View Instrument Details



Instrument No Status Date & Time Lodged Lodged By 11422047.1 Registered 26 June 2019 14:24 Meikle, Simon Nicolas



Lodged By
Instrument Type

Meikle, Simon Nicolas
Application to Bring Land under the Land Transfer Act 1952

Affected Records of TitleWN27A/195

Wellington

Annexure Schedule Contains 55 Pages.

Signature

Signed by Simon Nicolas Meikle as Applicant Representative on 26/06/2019 09:27 AM

*** End of Report ***

Annexure Schedule: Page: 1 of 55

Form 22

Application for certificate of title on ground of possession

Section 3, Land Transfer Amendment Act 1963

Land Registration District: Wellington

Certificate of Title

All/part

Area/description of part or stratum

WN27A/195

ΑII

48m2 (by deduction); 55m2 (by survey) being part of Section

3 Kaiwharawhara District now being part Lot 1 DP 529008

Applicant and full address of applicant for service of notices

Brenda Gwendoline McLean of Wellington, c/- Simon Meikle, Solicitor, PO Box 241, Wellington 6140

Name and full address of registered proprietor

Harry Edward Good of Wanganui, Grazier (deceased - 23 November 1940)

Name and full address of any other person to be served with notice of application

- 1. Caroline Peta Doust & Laura Dawn Thomas, 13 Mairangi Road, Wadestown, Wellington 6012
- 2. Marianna Pekar & Ryan Stuart Swanepoel, 15 Mairangi Road, Wadestown, Wellington 6012
- 3. Gin Oy Young, Peter James Young and Gn Oy Young, 11C Mairangi Road, Wadestown, Wellington 6012

Application

The Applicant applies to the Registrar for the issue to the Applicant of a Certificate of Title under the Land Transfer Act 1952 for an estate in fee simple in the land, or that part of the land, described above, on the ground that the Applicant has been in continuous possession, within the meaning in section 3 of the Land Transfer Amendment Act 1963, of the land, or that part of the land, described above, for a period in excess of forty five (45) years from 23 November 1970 to the time of the making of this application.

Evidence to support this application is set out below.

Dated this

21 St day of Musch 2019.

orrect for the purposes of the Land Transfer Act 1952

icitor for the App

Simon Nicolas Meikle

Solicitor

WELLINGTON

Annexure Schedule: Page: 2 of 55

Particulars of possession

1. Period of personal possession.

From 23 November 1970 up until the present day the applicant has had open, continuous, manifest, exclusive and uncontested possession of the land.

2. Periods of prior possession claimed.

No other person has claimed possession to the land since 23 November 1970.

3. Manner of occupation.

The land is and has been occupied and used by the applicant as part of a footpath to the land in WN8C/247 from the land in WN31C/919, as part of the regenerating bush and garden of the applicant, and, as part of a wooden bridge and brick steps built in 1989 at the direction of the applicant so as to facilitate easier access to the land in WN8C/247 and this occupation and possession of the land in these ways has been open, manifest, continuous, exclusive and undisputed.

4. Is the land fenced?

There is no fencing between the land and adjoining lands described as Lot 2 DP 78984, Section 48 Kaiwharawhara District and Lot 1 DP 90782 due to its steep terrain but there are wooden handrails associated with the path, steps and bridge.

5. Have any payments by way of rent or otherwise been made or claimed?

No payments by way of rent or otherwise have been made or claimed by any other person.

Evidence to support application

The following evidence supporting the claim accompanies this Application:

1. Purposes for which land has been used.

The land has been used by the applicant as part of a dirt footpath, as part of the amenity horticulture of the property at 11B Mairangi Road, and as part of a wooden bridge spanning a gully.

2. Improvements.

Other than the usual maintenance of land as part of a garden, the only improvements to the land have been the construction of a wooden footbridge and brick steps at the direction of the applicant in 1989. Annexed to this application are photographs and other information showing the footpath, wooden bridge and garden.

3. Acknowledgement.

The applicant in possession and her agents have never acknowledged the title of the registered proprietor of the land.

4. Disability of registered proprietor.

There is no knowledge or evidence of disability of the registered proprietor and as possession by the applicant has been continuous and uninterrupted in excess of 45 years is not applicable to this application.

5. Statutory Declarations.

Refer attached statutory declarations from

- The applicant
- A person of good repute, having long-standing knowledge of the land
- An officer of Wellington City Council

Annexure Schedule: Page:3 of 55

STATUTORY DECLARATION

Alicia Ngaturgare Metuarau Andrews

I, of Wellington, Wellington City Council Rates Officer solemnly and sincerely declare

- 1. I am authorised by the Wellington City Council to give this declaration.
- 2. Attached to this declaration is a table of the Wellington City Council and Greater Wellington Region Council rates for 11D Malrangi Road, Wadestown, (WN27A/195).
- I confirm the rates invoices were issued in the name of Harry Edward Good and the amount shown has not been paid.
- 4. I also confirm that there have been no rates paid for the rating year 2018/2019.

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

Declared at Wellington

this 22nd day of March

2019 before me:

Michael John Barnes Solicitor Lower Hutt

(A person authorised to take statutory declarations under the Oaths and Declarations Act 1957)

SM-172468-1-12-V1

Annexure Schedule: Page:4 of 55

From: Alicia Andrews < Alicia. Andrews@wcc.govt.nz >

Sent: Monday, 30 April 2018 2:58 PM

To: Simon Meikle < smeikle@oakleymoran.co.nz>

Subject: RE: rates enquiry

Hi Simon

I am so sorry for not getting in touch sooner. This was the result of a mis-communiation on my part and not passing on the information below.

This parcel of land should have been first rated the financial year after the certificate of title was issued (01.07.1986). Unfortunately our electronic records do not go back that far.

Below is a table for the past 10 years' of rates. As you can see, the bulk of the amount is made up of penalties on unpaid rates. Please note that if your client is looking to purchase this parcel of land, we would be willing to waive some of the penalties that have been applied.

If you have any further questions, please do not hesitate to ask.

1090236	11D Mairangi Road, Wadestown					
FY	CV	Rates for the year	Penalties	Arrears	Arrears fines	Penalty re
FY 17/18	\$8,000.00	49.31	1,562.50	1,642.66	6,169.95	
-						
FV 16/17	\$ 000.00	} 47.07	1 705.00	1 450450	l 5.54.59	ı

FY 16/17	\$8,000.00	47.97	705.88	1,594.69	5,464.07	
FY 15/16	\$8,000.00	48.11	1,168.46	1,546.58	4,295.61	-
FY 14/15	\$8,000.00	45.95	1,053.86	1,500.63	3,768.68	
FY 13/14	\$8,000.00	45.11	870,70	1,455.52	2,897.98	
FY 12/13	\$8,000.00	44.45	718.20	1,411.07	2,179.78	
FY 11/12	\$8,000.00	43.94	591.16	1,367.13	1,588.62	
FY 10/11	\$8,000.00	37.41	485.52	1,329.72	1,103.10	
FY 09/10	\$8,500.00	40.82	397.80	1,283.52	705.30	
FY 08/09	\$8,500.00	38.15	177.34	1,245.37	527.96	

Kind regards,
Alicia Andrews T/I Rates And Trade Billing Financial Transactions Mgmnt Wellington City Council P +6448013572 M +64212708138 F +6448013011 E Alicia.Andrews@wcc.govt.nz W Wellington.govt.nz
The information contained in this email is privileged and confidential and intended for the addressee only. If you are not the intended recipient, you are asked to respect that confidentiality and not disclose, copy or make use of its contents. If received in error you are asked to destroy this email and contact the sender immediately. Your assistance is appreciated.

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Statutory Declaration – disinterested party to application under s.3 Land Transfer Amendment Act 1963

- I, Rhys James Morgan Watson of Wellington, retired, solemnly and sincerely declare that:
- 1. From 1963 to 2014 I lived at 79 Cecil Road, Wadestown which is across the road from the applicant, Brenda Gwendoline McLean's (Brenda) house. I considered myself to be her neighbour and am able to confirm that I am an impartial party to the application by Brenda and that I am not related to the applicant and have not ever been employed by Brenda.
- My house at 79 Cecil Road, Wadestown was directly opposite Brenda's steps at 83 Cecil Road. It was a road's width away. I would speak to Brenda and at times go to Brenda's house by using the steps from 83 Cecil Road.
- 3. I have a long-standing knowledge of the land occupied by Brenda and in that capacity, and as a person of repute in my community, am able to independently support the statements made in the application.
- 4. I am aware of the history and events surrounding the land in the application and can confirm that all occupation boundaries and the manner of occupation over the last thirty or more years are accurately set out in the application. In particular, I can confirm that Brenda has been using the land that is the subject of her application since at least the mid-1980's as a means of access to her house and that she had a bridge built over the subject land as part of the route to her house.
- 5. Brenda showed me a bridge and I went over it and up to her house. I think I first went over it some time in 1990. I remember helping her with her groceries. Brenda parked her car on the stretch of land she bought off Mairangi Road at 11B Mairangi Road. I have also been over the bridge coming from Brenda's house, that is from the 83 Cecil Road direction. Brenda told me that she had the bridge built and it appeared to me that no one else used the bridge as its only purpose was to lead to Brenda's house.
- 6. To the best of my knowledge and belief, all the statements made in the application are true and complete.
- 7. I am not in possession of any information not disclosed in the application, which would be averse to the Registrar granting it, and in particular can verify that the applicant has been in continuous, open, exclusive and uncontested application of the land for more than 30 years.
- 8. To the best of my knowledge no person is in possession or occupation of the applicant land adverse to the interest in it of the applicant.

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

Declared at Wellington

this // day of

2019

before me:

person authorised to take a statutory declaration under the Oaths and Declarations Act 1957

SM-172468-1-17-V1

Simon Nicolas Meikle

Solicitor

WELLINGTON

Annexure Schedule: Page:6 of 55

Statutory Declaration – disinterested party to application under s.3 Land Transfer Amendment Act 1963

- I, Donna Bernadette McKenna of 75 Cecil Road, Wadestown, Wellington, graphic designer solemnly and sincerely declare that:
- 1. I have lived at 75 Cecil Road, Wadestown since 2001. My house is approximately 65 metres from Brenda Gwendoline McLean's (Brenda) house at 83 Cecil Road. I consider myself to be Brenda's neighbour and confirm that I am an impartial party to Brenda's application and that I am not related to Brenda and have not ever been employed by Brenda.
- I speak frequently with Brenda as she often goes on walks. Since 2001 I have worked from home and looked after my daughter; that is why I often see Brenda. Brenda often talked about how steep her steps were from 83 Cecil Road and why she used the entrance at 11B Mairangi Road.
- 3. When my daughter and I visited Brenda we often used the entrance at 11B Mairangi Road which meant walking across Brenda's land (a bit like a driveway) and across her bridge spanning what I understand is land called the "Good" land.
- Beyond the bridge and uphill are brick steps and a path leading to her house at 83 Cecil Road.
- 5. Brenda often talked about how she hoped to take ownership of the Good land and how she had maintained it and what she had done to it. Brenda pointed to the brick steps, the pathway (that she had made) and the fact that she had tried to stop the Good land falling down the bank by putting up sheets of corrugated iron.
- 6. Brenda also told me that she had built the bridge and had it repaired or maintained in 2017 and 2018 along with some of the brick steps.
- 7. Because of the above I believe that I have a long-standing knowledge of the Good land that has been occupied by Brenda. It seems to me that she has carried on as though she was the legal owner of the Good land. I consider that I am a person of repute in my community and am able to independently support the statements made in Brenda's application which I confirm I have read.
- 8. As is evident from the above I am aware of the history and events surrounding the Good land and the application and can confirm the occupation, boundaries (such as they are) and the manner of the occupation since I've known Brenda since 2001. I believe that the application accurately sets out Brenda's occupation of the Good land.
- 9. In particular I reiterate that the applicant has been using the Good land, that is the subject of her application, since 2001 as a means of access to her house.
- 10. To the best of my knowledge and belief, all the statements made in the application are true and complete.
- 11. I am not in possession of any information not disclosed in the application, which would be averse to the Registrar granting it and in particular can verify that Brenda's actions have demonstrated continuous, open, exclusive and uncontested occupation of the land since 2001.

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Annexure Schedule: Page: 7 of 55

To the best of my knowledge no person is in possession or occupation of the application land adverse to the interest in it of the applicant.

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

Declared at Wellington

day of $\overline{\mathcal{J}}_{\sim}$

D. B MKum. 2019

before me:

person authorised to take a statutory declaration under the Oaths and Declarations Act 1957

Simon Nicolas Meikle

Solicitor

WELLINGTON

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Statutory Declaration – Disinterested Party to Application under S.3 Land Transfer Amendment Act 1963

I, Dr Jeremy Bruce McMinn MBBS FRANZCP FAChAM MAoME, Consultant Forensic Psychiatrist & Addiction Specialist solemnly and sincerely declare that:

- 1. I have owned 76 Cecil Road, Wadestown since 1998, and have lived there from 1999 to 2003, then from 2007 to the present day.
- 76 Cecil Road is not the direct neighbour of 80 Cecil Road, as a strip of land separates the properties. However, the width of this strip is limited to 10 metres or less, and it is otherwise unused – in effect this has meant Ms Brenda Gwendoline McLean and I have operated as if we are direct neighbours.
- 3. 76 Cecil Road overlooks 11B Mairangi Road, and the house on 80 Cecil Road is easily visible from 76.
- 4. Ms Mclean has referred to her house as being at 83 Cecil Road I understand 80 Cecil Road and 83 Cecil Road are one and the same.
- 5. Over the years I have repeatedly seen Ms McLean enjoying the use of the property at 80 Cecil Road. This includes seeing her traversing off and on the property via the pathway/land that runs up from 11B Mairangi Road.
- 6. Over the years I have also repeatedly seen her car parked in the driveway of 11B Mairangi Road, when I have driven on this road, a journey I have made on average once a week.
- 7. Between 2009 & 2011, or thereabouts, a very large pine tree growing on my section fell across the gully separating 76 Cecil Road and 80 Cecil Road. The size of the tree and the precarious position in which it lay meant that it proved difficult to find any tradesperson who would commit to its removal. Ultimately this meant I myself spent time over 2 years dismantling the trunk.
- 8. The presence of the tree, and my working on it, substantially interfered with Ms McLean's use of her property at 80 Cecil Road. We regularly interacted over the 2 years, and as a courtesy I helped her to remove various items from her house that were too heavy for her. We always followed the pathway down to 11B Mairangi Road, including using the bridge on the property. It was evident this was the customary route taken by Ms McLean.
- 9. Ms McLean's use of the pathway from her house to 11B Mairangi Road, including via the bridge, was never disputed, and was used by her exclusively as far as I am aware.
- 10. I can confirm that I am an impartial party to the application by Ms McLean; and that I am not related to her; and that I have never been employed by her.
- 11. Because of the above I believe I have a long standing knowledge of the land in the application.
- 12. To the best of my knowledge and belief all the statements made in the application are true and correct.
- 13. I am not in possession of any information not disclosed in the application, which would be adverse to the Registrar granting it.
- 14. To the best of my knowledge no person is in possession or occupation of the application land adverse to the interest in it of the applicant.

Jon St.

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And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations $Act\ 1957$

Declared at

This

Wellington

/

TH day of June

2019

Before me

e Sandy

LAUSON JE

(A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957)

Sandy G. Lawson J.P. 200 Pembroke Road Wellington, N.Z. Tel (04) 475-8528

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Statutory Declaration

- I, Brenda Gwendoline McLean of Cashmere Heights, Johnsonville, Wellington, retired solemnly and sincerely declare that:
- 1. I am the applicant in the above application.
- 2. To the best of my knowledge and belief, all the statements made in the application are true and complete.
- 3. I am not in possession of any information not disclosed in the application, which would be adverse to the Registrar granting it.
- 4. By way of background I make the following statements:
 - a. I own 83 Cecil Road (now known as 11B Mairangi Road) being the land contained in WN8C/247 which is where my house is. My late husband and I became registered proprietors of that land and the house on it on 23 November 1970.
 - b. The only access to the house located in WN8C/247 is by way of 81 steep steps down from Cecil Road and those steps are under 50-metre-tall pine trees and it is very common for water to flood the steps and make access slippery and dangerous.
 - I always wanted to access my house from Mairangi Road and to make this easier
 I bought a strip of land in 1988 from the Crown which is now contained in WN31C/919.
 - d. Between the land in WN8C/247 and WN31C/919 there is a small block of land recorded in the name of Harry Edward Good now contained in WN27A/195 deducted by LINZ to be the balance of land in WN248/166 (the Good land).
 - e. Harry Edward Good died on 23 November 1940 as evidenced by affidavit of Thomas James Daley sworn on 3 May 1941 in support of application for probate of Harry Good, refer to the attached exhibit A and B.
 - f. The various exhibits attached to this declaration show how the Good land separates my two land titles and provides detailed evidence of the occupation and use of the subject land from the 1970's to the present and includes photographs of various parts of the footpath, bridge and proximity to adjacent boundaries.
 - g. I now explain the various exhibits that I attach to this declaration.

Exhibit C

i. Is a site survey plan showing the Good land, my two pieces of land and my neighbours' land: Lot 2, DP 78984 (15 Mairangi Road – Pekar and Swanepoel); Section 48 Kaiwharawhara District (13 Mairangi Road, Doust and Thomas) and Lot 1 DP 90782 (11C Mairangi Road – Youngs).

Exhibits D1 and D2 and exhibit E

ii. Photographs taken of the steps and bridge over the Good land from 11 B Mairangi Road up to my house on Cecil Road (refer exhibit D 1). Exhibit D 2 shows the path and steps and bridge from my house in Cecil Road down to 11 B

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my Motern.

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Mairangi Road. You can see (from the red shading) that about 1/3 of the bridge is on the Good land.

Exhibit E this shows my land and the Good land with reference to an aerial photograph and the site survey plan.

iii. The original bridge with some additional posts and sides are shown.

Exhibit G

iv. Photographs showing the north direction, east direction and south direction of the original bridge.

Exhibit H

v. These photographs are showing the southwards direction in the top left hand corner of the left hand photograph you can see my (white) house.

Exhibit I

vi. These are self explanatory but show two photographs in a northwards direction and a bottom one in a south east direction.

vii. I believe these photos are self explanatory.

Exhibit K

viii. On the left hand side there is a good picture of the steps that I had built on the Good land.

Exhibits L and M

ix. Are pictures of the bridge and pathway. The metal pipe shown on the "south" photograph of exhibit M is a piece of pipe that is owned by me. It was brought from my land to and is not connected in any way to the Good land. It has been used to mark positions and in this particular photo it is located on the approximate boundary of the Good land. The metal pipe is about three metres long and has yellow tape on it to assist with measurement. You can see a white dotted line which follows the trajectory of the metal pipe; the metal pipe allowed the white dotted line to be superimposed on the photograph.

Exhibit N

x. Another picture of the upper brick and half round timber steps and the surveyor's stake.

Exhibit O

xi. This is an enlarged version of the "south" photograph which shows the metal pipe.

A By male or

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Exhibit P

xii. The relevant part of exhibit P (invoice 825741) is that part that says "new wire mesh to wooden bridge and steps" \$150.00. This is the only part of this invoice that relates to the bridge on the Good land.

Exhibit Q

xiii. The first five lines of the invoice 825748 relate to repair / maintenance work done on the bridge on the Good land.

Exhibits R to V inclusive

xiv. Are all invoices from the builder for the period 1 August 1989 to 17 November 1989 relating to the construction of the bridge on part of the Good land in 1989, the path and steps. I believe the invoices are self explanatory.

Exhibits W to AK

- xv. These are receipts for the fasteners, hardware, timber and concrete used in the construction of the path, steps and the bridge on the Good land. The total for the invoice (exhibit AE) is \$5.06.
- h. I have been walking across the Good land since 23 November 1970. I did this by walking over the Young's land and part of the Crown land (some of which I subsequently bought as WN31C/ 919). My rough route is marked with horizontal lines 'access footpath to No 11B) on attached exhibit AL. As you can see the path went onto the Good land and up on to my house land. The bridge made the walk much easier from late 1989 onwards. The green lines show the Good land. Attached exhibit AM also shows my route. Exhibits AN and AO speak for themselves.
- i. In 1989 (following my purchase of WN31C/919) I had a wooden bridge built and brick steps and path constructed because of the dangerous access from Cecil Road. After the bridge was built, I trimmed the branches of the trees to stop them from interfering with the bridge. Around this time, I also put some corrugated iron across the slopes of the Good land to stop the land falling way.
- I have not received any separate rates for the Good land even though I have exercised exclusive and undisputed possession of that land since after 23 November 1970.
- 5. For the reasons set out in this declaration and the application I believe my occupation of the Good land has been open, manifest, continuous, exclusive and undisputed. None of my neighbours especially those at 11C, 13 and 15 Mairangi Road have disputed my claim over the years. The Youngs knew that I was building a bridge in 1989 and that I have since had it repaired/ maintained. They never objected to this occurring. The materials and the labour were brought across my land (WN31C/919) which is next door to the Young's land and house. They can see me walking along it, over the bridge and over the Good land. They have never objected to my use of the Good Land; I am the only one who has used it and the only one who has any use for it; that is as a walkway to my house.
- 6. As you can see from the photographs, the bridge traverses a gully which is basically all the Good land is. It is made up of young second growth indigenous and exotic trees and bush;

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it has a closed canopy. The west side of the bridge forms a boundary fence between it and the Youngs' land (Lot 1 DP 90782 - 11C Mairangi Road). On the remaining south end boundary of the east side is a steep bank that I had steps built in to climb to my house further up. There is no fencing on the west side between the Good land and Lot 2, DP 78984 (15 Mairangi Road - Pekar and Swanepoel) as the bank acts as a natural land form boundary to a drop into the gully. The situation is similar for Doust / Thomas (13 Mairangi Road, section 48 Kaiwharawhara District). The end of their land drops away. It is a steep bush covered bank that is part of the Good land. A natural boundary.

Without the bridge the Good land is not easily accessible to anyone especially the neighbours. To use the bridge, you would have to cross my land (WN31C/919) and WN8C/247.

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

Declared at Wellington

this 5th day of Lune 2019 By McLeson

before me:

A peison authorised to take a statutory declaration under the Oaths and Declarations Act 1957

STMON NICOLAS MEIR LE SOLICITOR Warnigfon.

A

IN THE SUPREME COURT OF NEW ZEALAND TARANAKI DISTRICT

IN THE ESTATE of HARRY EDWARD
GOOD late of Hawera, Settler,
deceased.

I, THOMAS JAMES DALY of Porirua, Medical Officer, make oath and say as follows:-

- 1. I em the Assistant Medical Officer at Porirua Mental Hospital, Porirua.
- 2. THAT I knew Harry Edward Good late of Hawera,
 Settler, now deceased, when alive and that the said Harry
 Edward Good was resident or was domiciled at Hawera within
 this judicial district and that the nearest Registry Office
 of this Court to the place where the said Harry Edward Good
 resided or was domiciled is at New Plymouth.
- 3. THAT the said Harry Edward Good died at Porirua on or about the Twenty-third day of November, One thousand nine hundred and forty (1940) as I am able to depose from having seen his dead body after death.

SWORN at Porirua by the said

THOMAS JAMES DALY this 3red

day of mous

,1941

before me:-

1 augo

A Solicitor of the Supreme Court of New Zealand.

B

IN THE SUPREME COURT OF NEW ZEALAND TARANAKI DISTRICT

IN THE ESTATE of HARRY EDWARD GOOD, late of Hawera, Settler, deceased.

BE IT KNOWN TO ALL MEN that on this 18th day of June in the year One thousand nine hundred and forty-one (1941), the last Will and Testament of Harry Edward Good, late of Hawera, Settler, deceased, who died on or about the 23rd day of November One thousand nine hundred and forty (1940), a copy of which is hereunto annexed, has been exhibited, read and proved before the Honourable Harold Featherston Johnston, a Judge of this Honourable Court, and administration of the estate, effects and credits of the deceased has been and is hereby granted to HUGH MAURICE GOOD of Stratford, Stock Dealer and PHILIP ALPHONSUS McCARTHY of Hawera, Solicitor, the Executors in the said Will and Testament named, being first sworn faithfully to execute the said Will by paying the debts and legacies of the said deceased as far as the property will extend and the law binds and whenever ordered so to do to file in this Court and verify by affidavit a true, full, and perfect inventory of all the estate, effects, and credits of the said deceased which shall have come into their hands, possession or knowledge and also a full, distinct, and proper account of their execution of the Will.

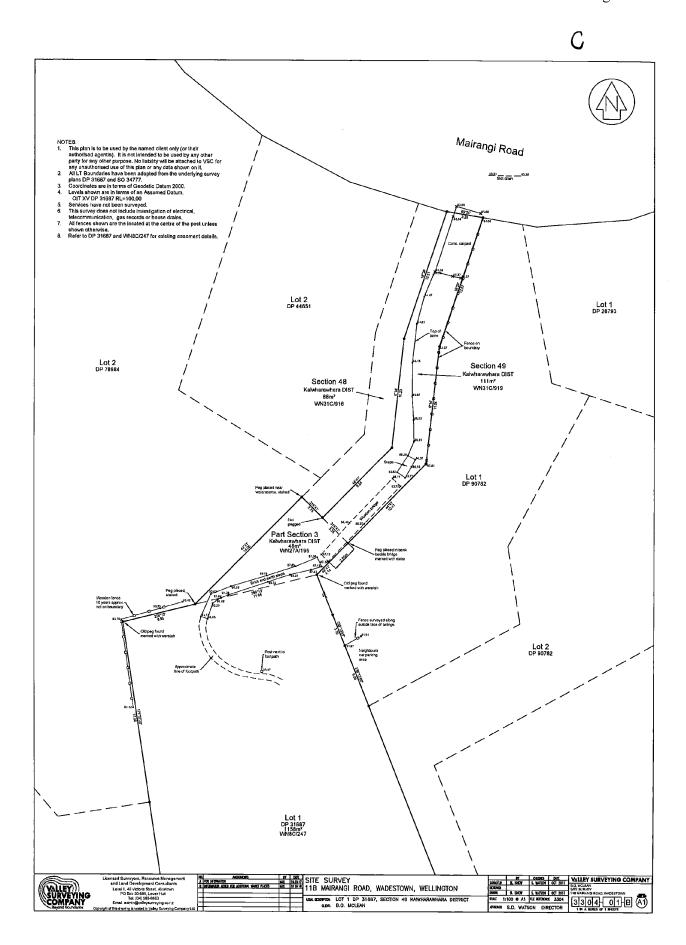


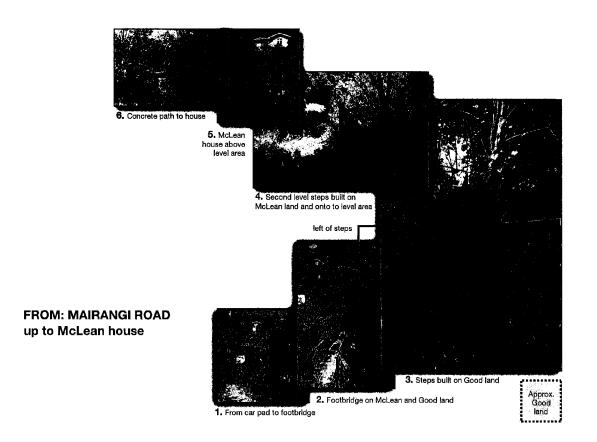


GIVEN under the Seal of the Supreme Court of New Zealand at New Plymouth this 18th day of June, 1941.

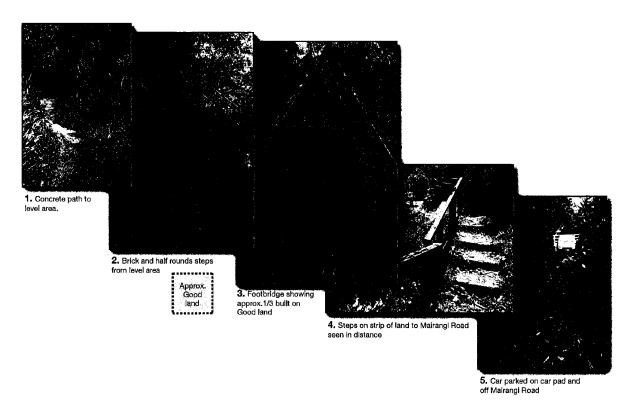


LW LOUSSON REGISTRAR.

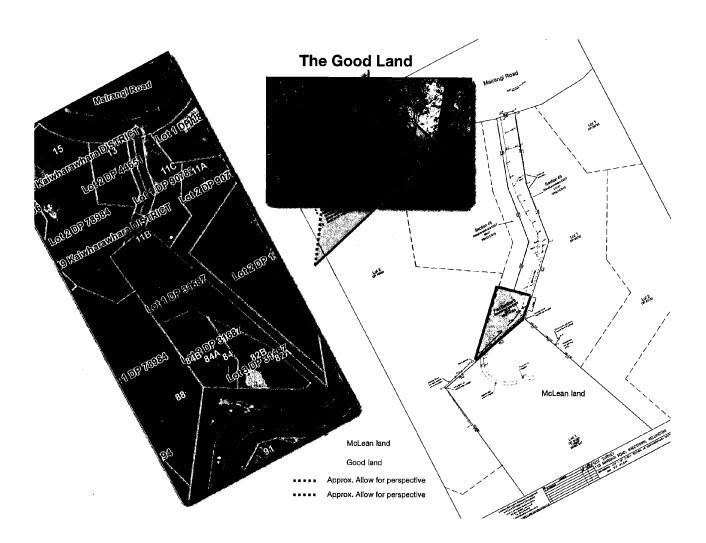




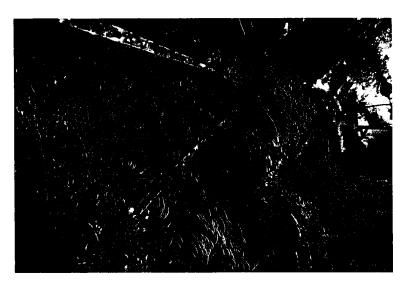
FROM: McLean house down to MAIRANGI ROAD

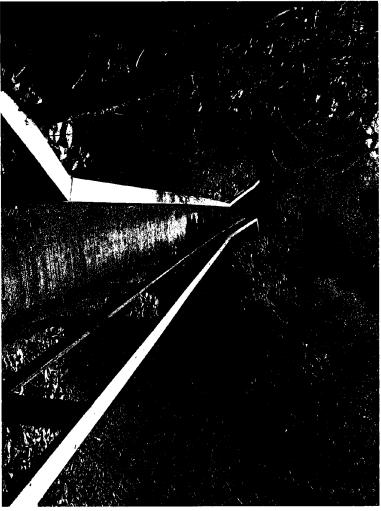


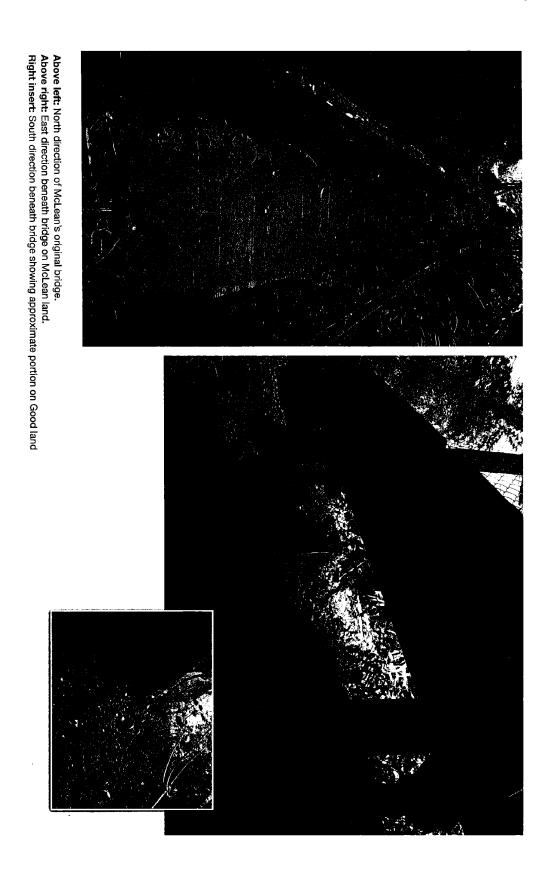
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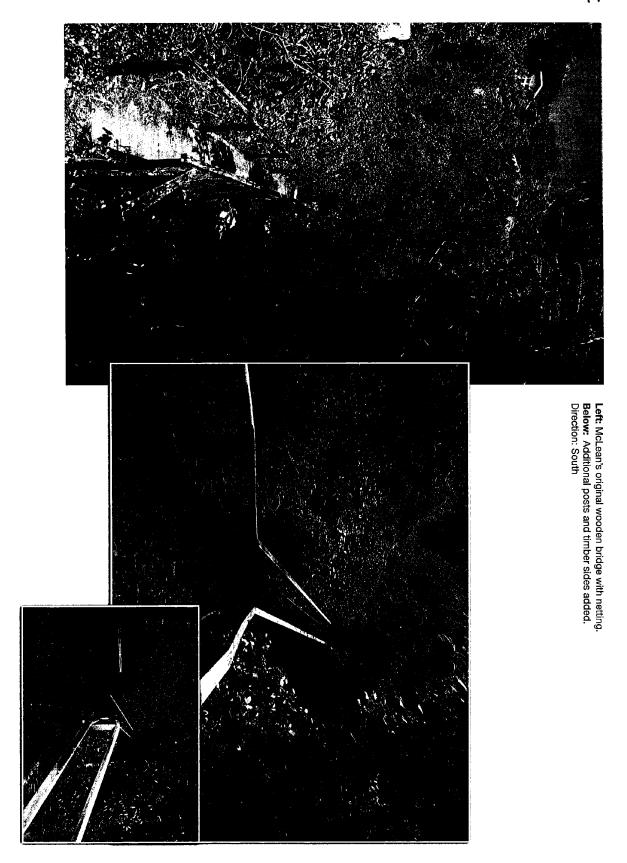










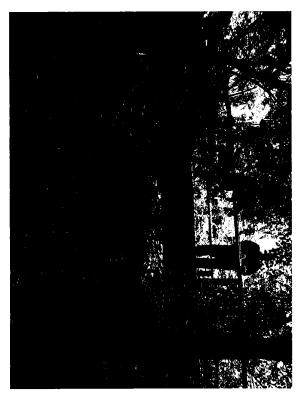


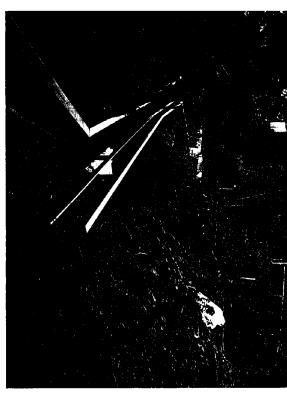


Above left and top right: McLean bridge showing new handrails and additional posts. (Lot 1 DP 90782 boundary runs parallel to near bridge edge where building and garden waste flows under bridge.

Below: South-east direction viewed from below bridge on Good land. Person standing on the north end of the bridge built on McLean land. He's pointing to approximate boundary between Good and McLean.



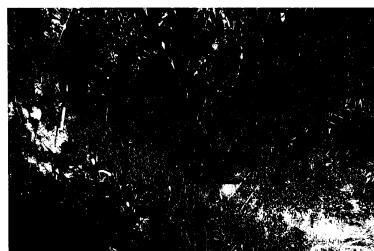




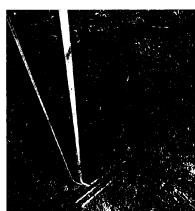
McLean steps maintenance

Above left: Original brick and half round timber steps and the part of bridge on Good land.

Right: New handrails, additional posts. (Person pointing to surveyor marked waratah)









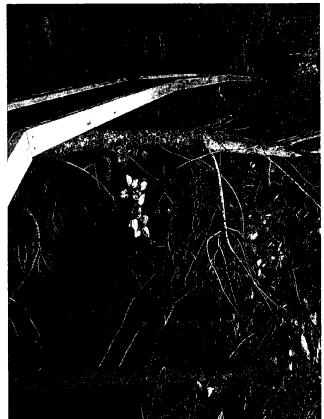


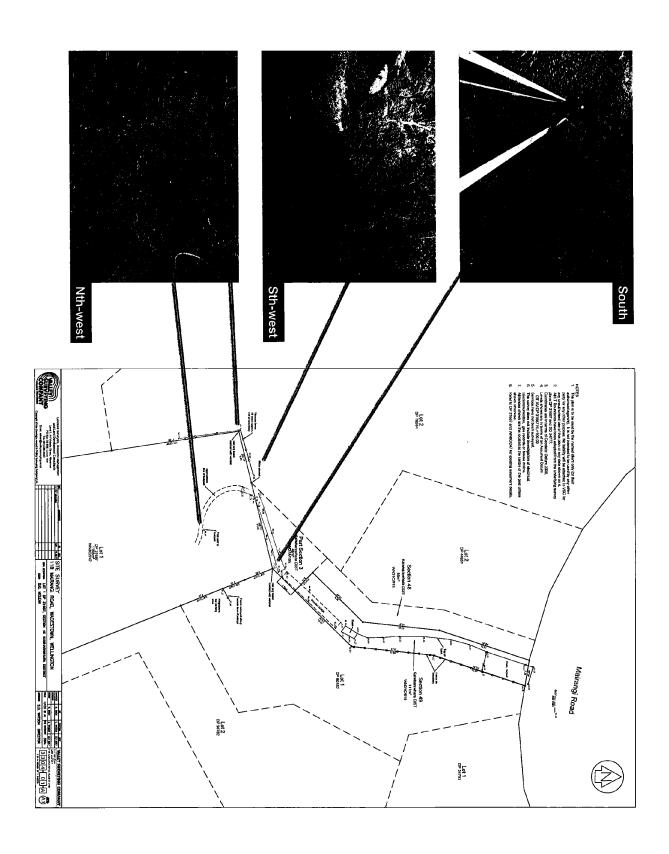
McLean's 23 steps of brick and half round timber builtGood land.

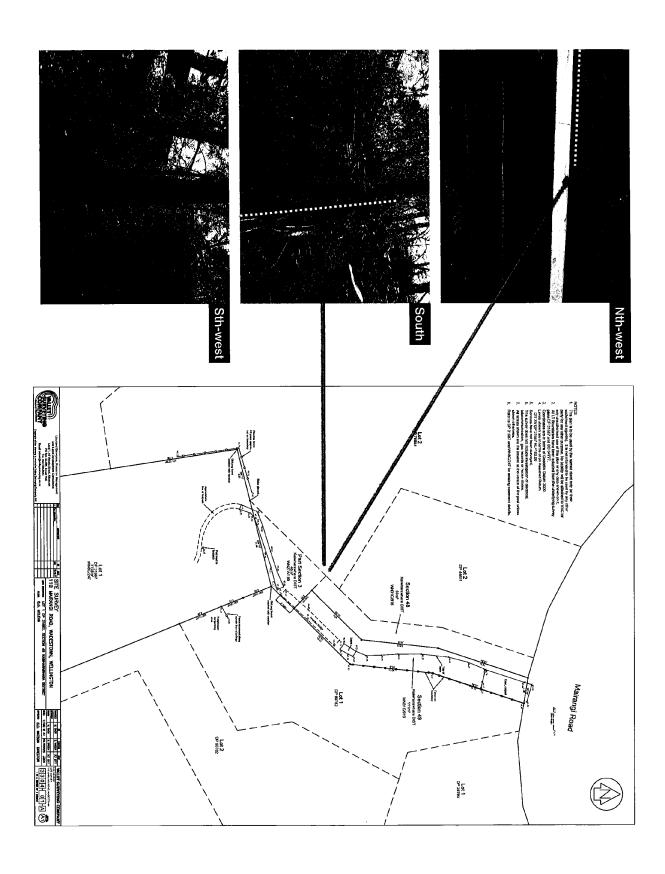
Left: original handrail

Right: new handrail and additional timber sides.

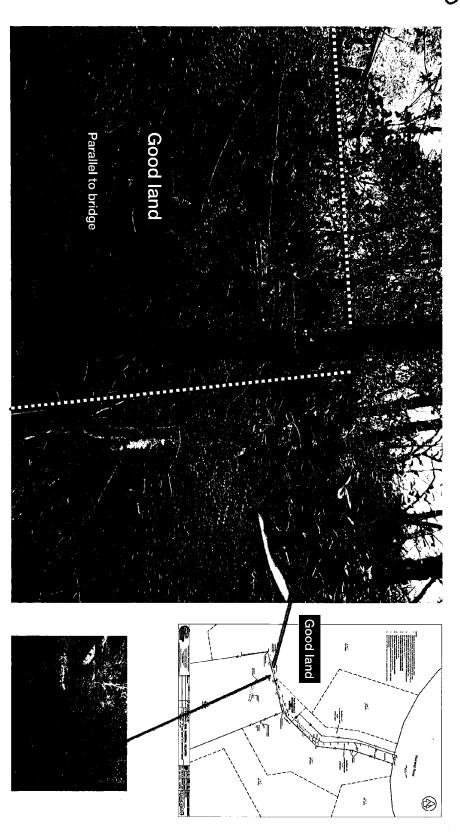
Direction: South-west











Above: Approximate delineation of the steep Good land to right side of McLean bridge facing south-west direction. (The dotted line to the right runs parallel to McLean bridge)

TAX INVOICE/STATEMENT Date 23/09/17 825741

TO BRENDA	MCLEAN
From M SMITH	
1300 / 300 / 300 11 /4/11/14	B JOHNSONVILLE
GST Reg. No.	Ref. O/N

Qiy Unit	Description	Unit Price	\$	ic.
To Su	APLY BUILDING MATERIA	145		ļ
HND Z	ABOUR AT 118 MAIRAN	161 KA	geographic interpretation of	
NEW F	WAT DOOR ACCESSRAMP,	FRANK		
PATH P	OR REPAIR SIDE PANKS, . DE WATER RUN OFF.	PLASTER	670,	00
	ANDRAK TO WOODEN STEP		360,	oc
NEW CO	HURETE PATH OUTSIDE RO	SAR DOOR	300,	00
NEWW	AREMESH TO WOODEN BE	06€		
AND S			150,	00
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agent and the second se	CHQ, NO 12+ TOTA	L EXCLUSIVE GST \$	1480,	∞
	1012	HINGLUSIVE GET \$		

COLLINS A5/50 DLH

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LEAK GOLA	ANT TO PLY FLOW	or or or	5 3/61	,)	
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COLLÍNS A5/50 DLH

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	<u>, </u>					8Am To I PM	5
						125	HRS. 125

LIORK FOR BRENDA MChEAN. SY PER HOUR.
157 August. Digging Temporary PATH a STEPS. 8AM-2PM. 6 hours.
24 Aug Puzethasing of FRANGPORTING TIMBER, STARTED TO CONSTRUCT STEPS. 9AM-3PM. 6 hs. CONTINUED CONSTRUCTING STEPS 9AM-3PM. 6 hs.
327 CONSIGNOT STEPS. 9HM-DIM. Phs.
CONTINUED CONSTRUCTING STEPS 9AM-39m. 6 hp.
Fruture Tower SAWING TIMBER INTO PEGS FOR STEPS. AND CONTINUED CONSTRUCTING STEPS 9AM - 3PM. 6 Rs.
Mruaug Finish power savinie PECS. & CONTINUED CONSTRUCTING STEPS. 9 AM-3 PM.6 ht.
STAUR, CONTINUED CONSTRUCTING STEPS OF PATH. 9.AM. TOTAL 36 FOR
\$800 21/8/89 0200 3/9/89
\$800 21/8/89 \$200 3/9/89 \$300 24/9/89 36 Roms. @\$9 976 hir \$324=00
COST OF TIMBER. NAILS & NOVA FLOW PRAIN PIPE. \$159-46. TOTAL COST TO DATE 8TH AUGUST. \$483-76 MANY THANKS POYIC
MANY THANKS POWC

CONTINUE OF HOURS WERKED.
IH OCT CONSTRUCTING BRIDGE SAMTO 2PM blus.
18
PURCHASED TIMBER FOR RAILS ALSO WETTING. 20 HOLVING ON BRIDGE SAMTOLD 5 hp.
20th Working on BriDer SAMTOIPM 5 hr. 21st.
25"- WAKING ON BEIDGE SAMTORM 5 hrs. 25"- MAKING APPROACHING STEPS TO BRIDGE CARRYING AND LAYING BRICKS SAMTORM 5 hrs. 26"- SAMTORM 5 hrs.
26 - CARRYING AND LAYING BRICKS BANTOLPM. 5 hrs.
gyth & BAMTO (PM 5 has.
28 TOOT. FINISHED STEPS APPRONCHING BRIDGE.
TOTAL HO has
Hours WORKED TO DATE 28THOCT
141 Hours. @ 89 PERHZ. = \$1539
TIMBER & MATERIALS PURCHASED TOTAL COST AT 25 OCT \$ 901-59.
MOTAL COST HI AS OUT & TOT I
11 1 Paris To To 20 Page 9 1400 - 000
MONEY RECEIVED TO DATE 28 OCT \$ 1400=00.
TOTAL COST of LABOUR & MATERIALS \$2440=59.
1. LESS MONEY RECEIVED \$ 1400=00 8.440=59
\$ 1 MO = 0 1
BALANCE REQUIRED \$740-59.
DAID \$100. 1/10/89
" 1800 F/10/89: 900 -
740-59 159-41 (REDIT

BRENDA MCKEAN

2-10-89	RECONSTRUCTINE	STEPS &	-suppor	ring B	ANX. 8A	m to IPM. 5hrs.
3.10.89.	لي	\	•		-	5 hs.
h-10-89	>	, ah	arine B	SRichs	For Steps.	10 Auto 2 Pm. H. Rob.
5-10-89	•		٠.			8 Am to 12m. 5 hrs.
9-10-89.						· 5 hrs.
10. to-89	ba .	2	٦	•		· 5 Pm.
C1-10-89	A *	4	*1	~	*** *** ***	5 hs.
12-10-87	FINISHED CONSTRUCT	ing STEPS	a hazi	ing BRI	cks -	8 Am To 2 PM. 6 hs.
16-10-89	Digging Holes	FOR POSTS	- RAil	Ls on	STEPS	8 Am Tolfm 5 Rx
17-10-89	Purchased Build	EZS Mix .	Timbe	R FOR	POSTS + RA	ils
	himming up a	OSITIONI	ing fost	د ک		8 AM 75 Rpm. 6 Rs.
19.10-89	EMPTY POST HON					
	IN POSTS.					8 AM TO HPM. 8 hrs.
20-10-89	COMPRETED CO	NCRETIN.	g in	POSTS	•	8 Am To 11AM. 3 hrs.
24-10-89	. Chearing suppor	TS Afound	D Posts, C	complete	TE FILLING	
	a putting			,	ĺ	8 Autolly. 5hs
25-10-89.	ComplETED PUTT	•	_			8 Am to IPm 5 his
	PURCHASED WAR			WIRE		
	AND ERECTE					1 To 394. 4 km.
31.10-85	. PREPARING TIMB		•	AROL	_	DERETT SLAB.
!	·		,	•		8 Autollin 5hs.
1-11-89	PREPARING GROW	ND a Af	REA FOR	2 con		,
8-11-80	1 COMPLETED PRE	ARINE	AREA "	FOR CO	NCRETINE	SAMTOSPM YENS
6-11-8	1. FINISHED PRE	PHRINE 1	AREA	FOR CO	WERETIN.	2PM to HPM. The
•		,,	-			Total 100
M	ONEY RECEIVE	D @ 6-1	11-89.=	\$3,1	00.	_
				• / `		

MONEY RECEIVED @ 6-11-89. = \$3,100. LABOUR 291 Roma @ 6-11-89. = \$2, H39. MATERIALS @ 6-11-89 = \$1, HO1.14.

MAIRANGI ROAD.

4-11-89 hayed concrete Shab, ERECTED FENCES & POSITIONED KETTER POR POSITIONED KETTER POR POST, & AMTO 2 PM. 6 PM.

8-11-89 PURCHASED BUILDERS MIX 4 CEMENT FROM OWHIRD
BAY \$28-80.

9-11-89 MADE FRAMES FOR NETTER BOX AT HOME, 2 PM TO 5 PM. 3 Lb.
11-11-89 PUT UP KETTER BOX, PAINTED POST & FRAMES 9 AUTO 1 PM. 4 Pm.
11-11-89 FINISHED CONCRETING RAMP. SAM TO 2 PM. 6 PM.
14-11-89 Cheared Timber From Concrete EDGING &
NEVELED OFF GRAVEL AROUND CONCRETE. 3 PM TO 6 PM 3 PM.

TOTAL COST OF MATERIALS \$1,429.94.

TOTAL COST OF MATERIALS \$1,429.94.

TOTAL COST OF MATERIALS \$1,429.94.

TOTAL WONEY RECEIVED TO DATE. \$3.600.00

BAHANCE OF MONEY DUE \$445-94.

+ BRICKS

† I days leave

1 took to help concrete

08/09/89 68716 03:16PM CLK L FRIDAY NEES HARDWARE

10 a 1.70 H WARE 17.00 9 3,30 6.60 H WARE 4 0.30 1.20 H WARE H WARE . 1.0 24.90 SUBTL 24.90 CASH 25.00 TEND CHANGE <u>.</u> 10



18/08/89 74833 01:03PM CLK M FRIDAY NEES HARDWARE 3,50 H WARE H WARE 3.50 4 a 3.55 H WARE 14.20 4 3 1.50 6.00 H WARE 27,20 SUBTL 27.28 CASH 30.00 TEND 2.80 CHANGE



NEES HOME CENTRE

11-15 PRETORIA ST., LOWER HUTT

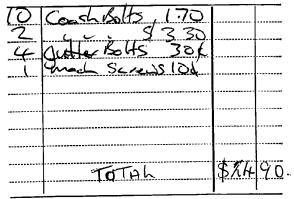
Telephone 698-311 43173

Nees Hardware Ltd.

8-9-1987

CASH SALE ADVICE DOCKET

NOT VALID UNLESS ACCOMPANIED BY CASH REGISTER RECEIPT



OTHER BRANCHES: 119-123 Cuba St., Wellington. Tel. 849-854 200 Lambton Quay, Wellington. Tel. 730-086 73 Queens Drive, Lower Hutt. Tel. 663-268

4 3 **3** 3



NEES HOME CENTRE

11-15 PRETORIA ST., LOWER HUTT Telephone 698-311

elephone 698-311 40335

Nees Hardware Ltd.

CASH SALE ADVICE DOCKET

NOT VALID UNLESS ACCOMPANIED BY CASH REGISTER RECEIPT

			
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OTHER BRANCHES: 119-123 Cuba St., Wellington. Tel. 849-854 200 Lambton Quay, Wellington. Tel. 730-086 73 Queens Drive, Lower Hutt. Tel. 663-268



Annexure Schedule: Page:38 of 55



OWHIRO BAY QUARRIES LTD (P.O. Box 3501, Wellington) Ph. 837 745

SALE TO	·		
G.S.T. REG No. 10-175-879	DATE	23	889
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	CASH SALE		
G.S.T. Included			
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11 PREMIX BUILD	ERS MIX	\mathfrak{M}	5 · CX
11 CHIP			
12 SAND			
13 SUB BASE			
13 40mm BASECOURSE			_
13 CRUSHER DUST			
13 HARDFILL	_		
14 SEALING CHIP			
15 FORKINGS			
15 DRAINAGE			
16 QUARRY SPAULLS			
16 ROCK			
16 DECORATIVE ROCK			
18 MISC			
20 TRUCK HIRE			
21 MESH 322			
21 STEEL			
22 CEMENT 321	 	<u> </u>	
<u> </u>	7-2-11-2	· · · /	
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Cash

Total \$

TAX INVOICE	19	.s.t. No.: 10-176-131	J
G.A	LANG & CO. Hardware Specialists	19 LTD.	
and 21 QUE	EET, WELLINGTON — PHONIEN STREET, UPPER HUTT —	PHONE 269-025	
UNITS 57/	DESCRIPTION AFUE'S	UNIT TOTAL	
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700 K	TOTAL INCLUSIVE	Globe Print	
REFUNDS —	This docket must be produced bef	re any refund is given.	
		23 / 08 . 19 88	SEMENT. 36
		from HR E CONCR 2 BARS CEMENT.	
		the sum of	dollars

With thanks

RB2

9

NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN
7 DAYS AND ACCOMPANIED BY THIS DOCKET 51136 19.9.89 Sethern Timber & Hardware Ltd. 33-33-104HSONVILLE ROAD. P.O. BOX 13091. PHONE TANGON. PLEASE RETAIN 8 G.S.T. INCLUDED PRICE JoHARad 3 55 EACH DATE. \$ 3.60 px less 33-39 JOHNSONVILLE ROAD, WELLINGTON, 4 P.O. BOX 13081, JOHNSONVILLE TEL. 784-809 CASH SALE TAX INVOICE G.S.T. REG. No. 13-310-424

7 S. So H7 12 METRES 7 NAPILS 8 11 mbE2 3070 NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN 7 DAYS AND ACCOMPANIED BY THIS DOCKET 18/6/ Morthern Timber & Hardware Ltd. 33-35-JOHNSONVILE ROAD, P.O. BOX 13381, PHONE 784 809, FAX 72207 51124 PLEASE RETAIN G.S.T. INCLUDED PRICE DATE A SE りかいころ 33-39 JOHNSONVILLE ROAD, WELLINGTON, 4 P.O. BOX 13081, JOHNSONVILLE TEL. 784-809 TAX INVOICE G.S.T. REG. No. 13-310-424 ō SCX 25

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DR. 10

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 ∞ 76.89 21:32 39.33 C F 517.28 7.50 8 51116 Merthern Timber & Hardware Ltd. 33-39 JOHNSONVILE ROAD, P.O. BOX 13081, PHONE 744 869, FAX722077 PLEASE RETAIN Ь G.S.T. INCLUDED PRICE 0 DATE. LESS ď 1 33-39 JOHNSONVILLE ROAD, WELLINGTON, 4 P.O. BOX 13081, JOHNSONVILLE TEL. 784-809 とロ 79x50 RAY 7AM とれ とれる **CASH SALE** c t G.S.T. REG. No. 13-310-424 0.71 全 14.5 OSXOOI N AILS SC XOOI

DR. 10

Morthern Timber & Hardware Ltd.
33-39-JOHNSONVILLE ROAD, P. O. B OX 13081, PHONE THE 1809, FAX 782 047

33-39 JOHNSONVILLE ROAD, WELLINGTON, 4 P.O. BOX 13081, JOHNSONVILLE TEL 784-809

PLEASE RETAIN

CASH SALE

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DATE 23.8.89

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NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN 7 DAYS AND ACCOMPANIED BY THIS DOCKET

G.S.T. INCLUDED PRICE

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DR. TO



33-39 JOHNSONVILLE ROAD, WELLINGTON, 4 P.O. BOX 13081, JOHNSONVILLE TEL. 784-809

PLEASE RETAIN

TAX INVOICE
CASH SALE

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NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN 7 DAYS AND ACCOMPANIED BY THIS DOCKET

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AD 00 681 8 95 CA NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN
7 DAYS AND ACCOMPANIED BY THIS DOCKET .8.89 3.55 EALL G.S.T. INCLUDED PRICE DATE .. SET TOOK -d6 p. 700 1885 CASH SALE 500 G.S.T. REG. No. 13 - 310 - 424 15,50 -70) NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN 7 DAYS AND ACCOMPANIED BY THIS DOCKET -8-89 51212 G.S.T. INCLUDED PRICE EACH DATE A 191 CASH SALE HalfRounds G.S.T. REG. No. 13 - 310 - 424 Ø

Morthern Timber & Hardware Ltd. 33-35-JOHNSONVILLE HOAD, P.O. BOX 13061, PHONE 7548-099, FAX782097

Morthern Timber & Hardware Ltd. 33-35-JOHNSONVILLE ROAD, P.O. BOX 13981, PHONE 754-805, FAX 782047

DR. 10

51213

PLEASE RETAIN

33-39 JOHNSONVILLE ROAD, WELLINGTON, 4 P.O. BOX 13081, JOHNSONVILLE TEL. 784-809

PLEASE RETAIN

33-39 JOHNSONVILLE ROAD, WELLINGTON, 4 P.O. BOX 13081, JOHNSONVILLE TEL 784-809

Annexure Schedule: Page:45 of 55

Manufacture and appropriate the property of th

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Placemakers
WINSTONE

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Annexure Schedule: Page:46 of 55

TOTAL Received

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SUPPLIED FROM 1 0BQ

21 STEEL 22 CEMENT 321 VEHICLE REGISTRATION

Received By

5-00

13 40mm BASECOURSE
13 CRUSHER DUST
13 HARDFILL
14 SEALING CHIP

13 SUB BASE

16 DECORATIVE ROCK 18 MISC

20 TRUCK HIRE

21 MESH 322

15 DRAINAGE 16 QUARRY SPAULLS

16 ROCK

15 FORKINGS

1898

CASH SALE

20mm DOWN

11 PREMIX

11 CHIP 12 SAND

G.S.T. Included

NETT

GROSS

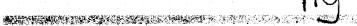
TARE

G.S.T. REG No. 10-175-879

OWHIRO BAY QUARRIES LTD (PO. Box 3501, Wellington) Ph. 837 745







AG.

READYMIX DELIVERY DOCKET

151 Grant Rd. F O Box 556 WELLINGTON Ph (04) 721-512

TIME ARRIVED			ANY WATER A ADDITIONAL V	AL TERMS • ADDED V DDED IS AT CUSTOME WATER IS ADDED ON S NO LONGER GUARANT	ERS OWN RISK. IF BITE CONCRETE		AUTHO	SP Z	CUSTOMER
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OCK NO. 303 ROBERED SLUMP 100 THIS TOTA	NX:	3205	FRED TAHIN	PRO	INSTRUCTIONS ODUCT CRIPTION	UNIT	s	UNIT RATE	EXTENSION
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UCK No. 303 ROERED SLUMP 1.00 THIS TOTO DOCKET DELIVE	NX:	3205 TOTAL ORDERED	FRED TAHIM ORDER NO. 1r GOWER PRODUCT CODE	PR(DESC	ODUCT CRIPTION				EXTENSION
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WE THANK YOU FOR YOUR PATRONAGE UNITS DESCRIPTION UNIT PRICE TOTAL SALV WIRE TOTAL INCLUSIVE OF GST SA Globa Price K 058124	6 V	G.A. LANG & CO. Hardware Specialists IVIAN STREET, WELLINGTON — PHONE and 21 QUEEN STREET, UPPER HUTT — F	LTD. 859-485 (5 linee) 9-025	<u> </u>
UNITS DESCRIPTION UNIT PRICE TOTAL SALV WIRE TOTAL INCLUSIVE OF GST & Caloba Price K 058124	n —	CHSH			
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REFLINDS — This docket must be produced before any refund is given.		• •			

NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN 7 DAYS AND ACCOMPANIED BY THIS DOCKET

AI

GAST. REG. No. 46 - 107 - 187

A R R R A T A S

G.S.T. REG. No. 65.T. INCLUDED PRICE

S3-39 JOHNSONVILLE ROAD, WELLINGTON, 4

R.O. BOX 13081, JOHNSONVILLE ROAD, WELLINGTON, 4

R.O. BOX 13081, JOHNSONVILLE ROAD, WELLINGTON, 4

TAX INVOICE

CASH SALE

SALE

DATE

S. 100. BOX

S. 1. O. BOX

S. 1. O.

NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN
7 DAYS AND ACCOMPANIED BY THIS DOCKET

DR. 10

DR. TO

Annexure Schedule: Page: 50 of 55

NO CLAIMS OR RETURNS RECOGNISED UNLESS MADE WITHIN 7 DAYS AND ACCOMPANIED BY THIS DOCKET

CASH

VEHICLE REGISTRATION _

Received By.

OWHIRO BAY GUARRIES LTD

(P.O. Box 3501; Wellington) Ph. 837 745 SAL TASH.

G.S.T. REG No. 10-175-879

SALE TO

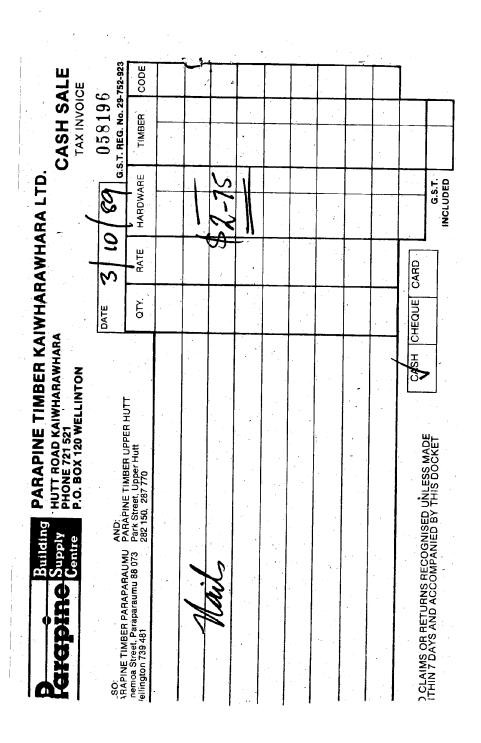
1596 NET GROSS TARE JOB.

CASH SALE

12-00 12-00 TOTAL Received 200 B SCOTTS 5 PLM 1 0BO 13 40mm BASECOURSE 16 DECORATIVE ROCK 16 QUARRY SPAULLS 13 CRUSHER DUST 14 SEALING CHIP 20mm DOWN 20 TRUCK HIRE SUPPLIED FROM 15 FORKINGS CEMENT 321 SUB BASE DRAINAGE G.S.T. Included HARDFILL 21 MESH 322 11 PREMIX 12 SAND 16 ROCK STEEL 11 CHIP 18 MISC 5 55 15

8 \mathcal{Q} ナビ 7-10-89 51072 Morthern Timber & Hardware Ltd. 353300HISONILEROAD P.D. BOX 13931, PHONE 1943, FAX72607 PLEASE RETAIN 1 c.ss 1 O EACh G.S.T. INCLUDED PRICE 152c DATE .. SZ FACH 33-39 JOHNSONVILLE ROAD, WELLINGTON, 4 P.O. BOX 13081, JOHNSONVILLE TEL. 784-809 Less 10% =1 CASH SALE HalfAcus G.S.T. REG. No. 13-310-424 HZ HETDE つるび、 Š

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Simon Meikle

AM

From: Donna McKenna <donna.b.mckenna@gmail.com>

Sent: Wednesday, 22 May 2019 6:50 PM

To: Simon Meikle

Subject: x3 pages- maybe of some assistance the fencing or lack of?

Aerial view with red line showing pathway from 11b Mairangi road, Wadestown Weilington. This Image also shows properties 11c east of red line and 13 and 15 west of red line have existing access to Mairangi road. Due to the dense foliage it is not easy nor practical to fence properties on the hillside.



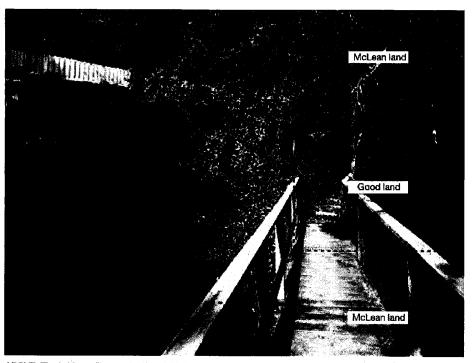


View south west

Fence between 11c and McLean's 11b Mairangi Road
Fenced off McLean land from 11c

McLean's foliage McLean's bridge

View south west



ABOVE: The bridge railing on the left of this image is the fence line of 11c and McLean boundary.

The dotted line shows the approximate land divisions.

BELOW: Visible is the surveyors peg. This pin points the 2.5 metre portion of the bridge on the Good land.

The Good land is not accessed by the neighbours. The dangerous drop into the gully plus the dense foliage acts as natural fence by it was not possible to photograph the boundaries of neighbouring properties of 13 and 15 because of the foliage dense cover.

