

Crown Pastoral Land Tenure Review

Lease name : Clayton

Lease number : PT 011

Due diligence report (including status report)

This report and attachments results from a pre tenure review assessment of the pastoral lease for the purpose of confirming land available for tenure review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

Part of the information relates to research on the status of the land, resulting in a status report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

Copied October 2002



LAND RESOURCES DIVISION

1st Floor, Public Trust Building
Cnr Church & Sophia Streets
PO Box 564
TIMARU
Telephone (03) 684-8340
Facsimile (03) 688-0407

File Ref: Pt 011.01 Clayton

07 December 1999

Commissioner of Crown Lands
Lambton House
PO Box 5501
WELLINGTON

Attention: Mr David Gullen

Dear Sir

CLAYTON PASTORAL LEASE: DUE DILIGENCE REPORT

Attached please find due diligence report for the above.

Yours faithfully
KNIGHT FRANK (NZ) LIMITED

R A WARD-SMITH
MANAGER - TIMARU

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Enc: Due Diligence Report

Copy to: Bob Lysaght, Land Information NZ, Private Bag 4721, CHRISTCHURCH

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Corporate Offices	International			
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Knight Frank (NZ) Limited MREINZ
(An LPL Group Company)

INTERNATIONAL PROPERTY CONSULTANTS

**DUE DILIGENCE REPORT
TO THE
COMMISSIONER OF CROWN LANDS**

KF REF: Pt 011.01 **LINZ REF:** **CASE NO:** 00/

LEASE NAME: Clayton
LESSEE: Clayton Farming Company Limited
LOCATION: Fairlie South Canterbury

DATE OF THIS REPORT: 19 November 1999

LEASE DETAIL:

Land Tenure: Pastoral Lease
Legal Description: Part Run 14, Part Section 1 SO 19589 and Section 1 SO 19631 "Clayton" situated in Block I Four Peaks and Blocks XI, XII, XV and XVI Fox and Blocks III and IV Opuha contained in Certificate of Title 529/13.
Area: 4,243.9645 hectares
Term: 33 years from 1 July 1984
Rental Value: \$85,000
Annual Rent: \$1,912.50
Date of Next Review: 1 July 2006
Stock Limit in Lease: 3,850 Sheep
 220 Cattle

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LAND STATUS REPORT SUMMARY

Land Status Report prepared by an approved person is appended, without supporting papers, which are held on file.

The report states that the land holding is Crown Land subject to the Land Act 1948. It is the balance pastoral lease held in Certificate of Title 529/13 pursuant to Section 66 and registered under Section 83 of the Land Act 1948. The lease is subject to a Land Improvement Agreement and to Part IVa of Conservation Act 1987 upon disposition. Minerals are owned by the Crown.

SUMMARY OF FEATURES FROM TOPOGRAPHICAL AND CADASTRAL DATA

Physical Description:

Located at the headwaters of the Opuha and Orari catchments 23 kilometres north of Fairlie. A true high country block of tussock country generally lying south experiencing extremely cold winters. The lease was reviewed in 1982 by the Land Settlement Board for reclassification resulting in 2,251 hectares being reclassified leaving the balance shown in pastoral lease, of which 754.9 hectares has been de-stocked under a Soil and Water Conservation Plan which together with a further 97 hectares of wetland is awaiting surrender.

Cadastral information indicates marginal strips applying to SO 19589 and SO 19631 both of which are in the process of being surrendered out of the lease and transferred to Department of Conservation. There still remains parts of the North Opuha and Orari River to which Part IV Conservation Act (Marginal Strips) may apply.

Boundaries for all practical purposes are fenced. This statement being particularly applicable following surrender of land to DOC as previously referred to.

A legal formed road, Lochaber Road, gives legal access to the pastoral lease. There is also a legal road on the true left of the North Opuha River, leading from Lochaber Road to the western boundary of the lease. Upon the latter route is situated the Fox Peak Skifield access road, the formation of which may at some points cross onto the Clayton Freehold. At the northern extremity of this access it traverses part of the pastoral lease for which an easement was prepared in 1984 but has to date not been registered. An unformed legal road along the Phantom River Valley gives legal access to the north-eastern corner of the pastoral lease and continues south-westward to connect with Part Section 1 SO 19589 which is to become Conservation land.

SUMMARY OF LEASE DOCUMENT (CT)

Legal Description reconciled with KF records. (Records amended)

Term of lease reconciles with KF records.

Area reconciled with Status Check area.

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Transfers and Transmissions Registered against the lease.

- 1 Lease issued in the name of Lachlan Patrick Mackenzie and Alistair Bains Simon Mackenzie with title registered 22 November 1951.
- 2 Transfer 626545 to Levels Estate Company Limited on 4 June 1964
- 3 No 794520 Change of Name of the Registered Lessee to Clayton Farming Company Limited on 27 April 1970

Encumbrances registered against the lease.

- 1 No 792295 Land Improvement Agreement under Section 30 of the Soil Conservation and Rivers Control Act 1941 registered on 7 April 1970
- 2 Part IVa of the Conservation Act 1987 upon disposition (notation pursuant to Section 58 Land Act 1948 on title)

Mortgages registered and not discharged

- 1 Mortgage 877076/1 to ANZ Banking Group registered 21 May 1990
- 2 Mortgage A78919/3 to Primary Industry Bank of Australia Limited registered 1 November 1993.
- 3 Mortgage A201633/2 to Rodney Nicholas Summers Cox and Gabrielle Mary Cox registered 26 October 1995.

Other References:

- 1 Number 626544 Certificate of Alteration varying the terms of the within lease registered 4 June 1964
- 2 Document 682862 Surrender of Rural Section 39412 containing 95 acres 1 rood 20 perch registered 25 May 1966
- 3 Document 330979/1 Certificate altering the within area to 6,495.2045 hectares registered 22 June 1981
- 4 Document 790733/1 Variation of the terms of the within lease extending the term 33 years commencing on 1 July 1984 registered 27 February 1989
- 5 Document 937226/1 Notice of Change of Appellation whereby the description of part of within land (2251.2400 ha) land is changed to Section 1 SO 18413 registered 31 May 1991
- 6 Document 997446/1 Partial Surrender as to Section 1 SO 18413 of 2,251.24 hectares registered 4 June 1992.
- 7 Document A301069/1 Change of Appellation whereby part of the within land (754.9000 hectares) is now known as Section 1 SO 19631 registered 6 June 1997
- 8 Document A309385.1 Gazette Notice (1997 Page 1786) declaring road adjoining or passing through the within land shall cease to be road and shall be deemed to be Crown Land subject to Land Act 1948 registered 25 July 1997.
- 9 Document A319341.1 Change of Appellation whereby part of the within land is known as Part Section 1 SO 19589 registered 26 September 1997.

DETAILS OF ANY NEIGHBOURING CROWN OR CONSERVATION LAND

To the north and east Ben McLeod Pastoral Lease and Dry Creek Pastoral Lease.

To the south at the Meikleburn Saddle and south of the road adjoining the pastoral lease, is Reserve 2476, which, on 4 September 1994 under Case 9926, the Land Settlement Board recommended revoking the reservation and disposing of it by amalgamating with Section 1 SO 18413 now contained in Certificate of Title 36A/261. This latter area was formerly in the pastoral lease and reclassified and disposed of to the lessee. No further action has been taken in relation to the reserve which is now under the administration of Department of Conservation.

Once the surrenders now in process have been completed, the lease will adjoin conservation land to the north.

To the west, a short length of the boundary abuts the North Opuha River where there is no marginal strip.

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FILE SEARCH**Details of File Search and Uncompleted Actions:**

File Ref: Pt 011 Volume I
Volume Opened: 1919
Closed: 1923

Folio 1
 14 March 1919 A memo to the Commissioner of Crown Lands from the Under Secretary recording notes from a deputation that waited upon the Minister of Lands on 27 January urging that a portion of Clayton Run leased to a Mr G I Hamilton, together with the freehold land owned by him should be acquired and subdivided for soldier settlement.

Folio 35
 8 May 1919 Commissioner of Crown Lands to Raymond, Raymond and Campbell, solicitors advising of approval of transfer from Hamilton to Messrs Morris, Dore, Moran and Lynch. Note the legal description is shown as Subdivision 2 of Run 14 Clayton.

Folio 49
 12 June 1920 Approval for the transfer of Lynch to the other existing partners.

Folio 89
 7 April 1923 Advice by the Commissioner of Crown Lands to Raymond, Raymond and Campbell solicitors for the licensees that the licence be extended for a term of 14 years to commence from 1 March 1938.

File Ref: Pt 011 Volume II
Volume Opened: 10 April 1923
Closed: 19 August 1963

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Folio 101
 22 June 1925 Transfer approved to L P and ABS Mackenzie.

Folio 214
 26 January 1951 Subdivision and transfer approved by Commissioner of Crown Lands. 22,400 acres to be transferred to R A and AC Beattie

Folio 216
 21 February 1951 Land Settlement Board Case No 2135 deals with the surrender, renewal and re-allocation of pastoral run licences being PR 503, Run 2 "Forks", and PR 390 Part Run 14 "Clayton". This gives effect to the previous Folio referred to above for the partial surrender and transfer. The Land Settlement Board determined that the land be held on pastoral lease, that 15,500 acres be leased to the Mackenzie Brothers (the then lessees).

The surrender of the present licence over Clayton be accepted as at 28 February 1951. The new rental to be £300 (\$600).

File Ref: Pt 011 Volume III
 File Opened: 13 September 1963
 File Closed: 22 January 1970 (Change in folio sequence noted)

Folio 292
 29 January 1964 Transfer to Levels Estate Company Limited being the Orbell Family of Levels.

Folio 157
 23 March 1966 The Commissioner of Crown Lands under Case 66/135 approves the subdivision of 95 acres 1 rood 20 perches being Lot 3 on DP 24411 and incorporation of the area into the adjoining renewable lease held by Mr A C Williams (See document 682862 registered on the title 25 May 1966).

Folio 173
 31 May 1966 Change of Appellation Lot 3 DP 24411 is changed to Rural Section 39412.

Folio 175
 2 February 1968 Approving the transfer of all the Orbell family shares to W A Orbell who was an existing shareholder. W A Orbell then became the sole shareholder. The company name was also changed to Clayton Farming Company.

File Ref: Pt 011 Volume IV
 File Opened: 5 February 1970
 File Closed: 30 March 1984

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Folio 196
 4 February 1970 Land Settlement Board Case No 8175 approved on 4 February 1970 the partial surrender and issue of Pastoral Occupation Licence. This was as the result of approval of a Soil and Water Conservation Plan whereby approximately 1,975 acres was to be retired from farming.

The Board accepted pursuant to Section 145 Land Act the surrender as at 30 June 1970 800 hectares with no reduction to rental. No change to stock limit. Survey is still to be completed, it is part of the schedule of surrenders.

Approved pursuant to Section 54 (1)(f) and 66(5) Land Act 1948 that Clayton Farming Company be offered a Pastoral Occupation Licence over the same area for a term of 21 years from 1 July 1970 at a nominal rent of \$10 per annum and at a nil stock limit. It also approved the reduction in the pastoral lease rent by \$10 with no alteration in stock limit.

Folios 202-205
 24 March 1970 Records AMF investigations.

Folio 208
11 February 1970 Copy of signed Run Plan Agreement

Folio 230
5 April 1976 Redefinition of the area as the result of latest topographical mapping changing the area to 6,234.0305 hectares. See SO 11998.

Folio 245
9 July 1979 Letter from Cowan and Holmes to Commissioner of Crown Lands regarding suggested right-of-way for the Fox Peak Skifield which is operated by the Tasman Ski Club.

Folio 275
22 June 1981 Certificate of Alteration registered changing the area to 6,495.2043 hectares.

Folio 283
29 September 1981 See also Folio 273. Land Settlement Committee approves partial reclassification. See also Folio 274 for Field Report.

Folio 293
8 February 1982 Copy of Land Settlement Board Case 82/4 approving reclassification. See also Folio 292

Folio 333
23 November 1982 A letter to the manager Clayton Farming Company advising him of the partial re-classification of the pastoral lease.

Folio 344
16 February 1984 Letter from Mayman Timpany & More forwarding consent to right-of-way easement over Crown Pastoral Lease and requesting the consent of the Commissioner of Crown Lands, and return of the documents in due course.

Folio 350
29 March 1984 Copy of Memorandum of Transfer to create the easement for Tasman Ski Club referred to in the folio above.

File Ref: Pt 011 Volume V
File Opened: 8 September 1983
File Closed: 17 April 1989

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Folio 378
4 September 1984 Case 9926, Land Settlement Board. This case dealt with the partial reclassification and issue of pastoral lease and renewable lease.

The LSB:

- Reiterated the surrender of 800 hectares. (see case 8175, folio 196)
- Proposed the surrender of a further 120 hectares for either management as retired Crown land or for sale to the adjoining owner. (It has however never resolved as to who would pay for survey and continues to be occupied by the adjoining owner)
- Reclassified 2195 hectares. (Action complete on this)
- Approved surrender of 110 hectares for a wetland. (This has been

actioned but awaiting completion of survey work due to legal unformed road closing)

- That the basic stock limit was to be determined. (While this has been done, there has been no variation to the lease to indicate such. Recommended base stock limit was 3,700 sheep and 200 cattle - see Folio 447)
- The legal road and the northern boundary was to be rationalised along the boundary fenceline. (This is still being carried out in conjunction with survey work. See uncompleted actions)
- The boundary in the south-west corner to be re-aligned to the existing fence with the land so excluded to be taken as Section 58 Land Act. (No action has been taken on this.)
- The Commissioner was to give consideration to revoking Reserve 2476 and incorporating into the area reclassified and freeholded. (Survey Plan indicates this was not done. Probably does not matter now)
- INCOMPLETE
- Documents for surrender have been forwarded to Lessee for signature. Not yet returned.

Folio 388

3 April 1985

Letter from Mayman Timpany More re Tasman Ski Club transfer of right-of-way easement. Requesting that alterations be initialled and document returned to them as soon as possible.

Folio 391

11 June 1985

Further letter from Mayman Timpany More re Tasman Ski Club. Copy of easement plan below this folio.

Folio 394

24 June 1985

Letter Commissioner of Crown Lands to Petrie Mayman Timpany & More re Tasman Ski Club. This letter asks for three additional clauses to be put in the agreement.

Folio 400

7 August 1985

Letter from Mayman Timpany & More re Tasman Ski Club. Asking for the Commissioner's acceptance of the transfer for the easement subject to any alteration of legal description to the Crown leasehold. Copy of the Memorandum of Transfer is shown under signed by the Deputy Assistant Commissioner of Crown Lands.

Folio 401

18 September 1985

Request for drafting work. Underneath are good plans of proposals for the various actions on Clayton.

Folio 402

2 October 1985

Formal offer of renewal of lease together with letter. Sets out the various conditions as approved by the Land Settlement Board.

Folio 409

18 October 1985

Letter from Commissioner of Crown Lands to Petrie Mayman Timpany & More re Tasman Ski Club. Advises that the Department accepts the Memorandum of Transfer in its amended form provided at the time of registration it conforms with the appellation given to the Crown Pastoral

- Lease. Does not advise as to whether the copy of the document was enclosed or not.
- Folio 410
23 October 1985 Lessee applies for a re-hearing.
- Folio 416
3 November 1985 Land Settlement Board under Case 10111 grants a re-hearing and requests the commissioner of Crown Lands Christchurch to undertake negotiations and further requests the Commissioner of Crown Lands investigate as part of his further negotiations, all aspects of this case including the matter of compensation and that he report his findings back to the Board.
- Folio 419
23 December 1985 Letter from Commissioner of Crown Lands to Gresson McKenzie Wallace & Co in response to the Land Settlement Board request clarifying issues of the renewal of lease, surrenders and freeholding.
- Folio 439
12 June 1986 Memo from Commissioner of Crown Lands to Director-General Head Office reporting on agreement reached with the lessee regarding compulsory freeholding which supports the letter sent to the lessee.
- Folio 468
29 January 1988 Letter from Petrie Mayman Timpany & More re Fox Peak Skifield and Tasman Ski Club. They were requesting reference to the new title so as they could register the easement.
- Folio 469
14 April 1988 Letter to Petrie Mayman Timpany & More advising that the leasehold title has not been renewed and they would be advised as soon as the renewal is registered.
- INCOMPLETE
- Folio 476
18 April 1988 Copy of advice of land transactions. Sets out values for the various transactions, lists sum of \$24,155 having been allowed as compensation for the 110 hectares wetland to be applied as rental credit. Stock limit to be shown in lease 3,700 Sheep and 200 Cattle.
- Folio 500
2 February 1989 Advice to Trustees Executors that the pastoral lease was lodged for registration on 26 January 1989.
- Folio 504
16 February 1989 Letter from Department of Lands to Department of Conservation Christchurch setting out terms of the transfer of wetland.
- Folio 506
9 March 1989 Letter to Trustees Executors enclosing copy of lease document together with a copy of the renewal certificate of registration being document no 790733/1 which was registered 27 February 1989. (Note it does not show variation of stock limit).

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File Ref: Pt 011 Volume VI
File Opened: 17 April 1989
File Closed: October 1992 (note last correspondence is dated 24 June 1992)

Folio 484
29 May 1989 Sets out the costs and values for the area which has been re-classified and is being offered on renewable lease or freeholding. The lessee's acceptance is attached accepting the values determined for freeholding.

Folio 496
1 November 1989 Lessee accepts values for area remaining on pastoral lease and has signed letter on 3 November 1989.

Folio 509
9 February 1990 Letter from Department of Survey and Land Information advising that the acting Director-General of Lands had approved pursuant to Section 54(1)(f) of the Land Act 1948 the disposal of Part Run 14 "Clayton" containing 2,195 hectares (subject to survey) to Clayton Farming Company Ltd subject to the area being surrendered from the pastoral lease and payment of fees of \$204.30.

Folio 515
20 February 1990 Letter to Clayton Farming Company setting out re-classification of freeholding together with settlement statement.

File Ref: Pt 011 Vol VII
File Opened: October 1992
File Closed: Current file

Folio 580
3 March 1995 Lessee accepts values for review of pastoral lease rental

Folio 592
2 September 1999 Copy of letter dated 8 June 1999 from KF to the lessee advising the decision of the Commissioner of Crown Lands to grant consent to various minor activities.

This is the current file that remained open at the time of file search as at 30 November 1999.

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FILES HELD BY LAND INFORMATION NEW ZEALAND

File Ref: Land Information NZ File
CPL 0410-12676 Volume 1

Opened: 1 March 1997
Not closed

Related Files: DOSLI: 5200-D13-C05 CPS: CPL 11/676

A very small file comprising entirely of matters contained in the pastoral lease file held by Knight Frank (NZ) Ltd.

File Ref: LDS/3/16-WCH-01

Opened: 1 January 1990

Closed: 25 June 1992

- Folio 6
30 January 1990 Approval under Case 90/6 dated 23 January 1990 to the disposal of the area reclassified on Clayton.
- Folio 8
19 June 1991 Letter from Landcorp to DOSLI. Requests disposal under Section 116 Land Act 1948. Note pinned to the Folio refers to prior correspondence on File 6275-07-07-04 at Folios 3, 23a, 25.
- Folio 9
27 June 1991 Letter from DOSLI to Landcorp setting out terms of partial reclassification and freeholding. Could see no reason why title could not be issued pursuant to Section 116 Land Act 1948. Sale price \$127,500 cash subject to the area being surrendered from the pastoral lease, payment of fees of \$204.30, proceeds of sale payable to Lands (now DOSLI). The survey had been completed and was shown on SO 18413.
- Folio 10
6 September 1991 Letter from Landcorp solicitor to DOSLI disputing some of the actions carried out by Lands and who had legal authority. Does not affect eventual freeholding issues.
- Folio 13
30 October 1991 Letter from Office of Crown Lands to District Manager, DOSLI, in Christchurch, clarifying the situation of the process of issuing title for the reclassified area. Process is to issue renewable lease and then Landcorp would deal with freeholding.
- Folio 15
30 April 1992 Letter from Landcorp to DOSLI Christchurch. C D Mouat, solicitor for Landcorp still requiring clarification on process and suggesting issue by way of Section 116 Certificate would be the simplest and requesting and answer as soon as possible.

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Folio 18

28 May 1992

Memo from Commissioner of Crown Lands to District Manager, Christchurch
 "... the Crown has not appropriately dealt with a number of issues to date ...
 ... there is a potential for litigation against the Crown and not Landcorp ...
 if the District Land Registrar accepts the position that Part IVA of the
 Conservation Act need not apply in the circumstances then issue a Section 116
 Certificate. If not, issue a renewable lease and proceed from there."

(No Separate Folio No)

Under Folio 20

3 June 1992

Letter from DOSLI to District Land Registrar enclosing Certificate pursuant to
 Section 116 Land Act and partial surrender of lease for Section 1 SO 18413.
 Also advising that at date of entitlement on the Section 116 Certificate, predates
 the coming into force reservations relating to Conservation Law Reform
 Amendment Act 1990 and the Crown Minerals Act 1991.

Folio 20

24 June 1992

Letter from DOSLI to Landcorp attaching outstanding duplicate copy of CT
 36A/261 and CL529/13. This concludes the action of partial surrender of the
 pastoral lease and freeholding to Clayton Farming Company Limited. The area
 shown on the title is 2251.2400 hectares being Section 1 SO 1843. Date of
 issue is 4 June 1992. The freehold tenure is from 26 February 1990.

Folio 20 is the last action on the file. All folios listed above have been marked on the file by a red flag.

File Ref: 35/28/10
Opened: 7 February 1991
Closed: 25 November 1998

This file was searched and there are no matters relating to the Clayton pastoral lease on the file.
 Relates to Clayton Road south of the subject property.

File Ref: CPLO410-12676
Opened: 1 March 1997
File remains open
Last entry: 23 June 1999

Contains matters relating to the tenure review and consents under the Crown Pastoral Land Act 1998.
 All matters are on pastoral lease files held by Knight Frank (NZ) Ltd and the only matter still under
 action is the tenure review.

File Ref: LINZ FILE 5200-D13-C05
Opened: 30 April 1992
Closed: 12 August 1996

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There are no matters on this small file which are not on other files searched.

SUMMARY OF ANY GOVERNMENT PROGRAMMES APPROVED FOR THE LEASE

A Land Improvement Agreement registered as No 792295 under Section 30 of the Soil Conservation and Rivers Control Act 1941. The agreement was made on the 11th day of February 1970 and covers both freehold and leasehold land. The works include windbreak planting, cattle-proofing of fences, conservation fencing, and grant fencing. Of particular significance was the retirement from sheep grazing of 1,975 acres, more or less (800 hectares). This area has now been defined as Section 1 SO 19631 containing 754.9 hectares. The area is in the process of being surrendered from the lease.

UNCOMPLETED ACTIONS AND POTENTIAL LIABILITIES TO THE COMMISSIONER

1 Under Land Settlement Board Case No 9926 of 4 September 1984, the following actions are not complete:

- (a) The Commissioner was to give consideration to revoking Reserve 2476 and incorporating it into the area reclassified and freeholded. This area is now under the administration of Department of Conservation. Following the split up of the former Department of Lands and Survey, it could be deemed that under the allocation of land that consideration has already been given to the area. The matter however is brought to the attention of the Commissioner.
- (b) The case reiterated the surrender of 800 hectares, now Section 1 SO 19631 containing 745.9 hectares. Documentation on this has been prepared and forwarded to the lessee for signature. The solicitor for the lessee recently contacted this office to follow up the matter.
- (c) There was a proposal to surrender a further 120 hectares for either management as retired Crown Land or for sale to the adjoining owner, who was occupying the land. It was never resolved who would pay for survey and continued to be grazed by default by the adjoining owner. This area has been identified by Department of Conservation as having inherent values and should be dealt with under the tenure review process.
- (d) Surrender of 110 hectares for a wetland. Survey has now been completed on this with the appellation being Part Section 1 SO 19589, containing 96.0280 hectares. The Status Check has revealed that a length of road which terminates in Section 1 SO 19589 (part of which is to be surrendered out of the lease) has been closed and gazetted as Crown Land shown as Area A on SO 19347. This area of Crown Land should be incorporated into the pastoral lease prior to registration of the surrender of Section 1 SO 19589, which includes the whole area of 97.65 hectares, (PL to surrender and closed road). **AN INSTRUCTION SHOULD BE ISSUED BY LINZ TO INCORPORATE THE CLOSED ROAD.**
- (e) The variation to base stock limit has not been registered against the lease. Commissioner set stock limit at 3,700 Sheep and 200 cattle (see folio 476)
- (f) A condition of lease renewal was that the legal road at the northern boundary of the lease be rationalised along the boundary fence line, and existing internal subdivision to the North Opuha River. Perusal of the Land Settlement Board case indicates under the Field Officer's report that the road line and boundary referred to is that shown from the Phantom River leading south-west over a low saddle to the proposed DOC wetland being Section 1

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SO 19589. The fence line appears to be more or less on the legal boundary, but could only be determined precisely by survey. The legal road, as can be seen on the plan, does not follow this boundary and I believe that the suggestion by the Field Officer was that the legal road be aligned beside the legal boundary rather than following its present meander pattern through two adjoining leases. It appears from the lessee's comments at the time that had it not been for the fence being renewed in 1980, he would have considered a boundary rationalisation, but was not prepared in view of the work done on the fence to entertain rationalisation. There appeared to be a possible different interpretation of the intent.

There is little practical benefit in making this adjustment to a little-used route, where the existing vehicle track is unlikely to follow either route over its entirety. The matter should be dealt with under normal course of tenure review.

- (g) That the boundary in the south-west corner be re-aligned to the existing fence with the land so excluded taken as a Section 58 strip. This has not been actioned. The tenure review process will identify and lay off marginal strips as required, therefore it would appear that no further action is required in relation to marginal strips prior to a tenure review.

Comment:

Although the lessee applied for a rehearing when the offer for lease renewal was made, it did not affect any of the above matters. The re-hearing was on the grounds of the Board requiring compulsory freeholding of the area of land re-classified. That matter was eventually resolved and the lessee has since freeholded the land re-classified.

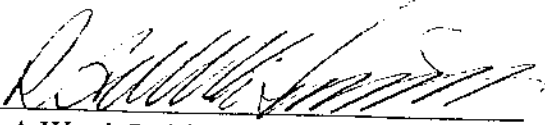
- 2 Tasman Ski Club Right-of-Way easement. The Tasman Ski Club were to be granted a right-of-way easement over the sou-west corner of the pastoral lease from the end of the legal road to give access to the Fox Peal Ski Field. This easement has never been registered against the lease. On 18 October 1985 at Folio 409 the Commissioner of Crown Lands states: "*I can now confirm that the Department accepts a Memorandum of Transfer in its amended form provided at the time of registration that conforms with the appellation given to the Crown Pastoral Lease.*" Last correspondence 14 April 1988, Folio 469, advising solicitors that they would be advised as soon as renewal is registered.

SUMMARY

We are satisfied we have fulfilled our duty of reasonable care, using the information we have available, to inform the Commissioner of all incomplete action and potential liabilities concerning the above named lease. No inspection of the lease has been undertaken.

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Signed for Knight Frank (NZ) Limited



R A Ward-Smith
Manager, Timaru

7 / 12 / 99

GL Holgate

/ /

Approved/Declined

Commissioner of Crown Lands

/ /

ATTACHMENTS:

- (1) Recent title search for each title considered
- (2) Full list of information sources considered
- (3) Land Status Check report from qualified person

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ATTACHMENT 2

List of Information Sources Considered.

- Pastoral Lease files held by Knight Frank (NZ) Ltd, Timaru
- Status Check and attachments which included searches of Land Information New Zealand files
- Title
- 31 years personal knowledge

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PASTORAL LEASE STATUS CHECK

CLAYTON STATION

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*an accomplished work,
a creation, an achievement*

4 November 1999

10 NOV 1999
RECEIVED



DM:JP

Pt O11

Geoff Holgate
Knight Frank (NZ) Ltd
P O Box 142
CHRISTCHURCH

S
Project Plan 1
3.3

Dear Geoff

PASTORAL LEASE STATUS CHECK REPORT - CLAYTON STATION (Pt O11)

Attached is your copy of the Clayton Station Status Check Report (including the supporting plans) now that the Chief Surveyor has certified it correct.

Yours sincerely

Don McGregor
For Property Manager

Encls

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**APPENDIX A – LAND STATUS REPORTS
and supporting plans**

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Project Number G002-53SR-006YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50176 dated 23 September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Clayton Station		LIPS Ref 12676
Property	1	of 3

Land District	Canterbury
Legal Description	Part Run 14, Part Section 1 S.O.19589 and Section 1 S.O. 19631 situated in Block I Four Peaks and Blocks XI XII XV and XVI Fox and III and IV Opuha Survey Districts.
Area	4243.9645 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease*	Balance Pastoral Lease 529/13 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	Subject to: 1. Land Improvement Agreement No. 792295 under Section 30 of the Soil Conservation and Rivers Controls Act 1941. 2. Part IVA of the Conservation Act 1987 upon disposition. 3.
Mineral Ownership	Mines and minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1948 Kemp Purchase.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	3/11/99
[Certification Attached]	Yes

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OFFICIAL INFORMATION ACT

Prepared by	Don McGregor
Crown Accredited Agent	Opus International Consultants Ltd, Christchurch

Notes : This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage : See Crown Pastoral Standard 6 paragraph 6.	1. In 1984 the Crown executed a Memorandum of Transfer granting to the Tasman Ski Club Incorporated a Right of Way appurtenant to Lot 2 DP 44291 over Areas C and D on DP 44291. The easement was not registered at that time pending renewal of the lease and has since been overlooked. The executed document would need to be redrafted
---	--

(because of adjustments to the lease since renewal) or re-created on any disposition of the subject land.

2. CL 529/13 contains a notation for Section 58 strips to be excluded from the lease. SO 11998 similarly noted Section 58 of the Land Act was to apply and, on consideration of lease renewal in 1984, the Land Settlement Board approved that the Crown retain the right to apply the Section 58 provisions (now marginal strip under Sections 24(3) of the Conservation Act 1987).
SO 19631 indicates that marginal strips pursuant to Section 24(3) of the Conservation Act 1987 extend along and abut all streams and rivers over 3 metres in width within or abutting Section 1.
The marginal strips remain 'notional' pending their definition upon disposition.
3. The Land Settlement Board under Case No. 8175 dated 4 February 1970 approved acceptance of the surrender of 800 ha of retired land. Under Case No. 9926 of 4 September 1984 in considering the reclassification of part of the run, among other things, reiterated surrender of the 800 ha (Section 1, SO 19631-754.9000 ha) and 110 ha (now Section 1, SO 19589-97.6500 ha) for wetland and access.
These areas should now be formally surrendered and set apart for conservation purposes under the Conservation Act 1987/reserved and classified under the Reserves Act 1977 respectively.
4. Approval was also given under Case No. 9926 to accept surrender of a further 120 ha for retirement or sale to the adjoining owner, who still occupies this area. **Tenure Review presents the opportunity for rationalisation of this occupation.**
5. It is noted that there are unformed legal roads crossing parts of the property, some of which conform to formed vehicle tracks. **While this provides legal access to the wetland at Section 1, SO 19589, the possibility of transfer of this road to the Crown (or parts thereof) for incorporation into the property in exchange for an access easement on a practical route should be investigated.**

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Research Data: Some Items may be not applicable

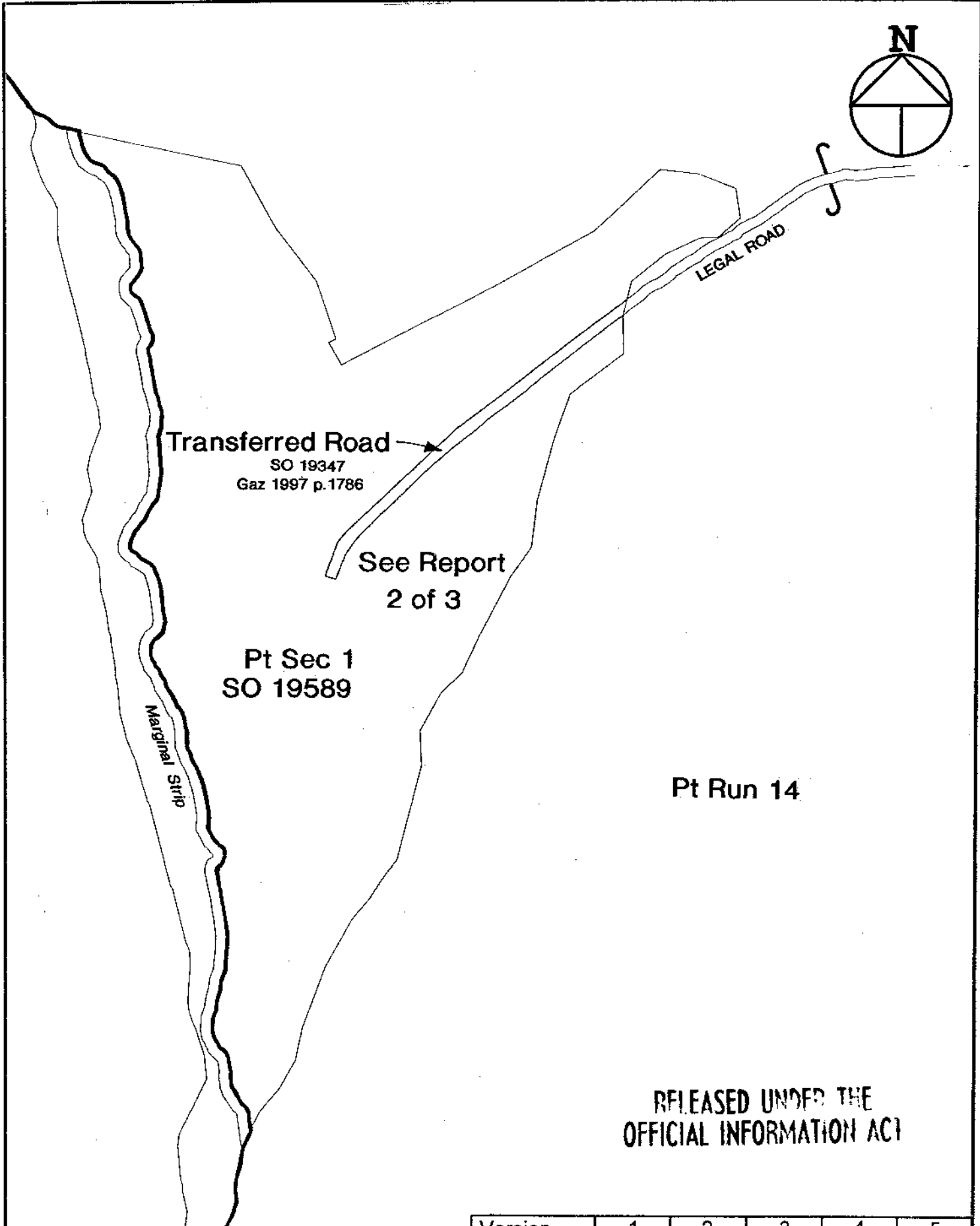
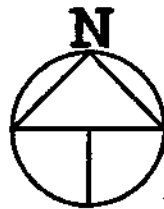
SDI Print Obtained	Yes
NZMS 261 Ref	J36/J37
Local Authority	Mackenzie District Council
Crown Acquisition Map	Kemps Deed
SO Plan	<p>SO 11998 (approved 30/3/1976) Plan defining Parts Run 14</p> <p>SO 18413 (approved 31/1/1991) Plan defining Section 1 (reclassified and freeholded - CT 36A/261)</p> <p>SO 19589 (approved 8/8/1997) Plan of Section 1 (area to be surrendered to enable setting apart for conservation purposes).</p> <p>SO 19631 (approved 27/5/1997) Plan of Section 1 (area to be reserved)</p>
Relevant Gazette Notices	NA
CT Ref / Lease Ref	Balance Pastoral Lease 529/13 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Legalisation Cards	NA
CLR	Confirms Pastoral Tenure.
Allocation Maps (if applicable)	<p>Searched and extracts of allocation map - DOC (SO's 17113 and 17114) and SOE (SO's 17062 and 17063) attached. Only allocation is to DOC - J37-3 - over marginal strips along North Opuha River on the western boundary.</p> <p>No allocation to SOE's.</p>
VNZ Ref - if known	VR 25290/12300
Crown Grant Maps	NA
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	<p>a) See notes above. Section 58 (marginal strip under Section 24(3) Conservation Act 1987).</p> <p>b) 8/8/1997</p> <p>c) SO 19589</p>

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Research – continued

If Crown land – Check Irrigation Maps.	NA
Mining Maps	NA
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc	a) SO Plan, 11998 denotes the roads intersecting and abutting Run 14 coloured burnt sienna are legal roads under Section 110A Public Works Act 1928 (now Section 43(1) (d) Transit New Zealand Act 1989. Topo plans 12T, 15T and 47T sighted confirm this. b) Proc Plan NA c) Gazette Ref NA
Other Relevant Information a) Concessions – Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info	a) No current DOC concessions. While no land is formally part of the Conservation Estate, two areas of Clayton Station are identified for surrender. Section 1, SO 19631 (754.9000 ha) is to be set apart for conservation purposes and Section 1, SO 19589 (97.6500 ha) is to be reserved (wetland area). Copy of DOC letter attached. Existence of any concessions administered by Knight Frank not determined. b) Searched NA. c) Either <input type="checkbox"/> Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase. <input type="checkbox"/> Contained in [provide evidence]. d) NA

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Transferred Road
SO 19347
Gaz 1997 p.1786

See Report
2 of 3

Pt Sec 1
SO 19589

Marginal Strip

Pt Run 14

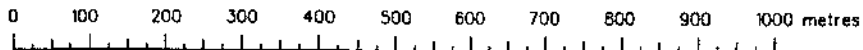
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OFFICIAL INFORMATION ACT

Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District					Sheet 2 of 3
Topographic Map 260 - J36 & J37					Date 6/10/99

Clayton Station

Scale 1:10000



**OPUS INTERNATIONAL CONSULTANTS LIMITED
CHRISTCHURCH OFFICE**

APPENDIX A

Project Number : G 002 - 53SR - 006 YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No : 50176 dated 23 September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Clayton Station				LIPS Ref 12676
Property	3	of	3	

Land District	Canterbury
Legal Description	Reserve 2496, situated in Block IV, Opuha Survey District.
Area	2.0234 hectares.
Status	Gravel Pit Reserve by N.Z. Gazette 1880 p.1569.
Instrument of title / lease	N.A. Reserve not vested or held under appointment to control and manage
Encumbrances	N.A.
Mineral Ownership	Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase.
Statute	Reserves Act 1977.
Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.	The Land Settlement Board by Case No 9926 of 4 September 1994 approved, among other things, that the CCL consider the possibility of revoking the reservation and, given that freeholding proceeded, sale for amalgamation with CT 36A/261 (Section 1, S.O. 18413).

Data Correct as at	3 November 1999
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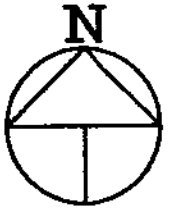
Prepared by	Don McGregor
Crown Accredited Agent	Opus International Consultants Ltd, CHRISTCHURCH

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OFFICIAL INFORMATION ACT

Research – continued

If Crown land – Check Irrigation Maps.	N A
Mining Maps	N.A.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc.	a) S.O.2596 by Transfer 30932 S. a) Proc. Plan c) Gazette Ref
Other Relevant Information a) Concessions – Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info	a) N.A b) N A. c) Either <input type="checkbox"/> Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase. On disposition the Crown would be free to invoke the standard mineral restrictions. <input type="checkbox"/> Contained in [provide evidence]. d) N.A.

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Pt Run 14

LEGAL ROAD

See Report 3 of 3

RES 2476
2.0204
Gravel PK
Gas 1928 p 1569

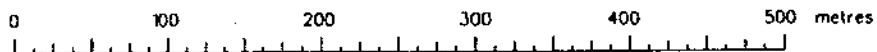
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OFFICIAL INFORMATION ACT

Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District					Sheet 3 of 3
Topographic Map 260 - J36 & J37					Date 6/10/99

Clayton Station

Scale 1:5000



APPENDIX B – LAND STATUS REPORT
(Certified Correct by Chief Surveyor)

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OFFICIAL INFORMATION ACT**

CERTIFICATION

Report to the Chief Surveyor, Christchurch, for a certification of a Status Investigation in respect to CLAYTON Station.

1. Donald McGregor, Property Consultant, Opus International Consultants Ltd, certifies that the status report enclosed for certification is in order for signature.
2. In giving this certification, Donald McGregor, Property Consultant, Opus International Consultants Ltd, undertakes that the status report has been completed in compliance with all relevant policy instructions and in particular, OSG Standard 1999/05 and the Regulatory Chiefs' Land Status Investigations Guidelines 1999/01.



D McGregor
Opus International Consultants Ltd
8 October 1999

g:\don\pl stat cert clayt.doc

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OFFICIAL INFORMATION ACT

Project Number : G 002 - 53SR - 006 YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No : 50176 dated 23 September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Clayton Station		LIPS Ref 12676
Property	2	of 3

Land District	Canterbury
Legal Description	Part Section 1, S.O.19589 (formerly Area A on S.O. 19347).
Area	1.6620 hectares.
Status	Crown land subject to the Land Act 1948 by N.Z. Gazette 1997 p.1786.
Instrument of title / lease	No instrument or Lease.
Encumbrances	Subject to Part IVA of the Conservation Act 1987 upon disposition.
Mineral Ownership	Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	3 November 1999
[Certification Attached]	Yes

Prepared by	Don McGregor
Crown Accredited Agent	Opus International Consultants Ltd, CHRISTCHURCH

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage. See Crown Pastoral Standard 6 paragraph 6.	This area was formerly unformed legal road By N.Z. Gazette 1997 p.1786 the area was transferred to the Crown subject to the Land Act 1948 for incorporation into Clayton to facilitate the reservation of Section 1, S.O. 19589 subject to the Reserves Act 1977.
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**RELEASED UNDER
OFFICIAL INFORMATION**

Project Number : G 002 - 53SR - 006 YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No : 50176 dated 23 September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Clayton Station				LIPS Ref 12676
Property	1	of	3	

Land District	Canterbury
Legal Description	Part Run 14, Part Section 1 S.O.19589 and Section 1 S.O. 19631 situated in Block I Four Peaks and Blocks XI XII XV and XVI Fox and III and IV Opuha Survey Districts.
Area	4243.9645 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Balance Pastoral Lease 529/13 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	Subject to: 1. Land Improvement Agreement No. 792295 under Section 30 of the Soil Conservation and Rivers Controls Act 1941. 2. Part IVA of the Conservation Act 1987 upon disposition.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	11 October 1999
[Certification Attached]	Yes

Prepared by	Don McGregor
Crown Accredited Agent	Opus International Consultants Ltd, CHRISTCHURCH

Certification:

Pursuant to section 11(1)(d) of the Survey Act 1986 and acting under delegated authority of the Surveyor - General pursuant to section 11(2) of that act, I hereby certify that the land described above is Crown Land subject to the Land Act 1948.

R. Moulton

Date: 15/10/1999

R Moulton, Chief Surveyor
Land Information New Zealand, Christchurch

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Research Data: Some Items may be not applicable

SDI Print Obtained	No
NZMS 261 Ref	J37
Local Authority	Mackenzie District Council
Crown Acquisition Map	Kemps Deed
SO Plans	<p>S.O. 19347 - (approved 11/01/1995) – Plan of Road – to be transferred.</p> <p>S.O. 19589 - (approved 08/08/1997) – Plan of Section 1 – subject area underlying.</p>
Relevant Gazette Notices	NZ Gazette 1997 p.1786 (transferred the unformed legal road to the Crown).
CT Ref / Lease Ref	No instrument of title or Lease.
Legalisation Cards	Confirms land to be Crown land.
CLR	N.A.
Allocation Maps (if applicable)	N.A.
VNZ Ref - if known	N.A.
Crown Grant Maps	N A
<p>If Subject land Marginal Strip :</p> <p>a) Type [Sec 24(9) or Sec 58]</p> <p>b) Date Created</p> <p>c) Plan Reference</p>	<p>a) N.A.</p> <p>b) N A</p> <p>c) N A</p>

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OFFICIAL INFORMATION ACT**

Research – continued

LAND STATUS REPORT for Inverary Station

LIPS Ref 12676

Property 2 of 3

If Crown land – Check Irrigation Maps.	N A
Mining Maps	N.A.
<p>If Road</p> <p>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</p> <p>b) By Proc.</p>	<p>a) S.O. Plan N A</p> <p>b) Proc.Plan N A</p> <p>c) Gazette Ref N A</p>
<p>Other Relevant Information</p> <p>a) Concessions – Advice from DOC or Knight Frank.</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Info</p>	<p>a) N.A</p> <p>b) N A.</p> <p>c) Either</p> <p><input type="checkbox"/> Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase. This area was formerly road by Section 110A of the Public Works Act 1928. That being the case the minerals have always deemed to have been in the Crown's ownership and the transfer of the road to the Crown reflected this. On disposition the Crown would be free to invoke the standard mineral restrictions.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d) N.A.</p>

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**COMPUTER INTEREST REGISTER
UNDER LAND TRANSFER ACT 1952**



R.W. Muir
Registrar-General
of Land

Search Copy

Identifier **CB529/13**
Land Registration District **Canterbury**
Date Registered 22 November 1951 10:29 am

Part-Cancelled

Type	Lease under s83 Land Act 1948	Term	33 years commencing on the first day of July 1951 and renewed for a further term of 33 years commencing on 1.7.1984
Area	6495.2045 hectares more or less		

Legal Description Part Run 14, Part Section 1 Survey Office Plan 19589 and Section 1 Survey Office Plan 19631

Proprietors
Clayton Farming Company Limited

Interests

Subject to Section 8 Coal Mines Amendment Act 1950

Subject to the reservation to the lessor of the power to grant coal mining rights over the land under Part I of the Coal Mines Act 1925

626544 Certificate of Alteration varying the terms of the within lease - 4.6.1964 at 1.40 pm

792295 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 - 7.4.1970

790733.1 Variation of the terms of the within lease and extension of the term to 33 years commencing on the 1st day of July 1984 - 27.2.1989 at 11.20 am

997446.1 Partial Surrender of Lease as to Section 1 Survey Office Plan 18413 (2251.2400ha) - 4.6.1992 at 2.15 pm

A78919.3 Mortgage to (now) Rabobank New Zealand Limited - 1.11.1993 at 11:58 am

A32195.1 Variation of Mortgage A78919.3 - 14.10.1997 at 2.20 pm

A471579.1 Variation of Land Improvement Agreement 792295 - 25.8.2000 at 2.17 pm

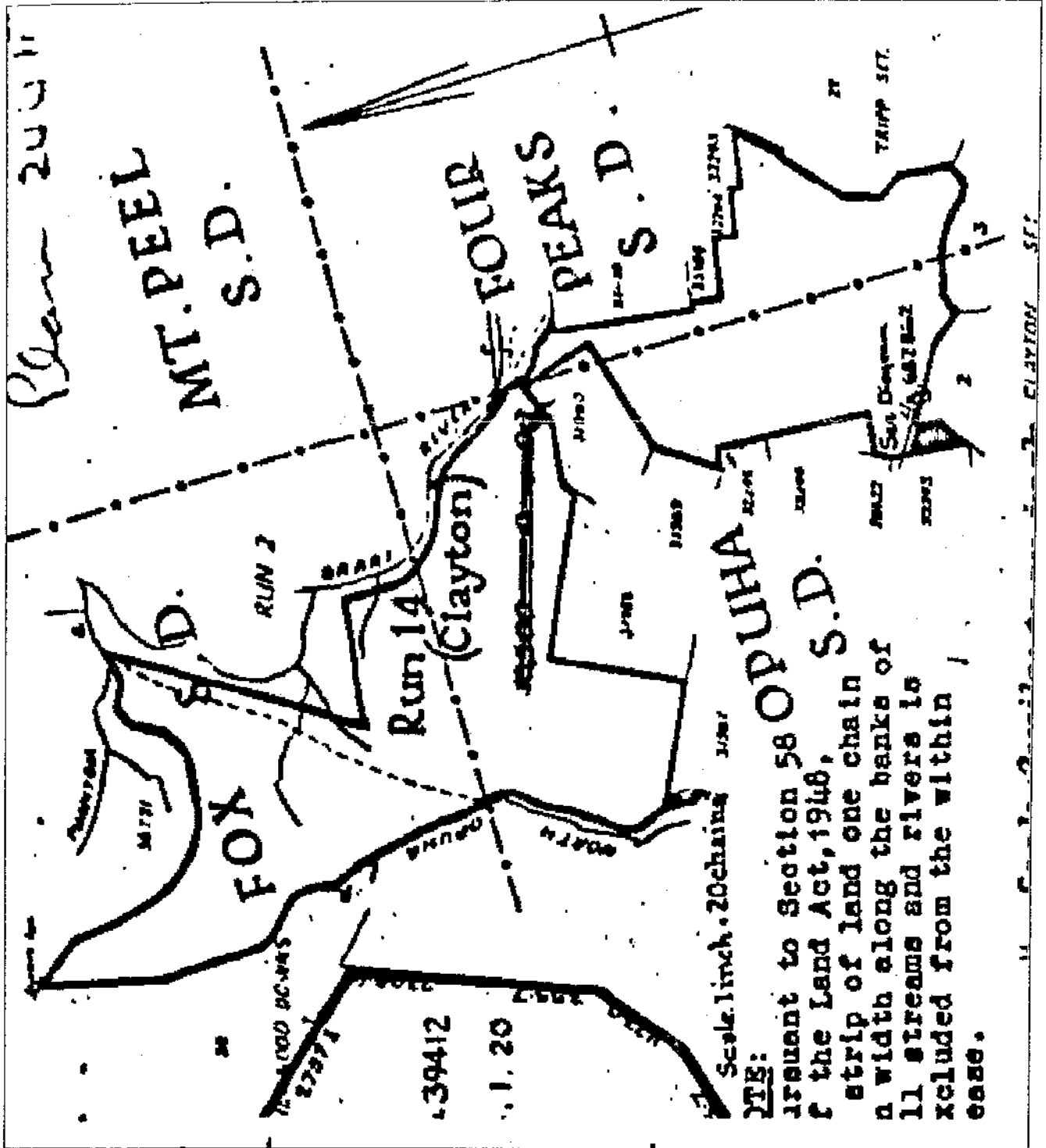
5014347.2 Transfer creating the following easements in gross - Produced 12.12.2000 at 9:50 am and Entered 2.3.2001 at 3.31pm

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Right of way	Part Run 14 - herein	C and D Deposited Plan 44291	Fox Peak Ski Club Incorporated	N/A

5050932.3 Variation of Mortgage A78919.3 - 19.6.2001 at 2:12 pm

5050932.4 Partial Surrender of Lease as to Part Section 1 SO 19589 (96.0280ha) and Section 1 SO 19631 (754.9000ha) - 19.6.2001 at 2:12 pm

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529/13
NOV 1957

Part Pastoral License No. 390.
Issued as a Renewal of former license for lease
registered in Vol. 100

NEW ZEALAND
CANTERBURY
LAND DISTRICT

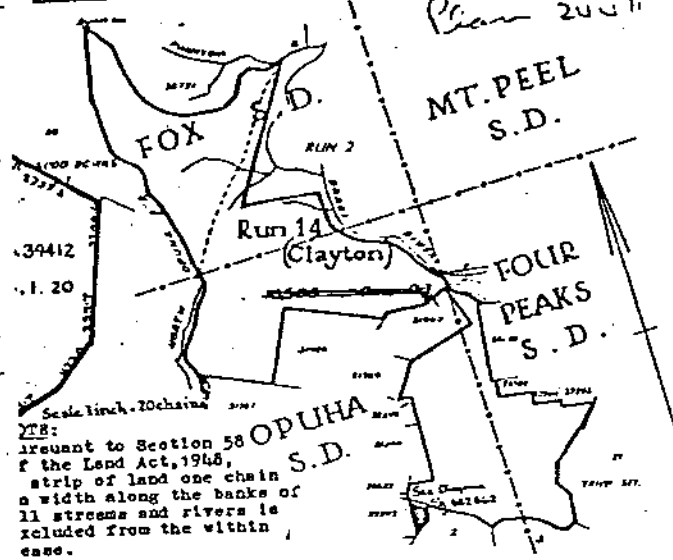
Entered in the Register-book, Vol. 100, fol. 529/13
the 27th day of November 1957

Area 15500 . 0 . 00
An Equal Part: 95 . 1 . 20 c/a 68282

Pastoral Lease of Pastoral Land under the Land Act, 1948
P. No. 11.



This Deed, made the 18th day of March 1957, between HIS MAJESTY THE KING (who, with his heirs and successors, is hereinafter referred to as "the Lessee"), of the one part, and PATRICK MACKENZIE and ALISTER EAIN SIMON MACKENZIE (both of Peirle Sheepfarmers) (who, with their executors, administrators, and permitted assigns, are hereinafter referred to as "the Lessor"), of the other part, WITNESSETH that, in consideration of the covenants, conditions, and agreements herein contained or implied and on the part of the Lessor to be paid, observed, and performed, the Lessee doth hereby demise and lease unto the Lessor that piece or parcel of land containing by admeasurement Fifteen thousand five hundred (15,500) acres more or less, together with the buildings, a little more or less, situated in the Land District of Canterbury, and being Survey Districts



(hereinafter referred to as "the said land"), as the same is more particularly delineated in the plan drawn hereon and therein endorsed and in outline; together with the rights, easements, and appurtenances thereto belonging. TO HOLD the said premises demised and leased unto the Lessee for the term of thirty-three years, commencing on the first day of July one thousand nine hundred and fifty-one together with the period between the date of this lease and the aforesaid first day of July 1951 and paying therefor during the said term unto the Department of Lands and Survey at the Principal Land Office for the said Land District of Canterbury the clear annual rent of Three hundred pounds (£300. 0. 0) payable without demand by equal half-yearly payments in advance on the 1st day of January and the 1st day of July in each and every year during the said term. And also paying in respect of the improvements specified in the Schedule hereto the sum of (£) (the receipt of which sum is hereby acknowledged) and thereafter by () half-yearly instalments of () pounds () shillings and () pence () on the 1st day of January and the 1st day of July in each year in the same manner as aforesaid.

AND the Lessee doth hereby covenant with the Lessor as follows, that is to say:-

1. THAT the Lessee will fully and punctually pay the rent hereinafter reserved at the times and in the manner hereinafter named in that behalf; and also will pay and discharge all rates, taxes, assessments, and outgoings whatsoever that now are or hereafter may be assessed, levied, or payable in respect of the said land or any part or parts thereof during the said term.
2. THAT the Lessee will within one year after the date of this lease take up his residence on the said land, and thereafter throughout the term of the lease will reside continuously on the said land.
3. THAT the Lessee will hold and use the said land bona fide for his own use and benefit and will not transfer, assign, sublet, mortgage, charge, or part with possession of the said land or any part thereof without the previous approval of the Land Settlement Board: Provided that such approval will not be necessary in the case of a mortgage to the Crown or to a Department of State.
4. THAT the Lessee will at all times farm the said land diligently and in a husbandlike manner according to the rules of good husbandry and will not in any way commit waste.
5. THAT the Lessee will throughout the term of his lease to the satisfaction of the Commissioner of Crown Lands for the Land District of Canterbury (hereinafter referred to as "the Commissioner") cut and trim all live fences and hedges, clear and keep clear the said land of all noxious weeds, and will comply strictly with the provisions of the Noxious Weeds Act, 1928.
6. THAT the Lessee will keep the said land free from wild animals, rabbits, and other vermin, and generally comply with the provisions of the Rabbit Nuisance Act, 1928.
7. THAT the Lessee will clean and clear from weeds and keep open all creeks, drains, ditches, and watercourses upon the said land, including any drains or ditches which may be constructed by the Commissioner after the commencement of the term of the lease; and will not at any time without the prior consent of the Commissioner alter the channel of any such creek or watercourse or stop or divert the water flowing therein.
8. THAT the Lessee will at all times during the said term repair and maintain and keep in good substantial repair, order, and condition all improvements belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land, and will not, without the prior written consent of the Commissioner, pull down or remove them or any part of them.
9. THAT the Lessee will insure all buildings belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land to their full insurable value in the name of the Commissioner in some insurance office approved by the Commissioner and will pay all premiums falling due under every such insurance policy and deposit with the Commissioner every such policy and, not later than the fourteenth day of the month in which any such premium becomes payable, the receipt for that premium.
10. THAT the Lessee will not throughout the term of the lease without the prior consent of the Commissioner, which consent may be given on such terms and conditions (including the payment of royalty) as the Commissioner thinks fit, fell, sell, or remove any timber, tree, or bush growing, standing, or lying on the said land, and that he will throughout the term of the lease prevent the destruction of any such timber, tree, or bush unless the Commissioner otherwise approves: Provided that the consent of the Commissioner as aforesaid shall not be necessary where any such timber or tree is required for any agricultural, pastoral, household, roadmaking, or building purposes on the said land nor where the timber or tree has been planted by the Lessee.
11. THAT the Lessee shall not, except for the purpose of complying with any of the provisions of the Noxious Weeds Act, 1928, burn any stack, scrub, fern, or grass on the said land, nor permit any stack, scrub, fern, or grass on the said land to be burned, unless in either case he shall have obtained the prior consent in writing of the Commissioner, which consent may be given subject to such terms and conditions as the Commissioner may deem necessary.
12. THAT officers and employees of the Department of Internal Affairs shall at all times have a right of ingress, egress, and egress over the land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested with deer, wild goats, wild pigs, opossums, or other animals which the said Department is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals: Provided that such officers and employees in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.
13. THAT the Lessee shall exercise due care in stocking the said land and shall not overstock.

AND it is hereby agreed and declared by and between the Lessor and the Lessee:-

- (a) THAT the Lessee shall have the exclusive right of pasturage over the said land, but shall have no right to the soil.
- (b) THAT the Lessee shall have no right, title, or claim whatsoever to any minerals (within the meaning of the Land Act, 1948) on or under the surface of the soil of the said land, and all such minerals are reserved to His Majesty together with a free right of way over the said land in favour of the Commissioner or of any person authorized by him and of all persons lawfully engaged in the working, extraction, or removal of any mineral on or under the surface of the said land or any adjacent land of the Crown, subject to the payment to the Lessee of compensation for all damage done to improvements on the said land belonging to the Lessee in the working, extraction, or removal of any such minerals: Provided that there shall be no right of way over, or right to work, extract, or remove any mineral from any part of the said land which is for the time being under crop or used or situated within 100 yards of a yard, garden, orchard, vineyard, nursery, or plantation, or within 100 yards of any building: dwelling-house: Provided also that the Lessee may, with the prior consent in writing of the Commissioner, which consent may be given subject to such conditions as the Commissioner thinks fit, use any such minerals for any agricultural, pastoral, household, roadmaking, or building purposes on the said land, but not otherwise.
- (c) THAT upon the expiration by effluxion of time of the term hereby granted and thereafter at the expiration of each anniversary term to be granted to the Lessee the outgoing Lessee shall have a right to obtain, in accordance with the provisions of section 66 (3) of the Land Act, 1948, a new lease of the land hereby leased at a rent to be determined in the manner prescribed by Part VIII of the said Act for a term of thirty-three years computed from the expiration of the term hereby granted and subject to the same covenants and provisions as this lease, including this present provision for the removal thereof and all provisions ancillary or in relation thereto.

METRIC AREA:- 623. 0308 ha
6495.2045 ha C3304779/1
Metric Area Now, 4243.9645 see PLS 997446/1

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OFFICIAL INFORMATION ACT

629/13

- (4) THAT the Lessee shall have no right of enjoying the benefits of the soil land.
- (5) THAT the Lessee may, with the prior consent in writing of the Commissioner given subject to such conditions as the Commissioner may deem necessary,
 - (a) Cultivate any portion of the soil land for the purpose of growing winter food for the stock dependent thereon;
 - (b) Crop such area of the soil land as is sufficient for the use of himself and family and his employees;
 - (c) Plough and sow in grass any portion of the soil land;
 - (d) Clear any portion of the soil land by felling and burning bush or scrub and sow the land in cleared in grass;
 - (e) Pasture any in grass any portion of the soil land;
 Provided that the Lessee shall, on the termination of the lease, leave the whole of the area that has been ploughed or cultivated properly laid down in good permanent clover and grasses to the satisfaction of the Commissioner.
- (6) THAT the Lessee shall... (text partially obscured)
- (7) THAT if the Lessee shall leave New Zealand or abandon the soil land or if he ceases to farm or if he shall neglect or fail or refuse to comply with the covenants and conditions herein expressed or implied in the satisfaction of the Land Retirement Board or the Commissioner, or the case may be, or in default for not less than two months in the payment of rent, water levy, or other payments due to the Lessee, then the Land Retirement Board may, subject to the provisions of section 184 of the Land Act, 1916, declare this lease to be forfeit, and that without discharging or relieving the Lessee from liability for rent due or arrears due or for any prior breach of any covenant or condition of the lease.
- (8) THAT these provisions are intended to take effect as a pastoral lease under the Land Act, 1916, and the provisions of the said Act and of the regulations made thereunder applicable to such lease shall be binding in all respects upon the parties herein in the same manner as if such provisions had been fully set out herein.

See below

SCHEDULE

INSTRUMENTS RELATING TO THE CROWN AND THE LESSEE AT THE LEASE

- (1) THAT pursuant to Section 8 of the Coal Mines Amendment Act, 1950, this lease is subject to the reservation to the lessor of all coal existing on or under the surface of the land, and subject also to the reservation to the lessor of the power to grant coal mining rights over the land under Part I of the Coal Mines Act, 1925.

In witness whereof the Commissioner of Crown Lands for the Land District of Canterbury, and three presents have also been executed by the said Lessee.

Canterbury

on behalf of the Lessee, hath hereunto set his

Signed by the said Commissioner, on behalf of the Lessor, in the presence of-

Witness: Ray G. Coe
 Occupation: Land Office Clerk
 Address: Christchurch

J. B. Blackmore
 Assistant Commissioner of Crown Lands.

Signed by the above named as Lessee, in the presence of-

Witness: J. S. [unclear]
 Occupation: [unclear]
 Address: [unclear]

J. B. Blackmore Lessee.
J. B. Blackmore Lessee.

Handwritten initials and notes on the left margin.

(f) THAT the lessee shall be deemed not to have failed to use due care in stocking, or to have overstocked so long as the number of sheep depastured on the said land does not exceed 3850 (being an increase of ten per cent on the carrying capacity on which is based the rent hereinafter reserved) and the number of cattle does not exceed 220 but the Commissioner may by notice in writing permit the lessee to depasture thereon any greater number should he deem it advisable or expedient so to do. Any permission so granted shall be subject to revocation or amendment by the Commissioner at any time and particularly in the event of a transfer. Any variation consented to by the Commissioner shall not affect the rent payable hereunder.

N^o 626544 Certificate of Attention among the terms of the within lease - 4.6.1964 at 1.45 p.m. [Signature] A.L.R.
 Transfer 626545 to Lanks Estate Company limited at Timaru - 4.6.1964 at 1.45 p.m. [Signature] A.L.R.
 2 lines added articles 2.2.1965.

Land Improvement Agreement No. 792275 under Section 30 of the Soil Conservation and River Control Act 1941 - 7.4.1970 at 9 [Signature] A.L.

No. 794520 Evidence of the Change of Name of registered lessee to Clayton Farming Company Limited at Timaru - 27.4.1970. at 2.55 p.m. [Signature] A.L.

Produced this... [Signature] A.L.R.

39412 Black... [Signature] A.L.R.

Mortgage 824162... [Signature] A.L.R.

THIS REPRODUCTION ON A REDUCED SCALE, CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 215A LAND TRANSFER ACT 1952. [Signature] A.L.R.

65976 Change of Affiliation... [Signature] A.L.R.

Variation of Mortgage 738147 - 19/7/1973 at 11.35 a.m. [Signature] A.L.R.

632822... [Signature] A.L.R.

Mortgage 3108/1 to the Rural Banking and Finance Corporation of New Zealand - 30.7.1974 at 11.29 a.m. [Signature] A.L.R.

Mortgage 738147... [Signature] A.L.R.

DISCHARGED 4 APR 1974 [Signature] A.L.R.

OVER... A.L.R.

Variation of Mortgage 3108/1 - 23.1.1976 at 1.37 p.m.

DISCHARGED
1/11/1988
for A.L.R.

Mortgage 219546/1 to The Rural Banking and Finance Corporation - 28.3.1983 at 10.05a.m.

Mortgage 219546/3 to The Rural Banking and Finance Corporation - 12.3.1983 at 10.05a.m.

DISCHARGED
1/11/1988
for A.L.R.

Variation of Mortgage 738147 - 25.5.1979 at 9.24 am.

Variation of Mortgage 3108/1 - 29.6.1979 at 11.10am.

for A.L.R.

Variation of Mortgage 3108/1 - 25.7.1980 at 10.53 am.

DISCHARGED

for A.L.R.

Variation of Mortgage 219546/1 - 25.1.1980 at 10.53 am.

DISCHARGED

for A.L.R.

No.330979/1 Certificate altering the within area to 6496.2045 hectares - 22.6.1981 at 9.46 am.

for A.L.R.

Variation of Mortgage 738147 - 1.3.1982 at 11.06 am.

DISCHARGED

for A.L.R.

Variation of Mortgage 219546/1 - 1.3.1982 at 11.06 am.

DISCHARGED

for A.L.R.

Variation of Mortgage 219546/3 - 1.3.1982 at 11.06 am.

DISCHARGED

for A.L.R.

Variation of Mortgage 3108/1 - 7.4.1982 at 11.28 a.m.

DISCHARGED

for A.L.R.

Variation of Mortgage 219546/1 - 8-10-1982 at 10.49a.m.

DISCHARGED

for A.L.R.

Variation of Mortgage 219546/3 - 23-5-1983 at 10.41a.m.

DISCHARGED

for A.L.R.

Mortgage 447180/6 to The Rural Banking and Finance Corporation - 11.8.1983 at 11.07 a.m.

DISCHARGED
APR 1988

for A.L.R.

No. 447180/8 Memorandum of Priority making Mortgages 447180/6, -219546/1 and 219546/3 second, third and fourth mortgages respectively - 8.8.1983 at 11.07 a.m.

Variation of Mortgage 738147 - 11-4-1984 at 11.47a.m.

DISCHARGED

for A.L.R.

Variation of Mortgage 447180/6 - 13.10.1984 at 11.10am

DISCHARGED

for A.L.R.

Variation of Mortgage 738147 - 13.10.1986 at 11.10am

DISCHARGED

for A.L.R.

~~Variation of the terms of lease 790733/1~~

4

Variation of the terms of the within lease and extension of the term to 33 years commencing on the 1st day of July 1984 - 27.2.1989 at 11.20am

for A.L.R.

Mortgage 877076/1 to ANZ Banking Group (New Zealand) Limited - 21.5.1990 at 1.25pm

for A.L.R.

No. 937226/1 Notice of Change of Appellation whereby the description of part of within (2251.2400ha) land (pt Run 14) is changed to Section 1 S.O. 18413 - 31.5.1991 at 9.10am

for A.L.R.

No.917710/1 Change of Name of the mortgagee under Mortgage 219546/3 to The Rural Bank Limited - produced 28.1.1991 and entered 4.6.1992 at 2.15pm

for A.L.R.

No.997446/1 Partial Surrender of Lease as to Section 1 SO plan 18413 (2251.2400 ha) - 4.6.1992 at 2.15pm

for A.L.R.

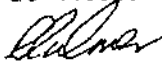
Certificate 997446/2 - CT 36A/261 issued for Section 1 S.O. plan 18413

for A.L.R.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

for A.L.R.

Mortgage A78919/3 to Primary Industry Bank
of Australia Limited - 1.11.1993 at 11.58am


for A.L.R.

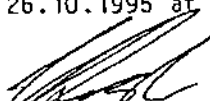
No. A78919/5 Memorandum of Priority making
mortgages A78919/3 and 877076/1 first and
second mortgages respectively - 1.11.1993
at 11.58am


for A.L.R.

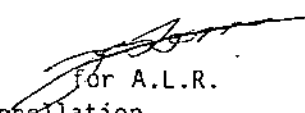
Variation of Mortgage A78919/3 - 26.10.1995
at 2.16pm


for A.L.R.

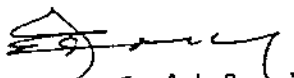
Mortgage A201633/2 to Rodney Nicholas Somers
Cox and Gabrielle Mary Cox - 26.10.1995 at
2.16pm


for A.L.R.

Variation of Mortgage A78919/3 - 20.2.1996
at 2.15pm


for A.L.R.

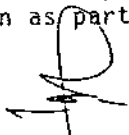
No. A301069/1 Change of Appellation
whereby part of the within land
(754.9000 hectares) is now known as
Section 1 S.O. 19631 - 6.6.1997 at
9.25am


A.L.R.

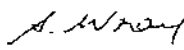
A309385.1 Gazette Notice (1997 page 1786)
declaring road adjoining or passing through
the within land shall cease to be road
and shall be deemed to be Crown land
subject to the Land Act 1948
25.7.1997 at 1.55


for DLR

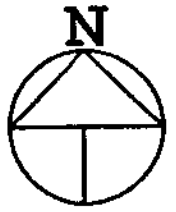
A319341.1 Change of Appellation whereby
part of the within land is known as part
Section 1 SO 19589
26.9.1997 at 11.56


for DLR

A321915.1 Variation of Mortgage A78919.3
14.10.1997 at 2.20


for DLR

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



LEGAL ROAD

Transferred Road

SO 19347
Gaz 1997 p.1786

See Report
2 of 3

Pt Sec 1
SO 19589

Marginal Strip

Pt Run 14

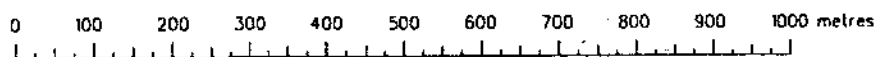
RELEASED UNDER THE
OFFICIAL INFORMATION ACT

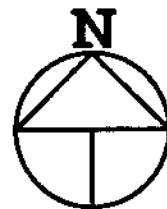
Version	1	2	3	4	5
Canterbury Land District					Sheet 2 of 3
Topographic Map 260 - J36 & J37					Date 6/10/99

Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----

Clayton Station

Scale 1:10000





Pt Run 14

LEGAL ROAD

See Report 3 of 3

RES 2478
2.0224
Gravel Pit
Gaz 1880 p 1589

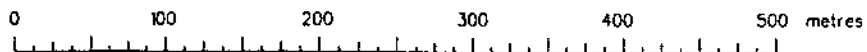
RELEASED UNDER THE
OFFICIAL INFORMATION ACT

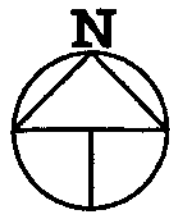
Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District	Topographic Map 260 - J36 & J37			Sheet 3 of 3	
				Date 6/10/99	

Clayton Station

Scale 1:5000





Pt Run 14

LEGAL ROAD

See Report 3 of 3

RES 2476
2.8234
Gravel Pit
Gaz 1449 p 1589

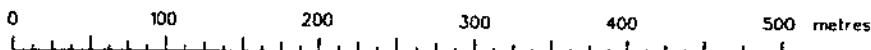
RELEASED UNDER THE
OFFICIAL INFORMATION ACT

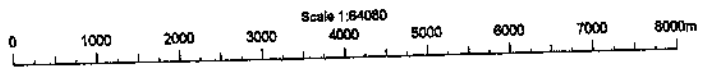
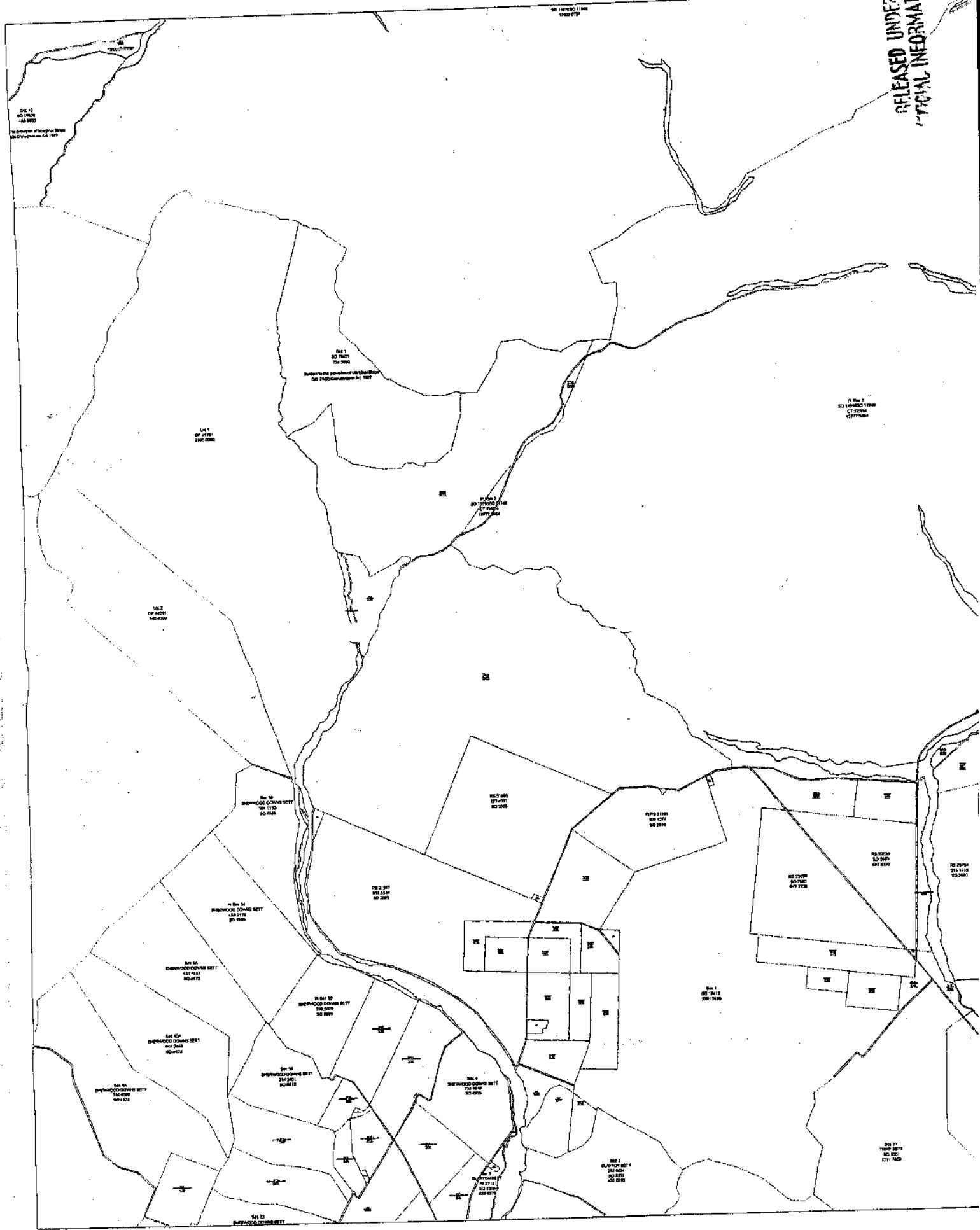
Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 - - - - -

Version	1	2	3	4	5
Canterbury Land District					Sheet 3 of 3
Topographic Map 260 - J36 & J37					Date 6/10/99

Clayton Station

Scale 1:5000





CLAYTON
TERRALINK NZ LTD(Terraviva)-DCDB Data as at 01.01.98The & VNZ data as at 01.05.99 Geodetic data as at 11.10.97.
Cadastral Information from LINZ Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.

Notes:

There is no 'S' sheet for this survey.

Pursuant to Section 11 (3)(b) of the Resource Management Act 1991 this is not a subdivision.

Approved for and on behalf of the Crown by
 Royce George Cozens, M.Eng. pursuant to
 an Authority given by the Minister of Land Under
 Section 24 (4) of the Land Act 1948.

R. G. Cozens
 Manager of Lands & Property, P.O. 511
 Christchurch

Marginal strips pursuant to Sec 24 (3)
 Conservation Act 1987 extend along and
 abut all streams and rivers over 3m wide
 within or abutting Section 1 hereon.

Bearing Datum: Geodetic

Coordinate Datum: Geodetic
 Timaru Circuit Co-ordinates
 III Horrible
 Circuit Origin: 700 000mN 300 000mE

Origin Point: from SIB Form,
 Trig 1, Little Mt Peel,
 Block 1, Orari Survey District,
 757 804.53mN, 312 565.41mE

Total Area 754.9000ha

Comprised in Pt CL: 529/13

I, Derek Edward Burns,
 Registered Surveyor and holder of an annual practising certificate (or who
 may act as a registered surveyor pursuant to section 25 of the Survey Act
 1989) hereby certify that this plan has been made from surveys executed
 by me or under my direction, that both plan and survey are correct and
 have been made in accordance with the Survey Regulations 1972 or any
 regulations made in substitution thereof.

Derek Edward Burns
 1976 Signatures

Field Book A
 Reference Plans SO 1898, 14706 & 11076 DP-14291

Examined *[Signature]* Correct

Approved as to Survey *[Signature]*
 27/5/97 Chief Surveyor

Deposited this day RELEASED UNDER THE
 OFFICIAL INFORMATION ACT

24.6.96 S019631



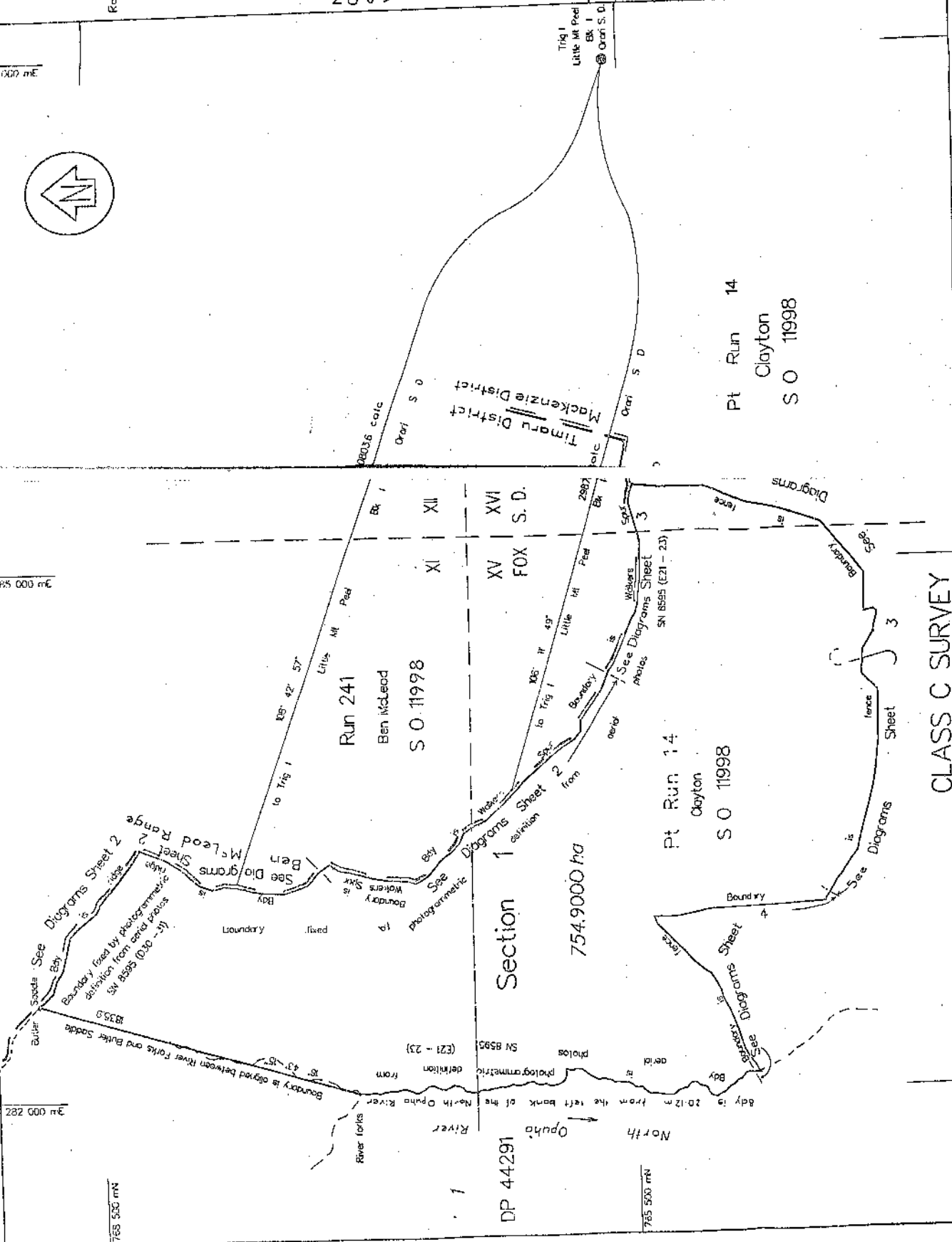
785 000 mE

34 000 582

34 000 282

765 500 mN

785 500 mN

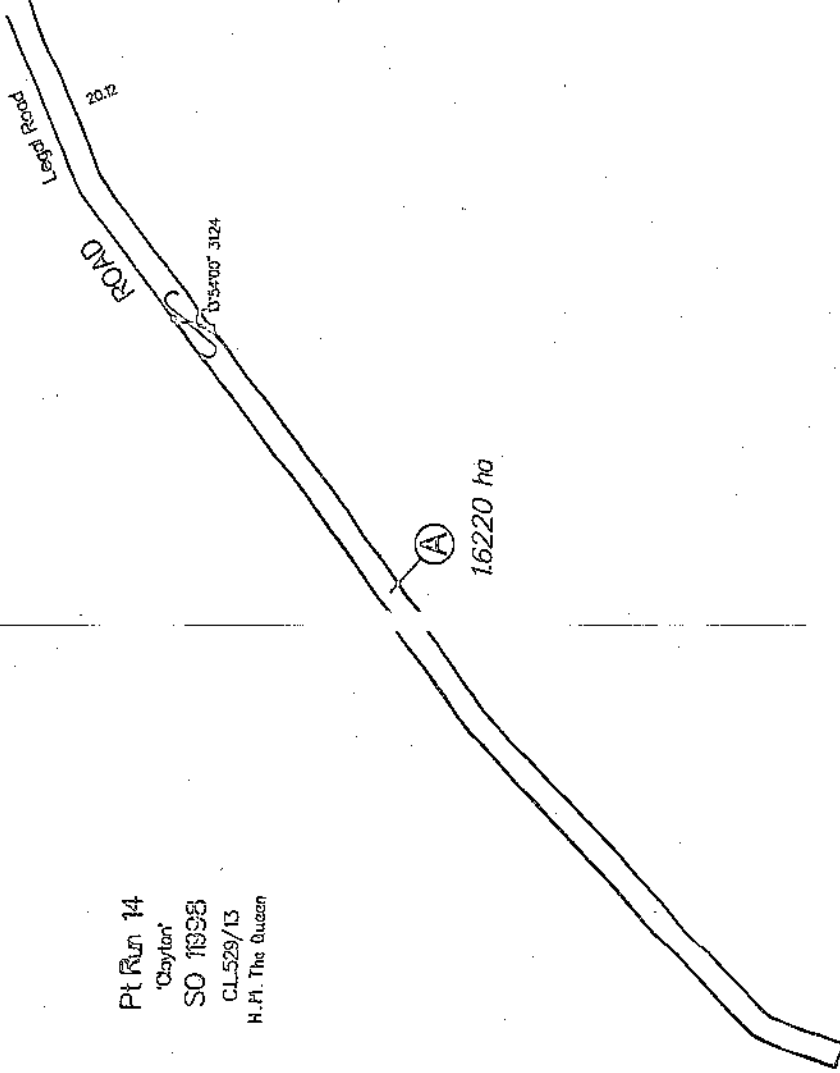


TERRITORIAL AUTHORITY MACKENZIE DISTRICT
 Surveyed by Dept of Survey and Land Information
 Scale 1 : 15 000 Date June 1995

Section 1

LAND DISTRICT CANTERBURY
 Survey Blks & Dist. XI, XII, XV & XVI FOX
 NZLS 261 Sheets J36 & J37 / 50,000

CLASS C SURVEY



Pt Run 14
 'Clayton'
 SO 1898
 CL 529/13
 H. Pt. The Queen

Area Schedule
 Road To Be Transferred
 Shown Area Adjoining
 A 16220ha Part Run 14

Situated in Block XV Fox Survey District

Total Area: 16220 Ha
 Comprised in Road

I, Alon John Dovey
 Registered Surveyor and holder of an annual practicing certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1955) hereby certify that this plan has been made from surveys executed by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1977 or any regulations made in substitution thereof.

Dated at Christchurch this 24th day of November 1998

Field Book 2410 p. 7 - 25
 Reference Plans SO 1898, Temara Trig Sheet 32 Opaha, DP 44291, 1998's 127 & 157

Examined G. Thompson Correct

Approved as to Survey
 11/1/98
 Chief Surveyor

Deposited this day of

1998

Released under the Official Information Act

100017

TERRITORIAL AUTHORITY Mackenzie District
 Surveyed by Dept of Survey and Land Information
 C.D.L. 1-7000

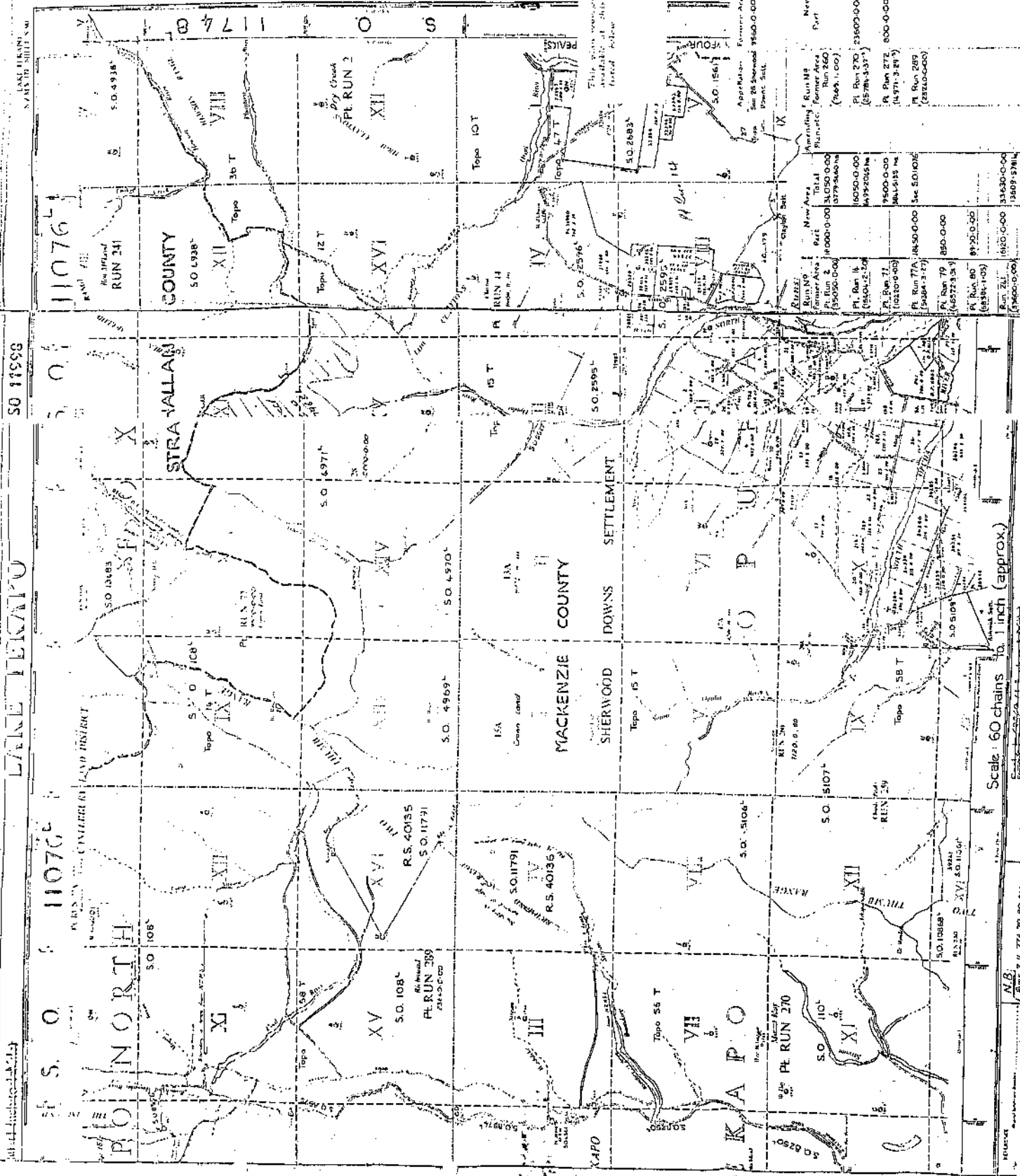
ROAD

LAND DISTRICT CANTERBURY
 Survey Blk. & Dist. XV Fox
 NZLS 261 Sheet J37 Rod Map No.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Chief Surveyor
19 J 76

Survey run, 24/7/76
Plans 2, 7, 7A, 79, 80, 241, 270
SHEET 2
S. J. ASH, Chief Surveyor
19 J 76

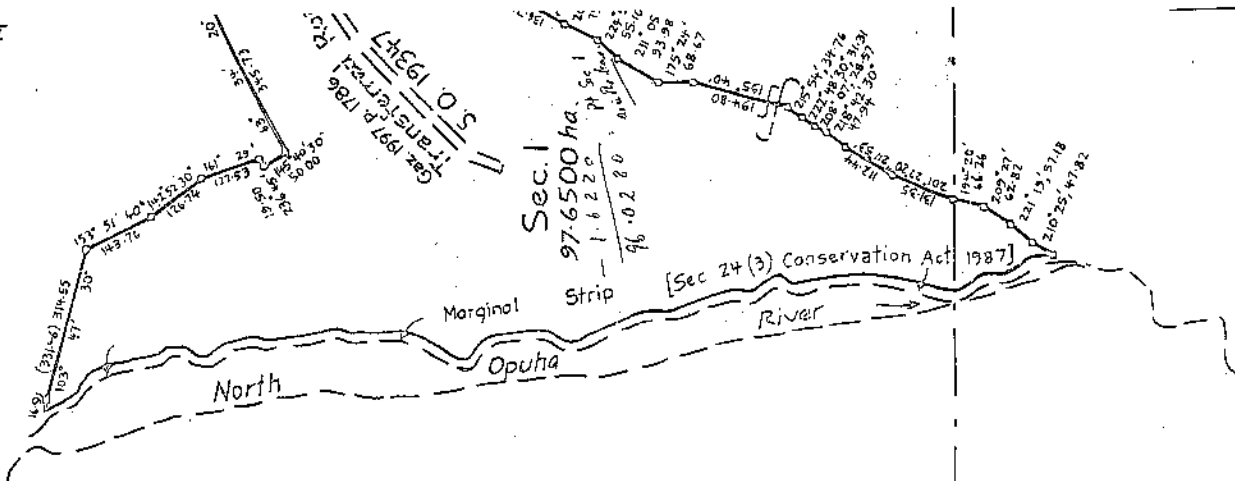


Run No.	Former Area	New Area	Part
PL Run 270	23600-0-00	23600-0-00	
PL Run 272	800-0-00	800-0-00	
PL Run 277	25600-0-00	25600-0-00	
PL Run 288	25600-0-00	25600-0-00	
PL Run 289	25600-0-00	25600-0-00	
PL Run 290	25600-0-00	25600-0-00	
PL Run 291	25600-0-00	25600-0-00	
PL Run 292	25600-0-00	25600-0-00	
PL Run 293	25600-0-00	25600-0-00	
PL Run 294	25600-0-00	25600-0-00	
PL Run 295	25600-0-00	25600-0-00	
PL Run 296	25600-0-00	25600-0-00	
PL Run 297	25600-0-00	25600-0-00	
PL Run 298	25600-0-00	25600-0-00	
PL Run 299	25600-0-00	25600-0-00	
PL Run 300	25600-0-00	25600-0-00	

Scale: 60 chains to 1 inch (approx.)

Survey run, 24/7/76
Plans 2, 7, 7A, 79, 80, 241, 270
SHEET 2
S. J. ASH, Chief Surveyor
19 J 76

PLEASED UNDER THE
OFFICIAL INFORMATION ACT



Pt Run 14
S.O. 11998
c.l. 529/13

Bik XV Fox S.D.
Bik III Opuha S.D.

Section I

TERRITORIAL AUTHORITY Mackenzie District
Surveyed by Dept. of Survey & Land Information
Jan, Feb & May 1994
Scale 1: 7500 Date August 1995

LAND DISTRICT Canterbury
Survey Blk. & Dist. XV, Fox, III Opuha
NZAS 261 Sheet J37 Record Map No.

J 37/22

M.A. ROBERTSON, DIRECTOR GENERAL SURVEYOR GENERAL

OF SURVEY AND LAND INFORMATION, NEW ZEALAND

Approvals

This is not a subdivision pursuant to
Sec. 11(1)(c) b) of the Resource
Management Act 1991.

Total Area 97.6500 ha

Comprised in Pt. C.L. 529/13
&
Gaz. 1997 p.1786 (GN.A.509385.1)

L. Alan John Davy
Registered Surveyor and holder of a licence as an officer for the
purpose of a registered surveyor pursuant to section 25 of the Survey Act
1969 hereby certify that this plan has been made from surveys executed
by me or under my direction. The bearings and distances are correct and
have been made in accordance with the Survey Regulations 1977 or any
regulations made in substitution thereof.

Dated at Christchurch this 21st day
of March 1996 Signature *[Signature]*

Field Book 2910 B. 7-24. Reverse Book 120A 190-92
Reference Plans: S.O. 11998, S.O. 1099, S.O. 1099, S.O. 1099, S.O. 1099

D.P. 44291, S.O. 1099
Examined *[Signature]* Correct

Approved as to Survey
[Signature]
8.12.1997 Deputy Chief Surveyor

Deposited this 19th day of

District Land Registrar
S019589



285000mE

284000mE

762000mN

761000mN



DocID: 210144647

TRANSFER

Land Transfer Act 1952

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

This page does not form part of the Transfer.

TRANSFER
Land Transfer Act 1952

If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule: no other format will be received.

Land Registration District

Canterbury

Certificate of Title No. All or Part? Area and legal description — *Insert only when part or Stratum, CT*

Pastoral	Lease		
529	13	Part	Run 14 (Clayton) Fox, Opuha and Four Peaks Survey District

Transferor Surnames must be underlined

HER MAJESTY THE QUEEN

Transferee Surnames must be underlined

FOX PEAK SKI CLUB INCORPORATED (formerly THE TASMAN SKI CLUB INCORPORATED)

Estate or Interest or Easement to be created: *Insert e.g. Fee simple; Leasehold in Lease No.; Right of way etc.*

Easement of right of way in gross (continued on page 2 annexure schedule)

Consideration

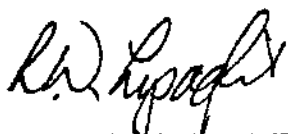
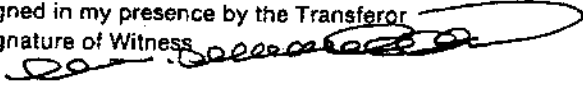
\$1.00 (ONE DOLLAR)

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEEE all the transferor's estate and interest described above in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

Dated this 21st day of July 2000

Attestation

 ROBERT WILLIAM LYSAGHT PURSUANT TO A DELEGATION FROM THE COMMISSIONER OF CROWN LANDS	Signed in my presence by the Transferor Signature of Witness 
	Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name Occupation Address

RELEASED UNDER THE
 OFFICIAL INFORMATION ACT

Certified correct for the purposes of the Land Transfer Act 1952
 Certified that: no conveyance duty is payable by virtue of Section 24(1) of the Stamp and Cheque Duties Act 1971.
 (DELETE INAPPLICABLE CERTIFICATE)



Solicitor for the Transferee


Annexure Schedule

Inse. below
"Mortgage", "Transfer", "Lease" etc

Transfer

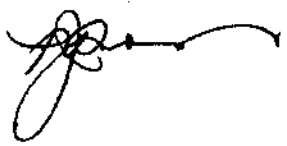
Dated 21st July 2000

Page 4 of 4 Pages

 CONSENT

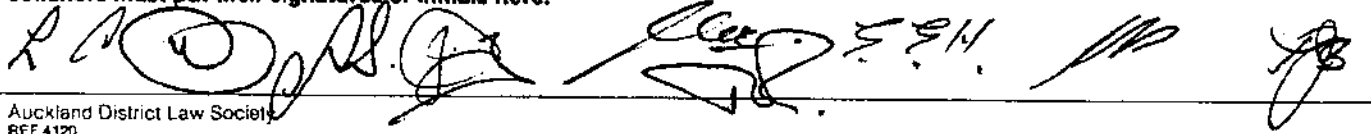
MACKENZIE DISTRICT COUNCIL formerly

MACKENZIE COUNTY COUNCIL hereby consents to registration of the within Transfer creating Easement pursuant to Section 348 Local Government Act 1974.

 Council Executive Officer

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.



Inse. show
"Mortgage", "Transfer", "Lease" etc

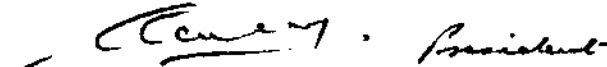
Transfer

Dated 21st July 2000

Page 3 of 4 Pages

FOX PEAK SKI CLUB INCORPORATED

Signed in my presence by the Transferee
Signature of Witness


BRIAN GRANT KEALEY
President


Witness to complete in BLOCK letters

S.E. Harrell
Secretary

Witness name A.J. SHAW

Occupation SOLICITOR

Address TIMARU

CLAYTON FARMING COMPANY LIMITED

Signed in my presence by the registered
lessee




Signature of Witness

WILLIAM ANDREW ORRELL
(Director)


Witness to complete in BLOCK letters

Witness name ANNETTE STANLEY

Occupation RURAL SECRETARY


(John Duncan McFarlane)
Director

Address SCHOOL ROAD

FAIRLIE

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.



Annexure Schedule

TRANSFER

Dated

21st July 2000

Page

2

of

4

Pages

Continuation of "Estate or Interest or Easement to be created"

The Transferee shall have the right of way over that part of the land marked "C" and "D" on Deposited Plan 44291 such easement to continue for the term of Pastoral Lease 529/13 together with any renewals thereof.

Terms Conditions Covenants or Restrictions in respect of the Easement hereby granted

1. That any right of action or remedy which at any time hereafter accrue to the Transferee by reason of any breach or non-observance of any of the covenants herein expressed or implied and on the part of the Transferor to be observed or performed shall be enforced only against the registered proprietor for the time being of the above described land in respect of which such breach or non-observance shall occur or against the registered proprietor thereof at the time of such occurrence aforesaid to the intent that the liability of any registered proprietor for the time being of the above described land or any part thereof shall cease (except as to the acts and defaults occurring in respect of the land of which he is registered proprietor and while he is so registered) upon his ceasing to be registered as proprietor of the land in respect of which such breach of non-observance shall occur.
2. The costs of forming and maintaining the easement hereby granted shall be borne solely by the Transferee.
3. The costs of and incidental to this grant shall be borne by the Transferee.

The Grantee indemnifies the Grantor for any loss, claim, expense, liability or proceeding suffered or incurred at any time by the Grantor in connection with this deed or as a result of the exercise by the Grantee of its rights under this deed, or any breach by the Grantee of its obligations, undertakings or warranties contained or implied in this Deed.

Under no circumstances will the Grantor be liable in contract, tort or otherwise to the Grantee for any expense, cost, loss, injury or damage whether consequential or otherwise, arising directly from this Deed or any activity undertaken by the Grantor on the Grantor's land, whether the expense, cost, loss, injury or damage is the direct or indirect result of negligence or otherwise.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

[Handwritten signatures and initials]

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TRANSFER

Land Transfer Act 1952

Law Firm Acting
HARMAN & CO BARRISTERS & SOLICITORS CHRISTCHURCH

Auckland District Law Society
REF: 4135

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