from the same Right of Way.

The registered proprietors of the Subject Land are both deceased.

Mongorri wishes to disclaim all of their right, title and interest in the said Right of Way.

No registered proprietor of the Subject Land can be found to disclaim all of their right title and interest in the said Right of Way.

Therefore, pursuant to the premises Mongorri hereby disclaims all their right to the said interest on the said Right of Way so that the Benefitting Land can no longer claim or be entitled to any interest in the said Right of Way.

Furthermore, Mongorri requests that the disclaimer herein contained be registered against the Subject Land so that the Subject Land will no longer be subject to the Right of Way in relation to the Benefitting Land.

This disclaimer is made in conjunction with Power of Attorney Number 11208234.1.

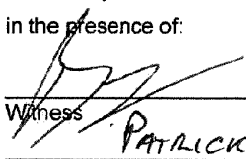
This Deed made the 1st day of November 2018

SIGNED by Mongorri Farms Limited by
its attorney



Signature of attorney

in the presence of:



Witness
PATRICK GAUGHAN
Full name of witness
Manager
Occupation of witness
Auckland
Address of witness

Certified Correct under the Land
Transfer Act 1952



- 2 -

Certificate of Non-Revocation of Power of Attorney

I Seamus Brennan, of Auckland, CEO, hereby certify:

1. THAT by Deed dated the 30th day of April 2012, Mongorry Farms Limited at Auckland appointed me its attorney on the terms and subject to the conditions set out in the said Deed.
2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment.

DATED at Auckland this *1ST* day of *November* 2018



DISCLAIMER UNDER SECTION 168 OF THE LAND TRANSFER ACT 1952

In the matter of the Land Transfer Act 1952

And

In the matter of certain Implied Right of Way shown on Deposited Plan 2088 (North Auckland Registry)

Edward Hunt and William Astle are the registered proprietors of the land contained in Certificate of Title NA95/60 ("the Subject Land"). Copies of Edward Hunt's and William Astle's respective death certificates are attached.

Castlefinn Developments Limited ("Castlefinn") is the registered proprietor of the land contained in Certificate of Title 790157 ("the Benefitting Land").

The Subject Land is subject to an Implied Right of Way shown on Deposited Plan 2088 ("Right of Way") and the Benefitting Land benefits from the same Right of Way.

The registered proprietors of the Subject Land are both deceased and part of the Subject Land is to be claimed by Castlefinn under an application for prescriptive title pursuant to Section 3 of the Land Transfer Amendment Act 1963 ("the Application"). The Application is unable to succeed in part due to the presence of the Right of Way.

Castlefinn wishes to disclaim all of their right, title and interest in the said Right of Way.

No registered proprietor of the Subject Land can be found to disclaim all of their right title and interest in the said Right of Way.

Therefore, pursuant to the premises Castlefinn hereby disclaims all their right to the said interest on the said Right of Way so that the Benefitting Land can no longer claim or be entitled to any interest in the said Right of Way.

Furthermore, Castlefinn requests that the disclaimer herein contained be registered against the Subject Land so that the Subject Land will no longer be subject to the Right of Way in relation to the Benefitting Land.

This disclaimer is made in conjunction with Power of Attorney Number 11208341.1

This Deed made the 5th day of November 2018

SIGNED by Castlefinn Developments Limited by
its attorney Seamus Brennan
in the presence of:



Signature of attorney

Witness

Full name of witness

Occupation of witness

Address of witness

Certified Correct under the Land Transfer
Act 1952



DKG-406377-1-427-V1:KMK

**DAVID KEVIN GRAY
SOLICITOR
AUCKLAND**


- 2 -

Certificate of Non-Revocation of Power of Attorney

I **Seamus Brennan**, of Auckland, CEO, hereby certify:

1. THAT by Deed dated the 22 June 2016 Castlefinn Developments Limited at Auckland appointed me its attorney on the terms and subject to the conditions set out in the said Deed.
2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment.

DATED at Auckland this 5th day of November 2018



Seamus Brennan

DISCLAIMER UNDER SECTION 168 OF THE LAND TRANSFER ACT 1952

In the matter of the Land Transfer Act 1952

And

In the matter of certain Implied Right of Way shown on Deposited Plan 2088 (North Auckland Registry)

Edward Hunt and William Astle are the registered proprietors of the land contained in Certificate of Title NA95/60 ("the Subject Land"). Copies of Edward Hunt's and William Astle's respective death certificates are attached.

Auckland Council is the registered proprietor of the land contained in Certificate of Title NA19D/50 ("the Benefitting Land").

The Subject Land is subject to an Implied Right of Way shown on Deposited Plan 2088 ("Right of Way") and the Benefitting Land benefits from the same Right of Way.

The registered proprietors of the Subject Land are both deceased.

Auckland Council wishes to disclaim all of its rights, title and interest in the said Right of Way.

No registered proprietor of the Subject Land can be found to disclaim all of their right title and interest in the said Right of Way.

Therefore, pursuant to the premises Auckland Council hereby disclaims all their rights to the said interest on the said Right of Way so that the Benefitting Land can no longer claim or be entitled to any interest in the said Right of Way.

Furthermore, Auckland Council requests that the disclaimer herein contained be registered against the Subject Land so that the Subject Land will no longer be subject to the Right of Way in relation to the Benefitting Land.

This Deed made the 14th day of MAY 2018

SIGNED by Auckland Council by its

Authorised representative

in the presence of:

Faye Tinkler

Witness

Faye TINKLER

Full name of witness

TEAM LEADER OPERATIONS SUPPORT

Occupation of witness

24 WILKES ST, AUCKLAND

Address of witness

Certified Correct under the Land Transfer Act 1952

David Kevin Gray

DISCLAIMER UNDER SECTION 168 OF THE LAND TRANSFER ACT 1952

In the matter of the Land Transfer Act 1952

And

In the matter of certain Implied Right of Way shown on Deposited Plan 2088 (North Auckland Registry)

Edward Hunt and William Astle are the registered proprietors of the land contained in Certificate of Title NA95/60 ("the Subject Land"). Copies of Edward Hunt's and William Astle's respective death certificates are attached.

Olga Nuich is the registered proprietor of the land contained in Certificate of Title NA31D/554 ("the Benefitting Land").

The Subject Land is subject to an Implied Right of Way shown on Deposited Plan 2088 ("Right of Way") and the Benefitting Land benefits from the same Right of Way.

The registered proprietors of the Subject Land are both deceased.

Olga Nuich wishes to disclaim all of her right, title and interest in the said Right of Way.

No registered proprietor of the Subject Land can be found to disclaim all of their right title and interest in the said Right of Way.

Therefore, pursuant to the premises Olga Nuich hereby disclaims all her right to the said interest on the said Right of Way so that the Benefitting Land can no longer claim or be entitled to any interest in the said Right of Way.

Furthermore, Olga Nuich requests that the disclaimer herein contained be registered against the Subject Land so that the Subject Land will no longer be subject to the Right of Way in relation to the Benefitting Land.

This Deed made the 21st day of February 2019

SIGNED by Olga Nuich
in the presence of

OLGA NUICH
Signature of Olga Nuich

Witness

Full name of witness H. R. Morgan
Solicitor

Occupation of witness Auckland

Address of witness

Certified Correct under the Land Transfer Act
1952

[Signature]

DISCLAIMER NUICH FINAL NA31D554.DOCX

DAVID KEVIN GRAY
SOLICITOR
AUCKLAND

DISCLAIMER UNDER SECTION 168 OF THE LAND TRANSFER ACT 1952

In the matter of the Land Transfer Act 1952

And

In the matter of certain Implied Right of Way shown on Deposited Plan 2088 (North Auckland Registry)

Edward Hunt and William Astle are the registered proprietors of the land contained in Certificate of Title NA95/60 ("the Subject Land"). Copies of Edward Hunt's and William Astle's respective death certificates are attached.

Universal Homes Limited ("Universal") is the registered proprietor of the land contained in Certificates of Title NA22B/871, NA22B/872, NA22B/873 and NA51B/1174 ("the Benefitting Land").

The Subject Land is subject to an Implied Right of Way shown on Deposited Plan 2088 ("Right of Way") and the Benefitting Land benefits from the same Right of Way.

The registered proprietors of the Subject Land are both deceased and part of the Subject Land is to be claimed by Universal under an application for prescriptive title pursuant to Section 3 of the Land Transfer Amendment Act 1963 ("the Application"). The Application is unable to succeed in part due to the presence of the Right of Way.

Universal wishes to disclaim all of their right, title and interest in the said Right of Way.

No registered proprietor of the Subject Land can be found to disclaim all of their right title and interest in the said Right of Way.

Therefore, pursuant to the premises Universal hereby disclaims all their right to the said interest on the said Right of Way so that the Benefitting Land can no longer claim or be entitled to any interest in the said Right of Way.

Furthermore, Universal requests that the disclaimer herein contained be registered against the Subject Land so that the Subject Land will no longer be subject to the Right of Way in relation to the Benefitting Land.

This Deed made the 29 day of April, 2019

SIGNED by Universal Homes Limited

By a Director in the presence of:

Signature of Graham Basil Street

Witness

Linda May Wade

Full name of witness

Receptionist


Occupation of witness

Albany

Address of witness

- 2 -

SIGNED by Universal Homes Limited



By an authorised signatory in the presence of.

Signature of Deborah Michelle Landale

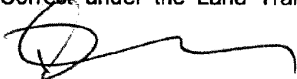
L MillWade
Witness

Linda May Wade
Full name of witness

Receptionist
Occupation of witness

Albany
Address of witness

Certified Correct under the Land Transfer Act
1952



DAVID KEVIN GRAY
SOLICITOR
AUCKLAND

CERTIFIED COPY OF AN ENTRY OF DEATH



GIVEN AT THE GENERAL REGISTER OFFICE

Application Number 8041276-5

REGISTRATION DISTRICT	
1907	DEATH in the Sub-district of Reigate
in the County of Surrey	

Columns:-	1	2	3	4	5	6	7	8	9
No.	When and where died	Name and surname	Sex	Age	Occupation	Cause of death	Signature, description and residence of informant	When registered	Signature of registrar

Twenty first November 1907	Edward King	Male	90 years	Independent	General	Death due to old age	Edw. King, son of informant, 100, Parkfield, Reigate, Surrey	Twenty first November 1907	Twenty first November 1907
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CERTIFIED to be a true copy of an entry in the certified copy of a Register of Deaths in the District above mentioned.

Given at the GENERAL REGISTER OFFICE, under the Seal of the said Office, the

20th

day of

February

2017

DYE 129218



See note overleaf

CAUTION: THERE ARE OFFENCES RELATING TO FALSIFYING OR ALTERING A CERTIFICATE AND USING OR POSSESSING A FALSE CERTIFICATE *CROWN COPYRIGHT
WARNING: A CERTIFICATE IS NOT EVIDENCE OF IDENTITY.

CERTIFIED COPY OF AN ENTRY OF DEATH



GIVEN AT THE GENERAL REGISTER OFFICE

Application Number 8052150-1

REGISTRATION DISTRICT	
LAMBETH	
1904	DEATH in the Sub-district of Brixton
in the County of London	

Columns:-	1	2	3	4	5	6	7	8	9
No.	When and where died	Name and surname	Sex	Age	Occupation	Cause of death	Signature, description and residence of informant	When registered	Signature of registrar

116	15th March 1904 Domestic Hall S.E.	William Castle	Male	82 years	Bank Director 1. London and Waltham (part)	Some time before transmission of my letter in hospital caused by W. A. Castle M.D.	W. A. Castle Sgt. M. A. Castle M.D. M. A. Castle M.D.	19th March 1904	W. A. Castle M.D.
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CERTIFIED to be a true copy of an entry in the certified copy of a Register of Deaths in the District above mentioned.

Given at the GENERAL REGISTER OFFICE, under the Seal of the said Office, the

21st

day of

February

2017

DVE 130342

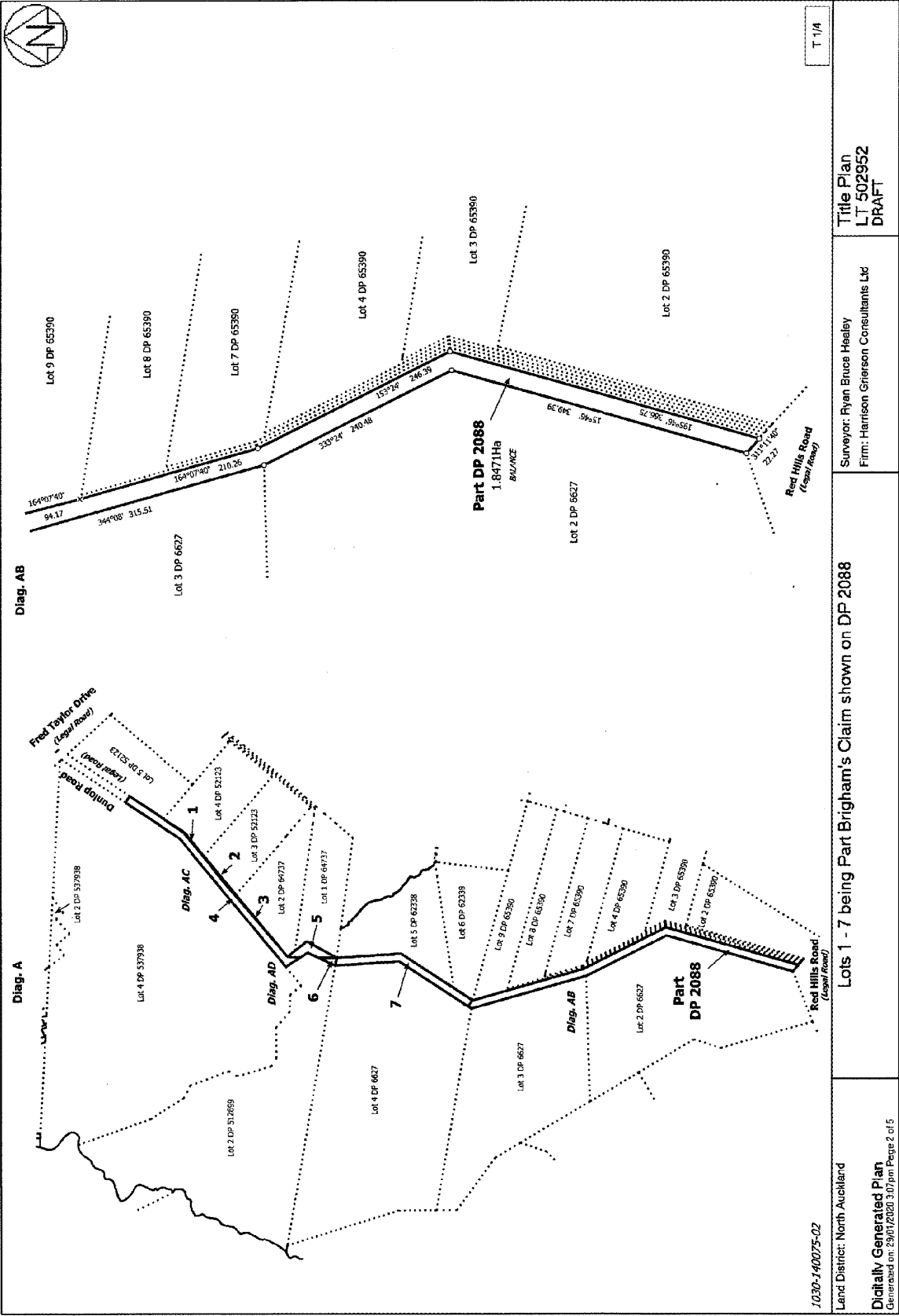
See note overleaf

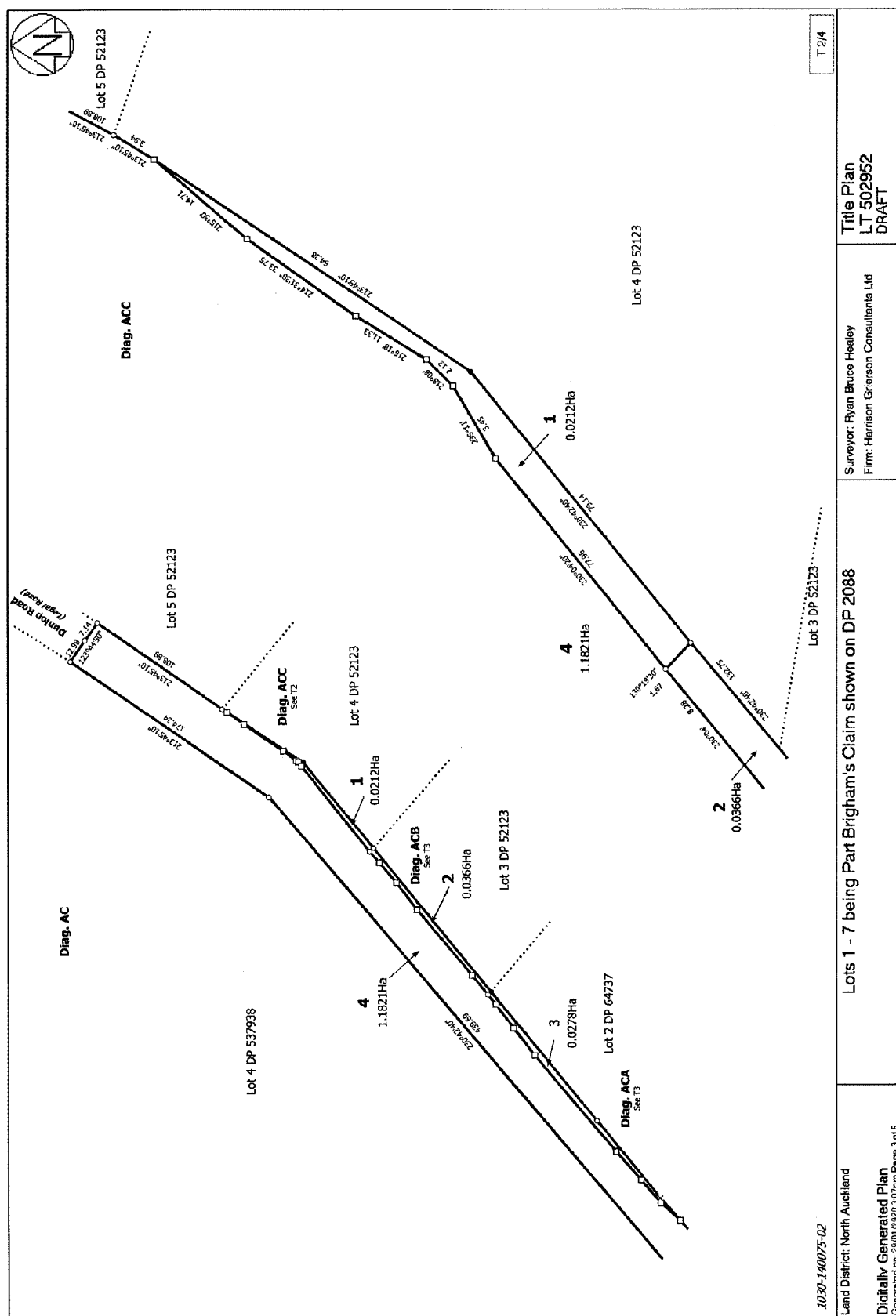
CAUTION: THERE ARE OFFENCES RELATING TO FALSIFYING OR ALTERING A CERTIFICATE AND USING OR POSSESSING A FALSE CERTIFICATE *CROWN COPYRIGHT
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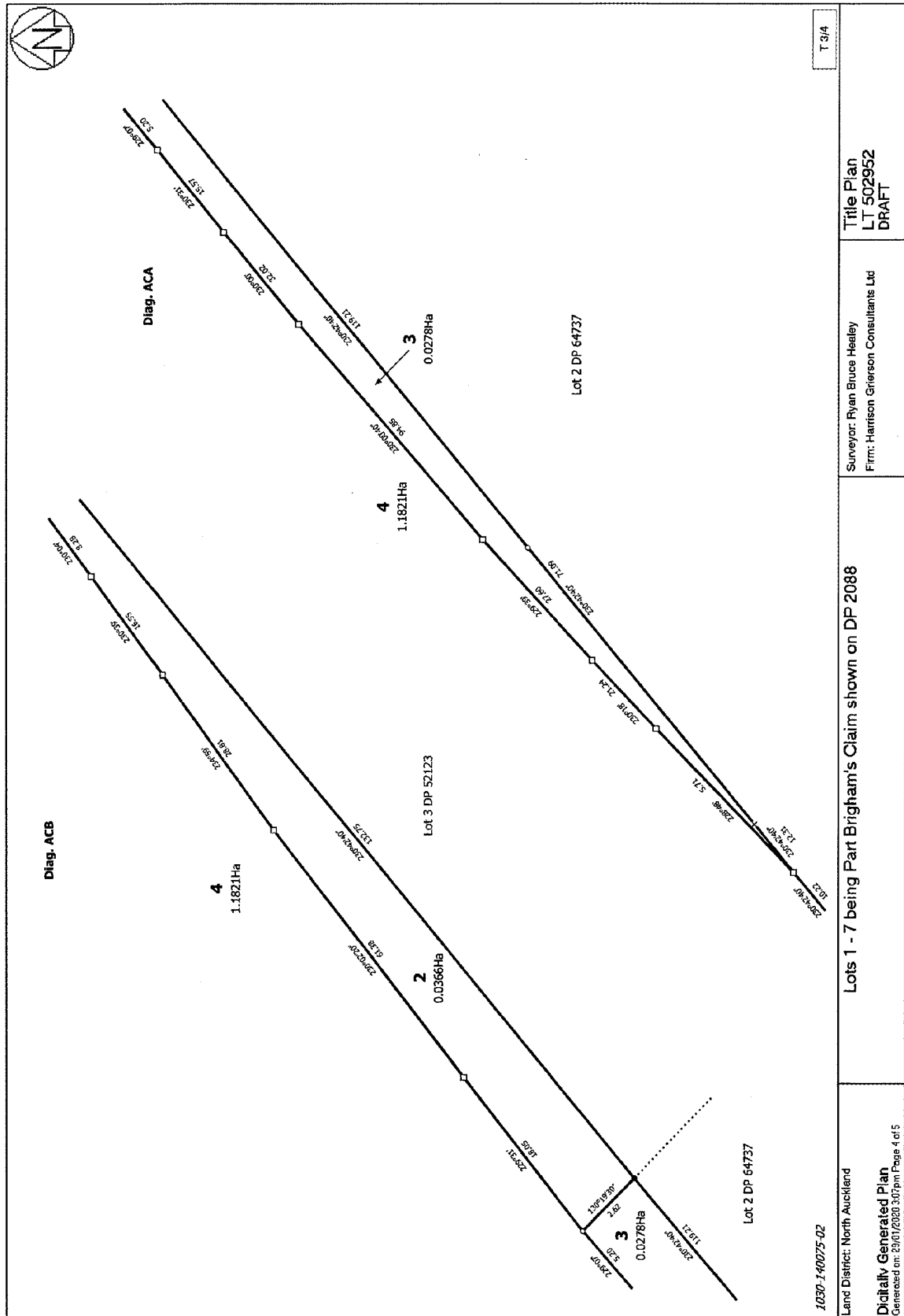
7165977 515049 04/16 WJA/SP

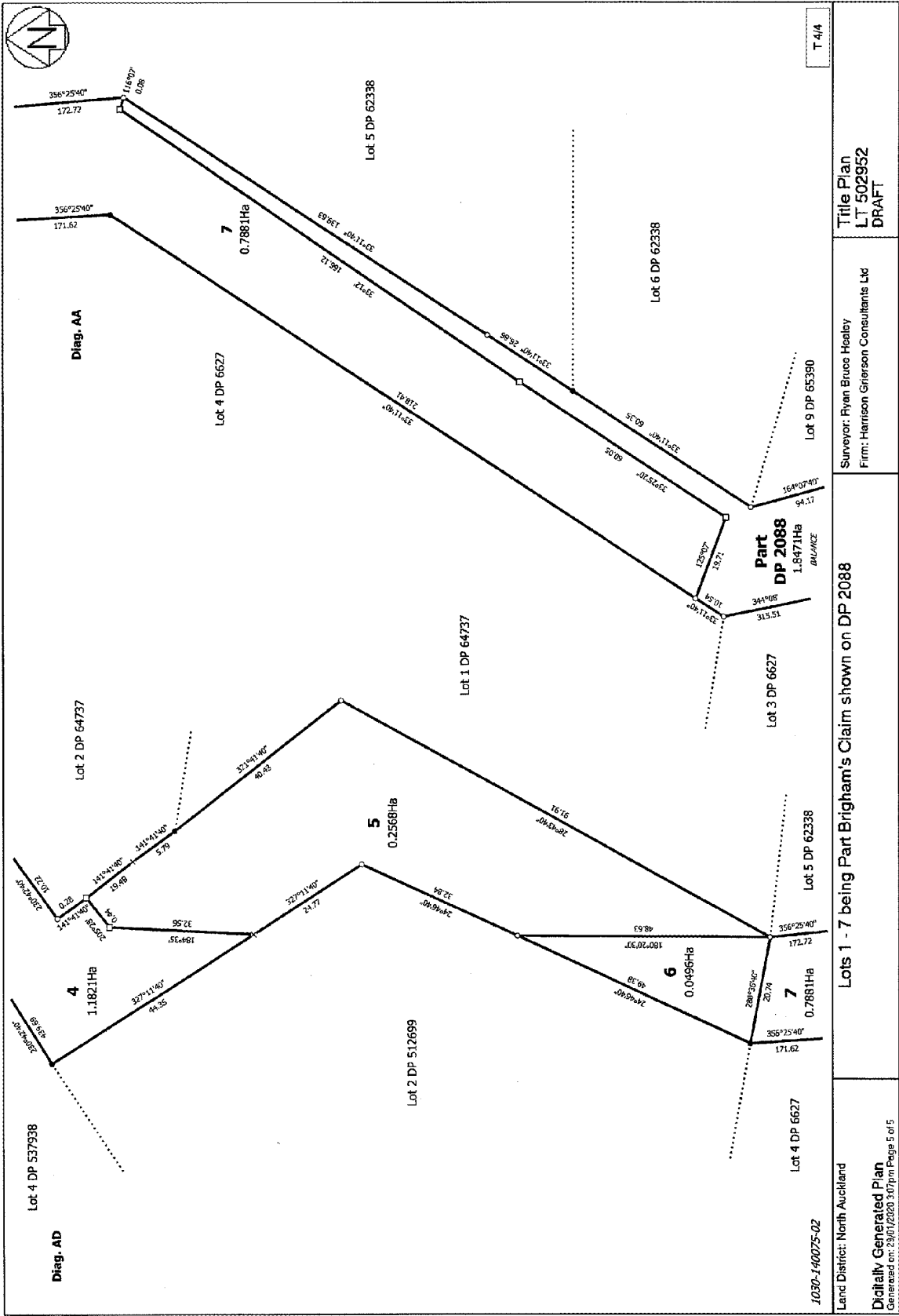


ARO









Land District: North Auckland		Lots 1 - 7 being Part Brigham's Claim shown on DP 2088		Surveyor: Ryan Bruce Healey Firm: Harrison Grierson Consultants Ltd		Title Plan LT 502952 DRAFT	
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