

Crown Pastoral Land Tenure Review

Lease name : EREWHON

Lease number : PC 142

Due Diligence Report (including Status Report) - Part 1

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.

April 09

**DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:**

File Ref: CON/50272/09/12784/A-ZNO-01 **Report No:** QVV 359 **Report Date:** 20/06/2002


Office of Agent: CHRISTCHURCH **LINZ Case No:** 02/ **Date sent to LINZ:** 24/06/2002

TR 02/666

RECOMMENDATIONS


1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
2. That the Commissioner of Crown Lands or his delegate **note** that the only incomplete action is that the formed Hakatere- Mt Potts Road through the lease has not yet been legalised.
3. That the Commissioner of Crown Lands or his delegate **note** that there are no potential liabilities that have been identified as a result of the file search.
- 3 The Commissioner or his delegate **note** that while agreements with former lessees lapsed on transfer that the following issues pursued post renewal may be outstanding :
 - a) An exchange of Reserve 3324 (Conservation land) for leased land as agreed in principle.
 - b) The creation of a ROW easement for foot access purposes only along the old closed road from the Erewhon homestead to the Clyde River.

Signed by Sub – Contractor:



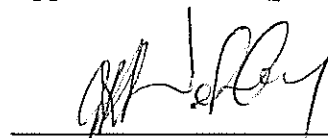
Name: D. McGregor
McGregor Property Services Limited
Accredited Agent

Signed by Contractor



Name: B. Dench
Team Leader for Tenure Review
Quotable Value (Valuations)

Approved/Declined (pursuant to a delegation from the Commissioner of Crown Lands) by:



Name: GRANT KASPER WEBLEY
Date of Decision: 26/6/02

Details of Lease:

Lease Name: Erewhon.

Location: Located in the Rangitata Valley on the Hakatere -Mt Potts Road approximately 60 kilometres west of Mt Somers and 100 kilometres from Ashburton.

Lessees: EREWHON PARTNERSHIP LIMITED.

Tenure: Pastoral lease of pastoral land under Section 66 and registered under Section 83 of the Land Act 1948.

Term: 33 years from 1 July 1984 (expires 30 June 2017).

Annual Rent: \$6120.00 (Reviewed 1 July 1995).

Rental Value: \$272,000 (Reviewed 1 July 1995).

Date of Next Review: 1 July 2006.

Land Registry Folio Ref: Computer Interest Register (Pastoral Lease) CB34A/710 (Canterbury Registry).

Legal Description: Run 111 and Sections 1, 2, 3 and 4, S.O. 18222 situated in Blocks XI and XII Ramsay, I II III IV V VI VII IX X XI XIII and XIV Clyde and II, Havelock Survey Districts.

Area: 13575.3587 hectares.

2. File Search

Files held by agent Knight Frank (NZ) Ltd on behalf of LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pc 016-SCH- 01	1	1	22/07/1943	180	01/02/1955
Pc 016-SCH-02	2	181	02/02/1955	395	23/09/1969
Pc 016-SCH-03	3	396	24/09/1969	499	26/07/1971
Pc 016-SCH-04	4	500	27/07/1971	653	20/12/1973
Pc 016-SCH-05	5	654	21/12/1973	735	Sept. 1979
Pc 016-SCH-06	6	736	Sept. 1979	926	04/05/1989
Pc 016-SCH-07	7	927	05/05/1989	996	26/02/1991

Lease subdivided and new lease issued

Pc 142-SCH-01	1	-	27/02/1991	-	26/01/1995
Pc 142-SCH-01	2	-	27/01/1995	-	16/03/1998
Pc 142-SCH-01	3	-	17/03/1998	-	30/06/2000
CON 50213/09/12784/A-ZNO-01	-	-	01/07/2000	-	Current

Files held by agent Q.V. Valuations on behalf of LINZ:

File Reference: CON/50272/09/12784/A-ZNO-01

Volume: 1

First folio: 1

Date: August 2001.

Last folio note: File current.

Date: —

3 Summary of Lease Document: (*Copy of Computer Interest Register (Pastoral Lease) CB34A/710 attached as Appendix I*)

3.1 Terms of Lease

A 33 year term from 1 July 1984 at the Annual rental of \$6120 based on the Rental Value of \$272,000.

Stock Limitation in Lease

5500 sheep.

Commencement date

1 July 1984, being the renewal of the original 'Erewhon' Pastoral lease (issued for a 33 year term from 1 July 1951) to the lessees A.W. and C.F. Urquhart. At renewal the Annual rental was determined to be \$4845 based on the Rental Value of \$323,000 with the stock limitation being 7700 sheep. The Memorandum of Renewal 808974.1 was registered on 8 June 1989.

The lease was held by the Urquhart brothers until 1 July 1990 when their partnership was dissolved and the lease subdivided by way of surrender and issue of two new Pastoral leases "Erewhon" (C.F. Urquhart) and Mt Potts (A.W. Urquhart). The substitute Erewhon Pastoral lease, over the adjusted area of 13575.3587 ha was issued for the balance term at the apportioned Annual rental of \$2625 and stock limitation in the lease of 5500 sheep.

The Annual rental was reviewed as at 1 July 1995 to \$6120 based on the Rental Value of \$272,000.

The current lessees acquired the lease by Transfer A361398.2 (registered 22 July 1998).

Other Provisions:

The reservation to the lessor of all coal existing on or under the surface of the land, pursuant to Section 8 of the Coal Mines Amendment Act 1950, 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.

3.2 Area adjustments

While there have been historical area adjustments there have been no such adjustments to the lease since subdivision in 1990.

3.3 Registered Interests

Mortgages:

No. 361398.3 to The National Bank of New Zealand Limited (registered 22 July 1998).

3.4 Unregistered Interests

Recreation Permits:

There are no Recreation permits over this property.

Unsecured Debts:

None known.

4 Summarise any Government programmes approved for the lease:

No Land Improvement Agreements have been registered against the property and the property is not part of a Rabbit and Land Management programme.

5 Summary of Land Status Report:

The Land Status Report by D. McGregor, McGregor Property Services Limited, for and on behalf of Q.V.Valuations on 30 April 2002, confirmed the status as Crown land under the Land Act 1948, leased pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as Computer Interest Register CB34A/710.

The land is subject to Part IVA of the Conservation Act 1987, upon disposition.

The minerals for the most part remain with the Crown because the land has never been alienated since the original acquisition for settlement purposes from the original Maori owners under the 1848 Kemp Deed of Purchase. An underlying parcel (R.S. 8178) formerly held in freehold title was acquired by the Crown in terms of the Land Act 1948 in 1965 and it is therefore at liberty to invoke the standard mineral restrictions on disposition.

The report noted the following issues:

- 1) The additional Land Status Report of land within the periphery of the lease.
- 2) CL CB34A/710 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO's 11076, 11331, 17172 and 18222 applying in respect of all rivers and streams in excess of 3 metres in width. **However such strips are 'notional' only pending disposition of the land.**
- 3) The attached topographical shows that the legalisation of the current formation of the Hakatere – Mt Potts Road extension (where it does not conform with the legal road), is still outstanding.

*A copy of the Land Status Report is attached as **Schedule A**.*

6 Review of Topographical and Cadastral Data:

Both maps attached to the Land Status Report show that there are no historic sites, transmission or local power lines, water races, dams, telecommunication or other such installations on the lease.

The topographical plan shows:

- An airstrip adjacent to the homestead area.
- The Council formed road (Hakatere – Mt Potts Road) through the property is not on the legal road line.
- There are three huts on the property (Hermitage Hut is in the Upper Lawrence River flats), Erewhon Station hut (at the confluence of the Clyde and Lawrence Rivers) and an unnamed hut (on the Clyde River boundary with Run 111).

6.1 Marginal Strips:

The lease contains a notation subject to Section 58 of the Land Act 1948 as do SO's 11076, 11331, 17172 and 18222 applying in respect of all rivers and streams in excess of 3 metres in width. This provision is "notional" only pending disposition of the land.

2 Legal Roads – formed and paper

The Land Status Report indicates that SO Plans 11076, 11331, 11789, 17172 and 18222 (as supported by Topo Plans 3G and 12G) denote the roads that are legal by Section 110A of the Public Works Act 1928.

The formed Council road (Hakatere –Mt Potts Road extension) deviates in part considerably from the legal road leading to the Clyde River and where it does it is not legal.

6.3 Fenced Boundaries v Legal Boundaries (peripheral):

The topographical plan does not reveal any significant boundary discrepancies.

7 Details of any neighbouring Crown or Conservation land:

N. W. and North Boundary	<i>Reserves 3320, 3321, 3323, 3329 and Crown land</i> (Stewardship land pursuant to Section 62 of the Conservation Act 1987).
North and N.E. boundary	<i>Reserve 3319</i> (being Stewardship land pursuant to Section 62 of the Conservation Act 1987). <i>Run 113</i> (Hakatere Pastoral Lease).
Eastern Boundary	<i>Section 5, S.O. 18222</i> (Part Mt Potts Pastoral Lease).
Internal	<i>Reserve 3324</i> (Stewardship land pursuant to Section 62 of the Conservation Act 1987).

8 Summarise any uncompleted actions or potential liabilities:

8.1 Legalisation of Hakatere- Mt Potts Road

As shown on the topographical plan a significant section of the formed Hakatere- Mt Potts Road deviates from the legal road.

At renewal in 1984 (LSB HOC Case No 1984/22 of 21 February 1984) it was recommended that Council be informed of this anomaly and requested to take appropriate legalisation action.

No action has been undertaken since that time and therefore legalisation is still outstanding.

A copy of the relevant folio (*folio 818*) is attached at *Appendix 2*.

8.2 Post Renewal Agreements – Exchange with Conservation land and Pedestrian access Easement from Erewhon Homestead to the Clyde River

In accordance with post renewal negotiations sanctioned by the LSB (HOC) by Case No 1984/22 of 21 February 1984 (*f 818*) agreements were obtained with former lessees (A.W and C.F. Urquhart) to:

- i) An exchange of cleared Conservation land (R3324) for leased land,
- ii) A Conservation Covenant to prohibit development of stream banks in the Rangitata Flats
- iii) The creation of an access easement (for pedestrian purposes only) over the former closed road from the Erewhon homestead to the Clyde River.

Notwithstanding that any agreements with the former lessees will have lapsed on transfer of the lease it is likely that (i) and (ii) may still be regarded as incompletd and should at least be noted.

Copies of the relevant folios (folios 818, 823, 825, 876, 890, 909 and 925 are attached as *Appendix 2*.

APPENDICES

Schedule A – Land Status Report.

1. Copy of Lease.
2. Copies of relevant folios – Road Legalisation / Post renewal issues.

Schedule A

LAND STATUS REPORT

**for
Tenure Review**

EREWHON

**Prepared by Don McGregor, McGregor Property Services Limited
for and on behalf of Q.V.Valuations**

April 2002

CONTENTS

PROPERTY 1 OF 2

Appendix A – Land Status Report (and Supporting plans).

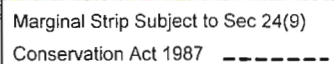
- SO Plans (Additional)
- Extract of CLR
- Extracts of Allocation maps
- DOC Consultation
- Information supporting Mineral investigation
- Other information

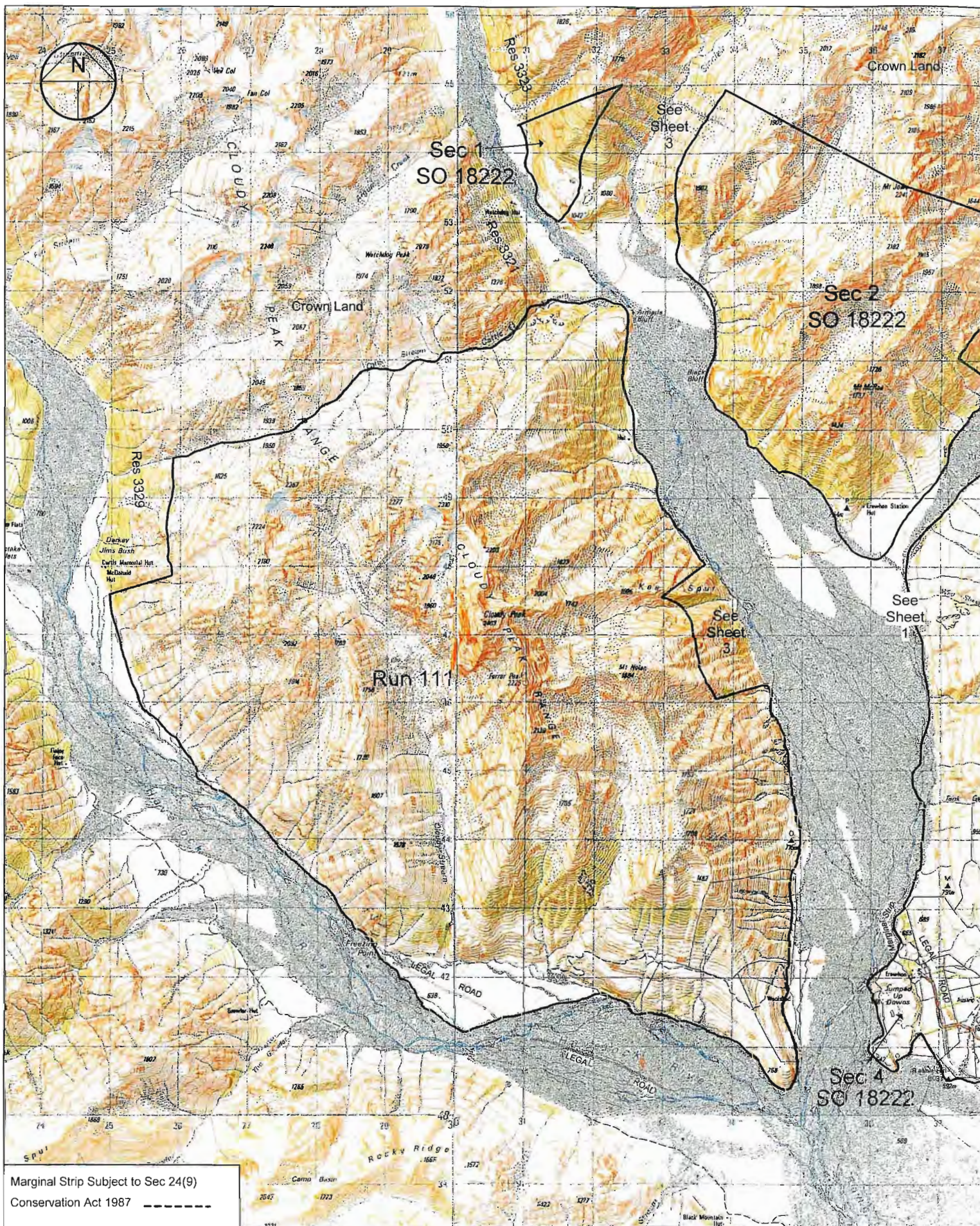
Appendix B – Land Status Report (Certified by Chief Surveyor).

PROPERTY 2 OF 2

Appendix A – Land Status Report (and Supporting plans).

**PROPERTY 1 OF 2
LAND STATUS REPORT**





ANDERSEN & ASSOCIATES
REGISTERED SURVEYORS

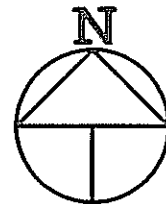
P.O. Box 13-343
Christchurch
Ph: 03 379 9901

Erewhon

Scale 1:50000

0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000

Version	1	2	3	4	5
Canterbury Land District					
Topographic Map 260 - I35, J35					
				Sheet 2 of 3	
				Date 22/03/02	



Sec 1
SO 18222

Erewhon

Res 3320
377.9763 ha
SO 11331
(See Report 2
of 2)

Sec 2
SO 18222
Erewhon

Run 111

Erewhon

Res 3324
137.5931 ha
SO 11331
(See Report 2
of 2)

Sec 3
SO 18222
Erewhon

Clyde

River

Lawrence River

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

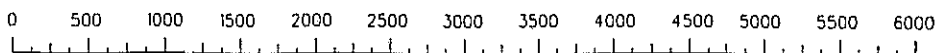
Version	1	2	3	4	5
Canterbury Land District			Sheet 3 of 3		
Topographic Map 260 - K35/36			Date 22/03/02		



PO Box 13-343
Christchurch
Ph 03 379 9901

Erewhon

Scale 1:50000



APPENDIX A – LAND STATUS REPORT (and supporting plans)

**Q.V. VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A1

Project No: QVV:358

This report has been prepared on the instruction of Land information New Zealand in terms of **Contract No. 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Erewhon Tenure Review	LIPS Ref: 12784
Property 1 of 2	

Land District	Canterbury.
Legal Description	Run 111 and Sections 1, 2, 3 and 4, S.O. 18222 situated in Blocks XI and XII Ramsay, I II III IV V VI VII IX X XI XIII and XIV Clyde and II, Havelock Survey Districts.
Area	13575.3587 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Computer Freehold Register (Pastoral Lease) CB34A/710 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) The reservation to the lessor of all coal existing on or under the surface of the land, pursuant to Section 8 of the Coal Mines Amendment Act 1950, 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.
Mineral Ownership	For the most part the 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 Deed of Purchase. However insofar as the underlying Rural Section 8178 , acquired by HMQ subject to the Land Act 1848 in 1965 (as a condition of granting a Special Lease to the lessee for tourist accommodation purposes) is concerned the Crown is at liberty to invoke the standard Crown Mineral restrictions on disposition of the land.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	30 April 2002.
[Certification Attached]	Yes

Prepared by Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch for and on behalf of Q.V. Valuations.
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NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6

- 1) Please note additional Reports of land within the periphery of the lease.
- 2) Computer Freehold Register (Pastoral Lease) CB34A/710 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO's 11076, 11331, 17172 and 18222 applying in respect of all rivers and streams in excess of 3 metres in width. **However such strips are 'notional' only pending disposition of the land.**
- 3) The attached topographical shows that the current formation of the Hakatere – Mt Potts Road deviates from the legal road line and legalisation is still outstanding.

LAND STATUS REPORT for Erewhon Tenure Review		LIPS Ref: 12784
Property 1 of 2		
Research Data: <u>Some Items may not be applicable</u>		
SDI Print Obtained	Yes.	
NZMS 261 Ref	I35/J35.	
Local Authority	Ashburton District Council.	
Crown Acquisition Map	Kemp Deed of Purchase.	
SO Plans	<p>SO 11076 - Plan of Macauley - including Pt Run 114 "Mt Potts" (Approved 6 August 1968).</p> <p>SO 11331 - Plan of Godley including Pt Run 114 "Mt Potts" (Approved 19 January 1970).</p> <p>SO's 17061 – SOE Allocation plan.</p> <p>SO's 17112 and 17113 – DOC Allocation plans.</p> <p>SO 17172 - Plan of Run 358 - formerly Pt Run 114 - (Approved 3 July 1987).</p> <p>SO 18222 - Plan of Sections 1-10 (formerly Part Run 358) (Approved 21 November 1989).</p> <p>SO 19851 - Plan of Deed of Acknowledgement over the Rangitata River in terms of the Ngai Tahu Claims Settlement Act 1998.</p>	
Gazette Notices	<p>N.Z. Gazette 1976 p. 2185 (GN 103146.1) declared 2 acres 0 roods and 23 perches of the lease to be road and the closure and incorporation of 5 acres 20 perches into the lease – S.O. 11789.</p>	
Lease Ref	Computer Freehold Register (Pastoral Lease) CB34A/711 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.	
Legalisation Cards	Searched. SO 11789 shows parts of the lease (formerly Pt R.S. 8138 and Run 112) taken for road and Road closed incorporated into the lease by N.Z.Gazette 1976 p2185 (GN 103146.1).	
CLR	Confirms Pastoral Lease tenure.	
Allocation Maps (if applicable)	<p>Searched. No SOE Allocations are within the periphery of the lease.</p> <p>Reserve 3324 is part of DOC Allocation D*J35*8 (SO 17112) being stewardship land pursuant to Section 62 of the Conservation Act 1987.</p> <p>Adjoining lands are also allocated to DOC as stewardship land:</p> <ul style="list-style-type: none"> • D*I35*1 and 4 (S.O. 17104) – Crown land and Reserves 3326-3329 and R.S. 40458. • D*J35*7 (S.O. 17112) – Reserves 3318 and 3319. • D*J35*8 and 11 (S.O. 17112) – Reserves 3320-3324 and Crown land <p>Extracts of Allocation Maps attached.</p>	

VNZ Ref – if known	VR 24480/47400.
Crown Grant Maps	Not applicable.
Subject Land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Refer to Notes above. b) Not applicable. c) Not applicable.

LAND STATUS REPORT for Erewhon Tenure Review	LIPS Ref 12784
Pro ty 1 of 2	

If Crown land – Check Irrigation Maps	Searched – Not applicable.
Mining Maps	Searched – Not applicable.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proclamation c) Gazette Ref:	a) SO Plans 11076, 11331, 11789, 17172 and 18222 denoted Roads coloured burnt sienna as legal by Section 110A of the Public Works Act 1928. Refer also Topo Plans 3G and 12 G. b) GN 103146. c) N.Z. Gazette 1976 p2185 (S.O. 11789).
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	a) No current DOC concessions exist within the lease boundaries. The only DOC interests are in the Marginal Strips existing and those yet to be defined. No concessions are administered by DTZ New Zealand Limited. b) Part 9 of the Ngai Tahu Claims Settlement Act 1998, upon disposition. The adjacent Rangitata River is recorded as a Statutory Acknowledgement in Schedule 55 (S.O. 19851) of the Ngai Tahu Claims Settlement Act 1998. c) For the most part the 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 Deed of Purchase. The underlying Rural Section 8178 comprised in CT CB198/137 transferred to Her Majesty the Queen subject to the Land Act 1948 by T660075 dated 11 August 1965 as a condition of proposals by the Crown to consolidate administration of the land. While the original title (CT CB198/137) was issued in 1902 the first Public Works legislation the land was not acquired for a public work under a public Works Act in 1965 but as Crown land subject to the Land Act 1848 for general settlement. Therefore the Crown in the circumstances is at liberty to invoke the standard Crown Mineral restrictions on disposition of the land
d) Other Info	d) Not applicable.

LAND STATUS REPORT

**for
Tenure Review**

EREWHON

**Prepared by Don McGregor, McGregor Property Services Limited
for and on behalf of Q.V. Valuations**

March 2002

**Q.V. VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX B1

Project Number : QVV 358

This report has been prepared on the instruction of Land Information New Zealand in terms of **Contract No : 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Erewhon Tenure Review				LIPS Ref: 12784
Property	1	of	1	

Land District	Canterbury
Legal Description	Run 111 and Sections 1, 2, 3 and 4, S.O. 18222 situated in Blocks XI and XII Ramsay, I II III IV V VI VII IX X XI XIII and XIV Clyde and II, Havelock Survey Districts.
Area	13575.3587 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Computer Interest Register (Pastoral Lease) CB34A/710 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) The reservation to the lessor of all coal existing on or under the surface of the land, pursuant to Section 8 of the Coal Mines Amendment Act 1950, 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.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Is Correct as at	2 April 2002.
[Certification Attached]	Yes

Prepared by	Don McGregor
Crown Accredited Supplier	McGregor Property Services Limited, Christchurch for and on behalf of Q.V. Valuations

Certification:

Pursuant to section 11(1)(f) 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: 4/4/2002

R Moulton, Chief Surveyor (Canterbury Land District)
Land Information New Zealand, Christchurch

CERTIFICATION

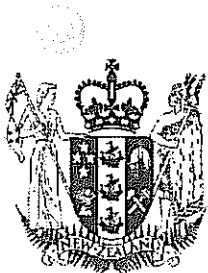
Report to the Chief Surveyor, Christchurch, for certification of Status Investigation for EREWHON Pastoral Lease Tenure Review.

1. I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of QV Valuations, certify that the status report enclosed for certification is in order for signature.
2. In giving this certification I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V. Valuations, undertake 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
McGregor Property Services Limited
Accredited Supplier
5 March 2002

APPENDIX 1



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



Historical Search Copy

R. W. Muir
Registrar-General
of Land

Identifier CB34A/710
Land Registration District Canterbury
Date Registered 11 February 1991 11:07 am

Prior References CB529/17

Type	Lease under s83 Land Act 1948	Term	33 years, commencing on the 1 July 1984
Area	13575.3587 hectares more or less		effective from 1 July 1990

Legal Description Section 1-4 Survey Office Plan 18222 and
Run 111

Original Proprietors
Erewhon Partnership Limited

Interests

Pursuant to Section 58 Land Act 1948 a strip of Land 20 metres in width along the banks of all streams and rivers is excluded from the within lease.

A194510.2 Variation of the terms of the within Lease - 15.9.1995 at 12.00 pm

A361398.3 Mortgage to The National Bank of New Zealand Limited - 22.7.1998 at 11.57 am

Idifier

CB34A/710

L. & S.—B. 4

Former Ref. Vol. 529 fol. 17

L. & S. Ref. No. P 142

NEW ZEALAND

Entered in the Register-book, the

11th day of February

1991, at 11:07 o'clock.



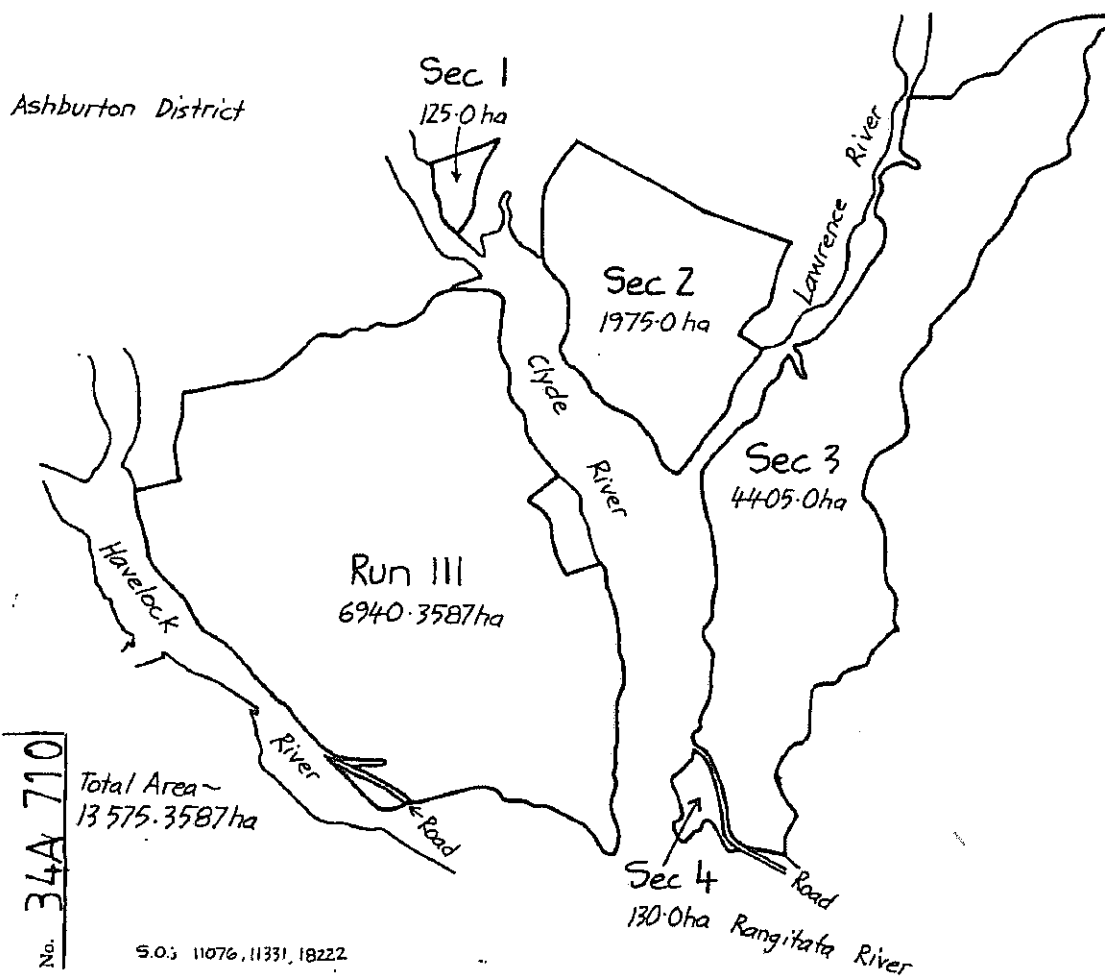
Pastoral Lease under the Land Act 1948

This Deed, made the 1st day of July 1990 between HER MAJESTY THE QUEEN (hereinafter referred to as "the Lessor") of the one part, and COLIN FREDERICK URQUHART of Erewhon Sheep Farmer

(hereinafter referred to as "the Lessee"), of the other part: WITNESSETH that, in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements herein contained and implied, and on the part of the Lessee to be paid, observed, and performed, the Lessor doth hereby demise and lease unto the Lessee, all that parcel of land containing by estimation ~~13,575.3587 hectares~~ 13575.3587 hectares more or less, situated in the Land District of Canterbury, and being Sections 1, 2, 3, 4 SO 18222 and Run 111 situated in Clyde, Ramsay and Havelock Survey Districts

as the same is more particularly delineated with bold black lines on the plan hereon; together with the rights,

NOTE: Pursuant to Section 58 of the Land Act, 1948, a strip of land 20 metres in width along the banks of all streams and rivers is excluded from the within lease.



Id fier

CB34A/710

~~Easements, and appurtenances thereto belonging. TO HOLD the said premises intended to be hereby demised~~
unto the Lessee for the term of 33 years, commencing on the 1st day of 19 , together
with the period between the date of this lease and the aforesaid 1st day of 19 , YIELDING
and paying therefor for the first 11 years of the said term unto the Department of Lands and Survey at
the annual rent of \$ 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 period of 11 years, and for the next two successive periods of 11 years of the said term a rent deter-
mined in respect of each of those periods in the manner provided in Section 66 (4A) of the Land Act 1948.
AND also paying in respect of the improvements specified in the Schedule hereto the sum of \$
by a deposit of \$ (which has already been paid) and thereafter by half-yearly
instalments of \$ on the 1st day of January and the 1st day of July in each and every year.

AND the Lessee doth hereby covenant with the Lessor as follows:

1. That without derogating from or restricting the covenants contained and implied in this lease and on the
part of the Lessee to be performed or complied with the Lessee will not at any time during the said term de-
pasture on the land hereby demised more than sheep which number shall not include more than
breeding ewes nor more than cattle which number shall not include more than breeding
cows PROVIDED HOWEVER that the Lessee may with the prior written consent of the Land Settlement Board
carry such additional stock on such terms and conditions as may therein be specified subject nevertheless to the
right of the Land Settlement Board to revoke or vary such consent at any time.

2. That the Lessee will at all times farm the land hereby demised in a manner to promote soil conservation and
prevent erosion and will comply with the provisions of the Soil Conservation and Rivers Control Act 1941.

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

THAT pursuant to the provisions of the Noxious Animals Act 1936 officers and employees of the New Zealand
Forest Service and other authorised persons shall at all times have a right of ingress, egress, and regress 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 Service is charged with the duty of ex-
terminating or controlling, or for the purpose of destroying any such animals: Provided that such officers,
employees, and other authorised persons in the performance of the said duties shall at all times avoid undue
disturbance of the Lessee's stock.

AND it is hereby declared and agreed that these presents are intended to take effect as a Pastoral Lease of pastoral
land under Section 66 of the Land Act 1948, and the provisions of the said Act and of the regulations made there-
under applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if
such provisions had been fully set out herein.

SCHEDULE OF IMPROVEMENTS BELONGING TO THE CROWN

IN WITNESS whereof the Commissioner of Crown Lands for the said Land District, on behalf of the Lessor, has hereunto set
his hand, and these presents have also been signed by the said Lessee.

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

Witness:

Occupation:

Address:

Commissioner of Crown Lands.

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

Witness:

Occupation:

Address:

Lessee.

B. J. Waghart

62274J-86PTK

Id: 1677032

CB34A/710

easements, and appurtenances thereto belonging. TO HOLD the said premises intended to be hereby demised unto the Lessee for the balance term of 33 years, commencing on the 1 July 1984 effective from 1 July 1990. YIELDING and paying therefor for the first 11 years of the said term unto the Land Corporation Limited at Christchurch the annual rent of \$2,625.00 (exclusive of GST) payable without demand by the 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 period of 11 years, and for the next two successive periods of 11 years of the said term a rent determined in respect of each of those periods in the manner provided in Section 66(7b) of the Land Act 1948.

AND the Lessee doth hereby covenant with the Lessor as follows:

1. THAT without derogating from or restricting the covenants contained and implied in this lease and on the part of the Lessee to be performed or complied with the Lessee will not at any time during the said term depasture on the land hereby demised more than 5,500 sheep PROVIDED HOWEVER that the Lessee may with the prior written consent of the Land Corporation Limited carry such additional stock on such terms and conditions as may therein be specified subject nevertheless to the right of Land Corporation Limited to revoke or vary such consent at any time.

2. THAT the Lessee will at all times farm the land hereby demised in a manner to promote soil conservation and prevent erosion and will comply with the provisions of the Soil Conservation and Rivers Control Act 1941.

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

3. THAT pursuant to the provisions of the Wild Animal Control Act 1977 any warranted officer thereunder and other authorised persons shall at all times have a right of ingress, egress, and regress over the land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested with deer, wild pigs, opossums, or other animals which the Department of Conservation is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals: Provided that such officers, employees, and other authorised persons in the performance of the said duties shall be all times avoid undue disturbance of the Lessee's stock.

4. AND it is hereby declared and agreed that these presents are intended to take effect as a Pastoral Lease of pastoral land under Section 66 of the Land Act 1948, and the provisions of the said Act and of the regulations made thereunder applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if such provisions had been fully set out herein.

SCHEDULE OF IMPROVEMENTS BELONGING TO THE CROWN

N11

Idifier

CB34A/710

IN WITNESS WHEREOF the parties have hereunto subscribed their name this
day of 21 December 1990.

* ROBERT ALAN
CANT

SIGNED for and on behalf of HER
MAJESTY THE QUEEN pursuant to an
Agreement lodged with the District
Land Registrar as No 856748/1 by
LAND CORPORATION LIMITED by its
Attorney* DAVID WILLIAM HEWARD in
the presence of:

LAND CORPORATION LIMITED
by its Attorney

WITNESS:

OCCUPATION:

ADDRESS:

SIGNED by the said COLIN FREDERICK
UROUHART as lessee in the presence
of:

Lessee

WITNESS:

OCCUPATION:

ADDRESS:

Id ifier

CB34A/710

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, ROBERT ALAN CANT Property Officer, of Christchurch.

HEREBY CERTIFY -

1. THAT by an agreement dated the 24th day of January 1990 a copy of which is deposited in the Land Registry Office at -

CHRISTCHURCH (Canterbury Registry) and there number 856748/1

HER MAJESTY THE QUEEN appointed LAND CORPORATION LIMITED at Wellington its Attorney on the terms and subject to the conditions set out in the said Agreement.

2. THAT by Deed dated the 12th day of June 1987 a copy of which is deposited in the Land Registry Office at -

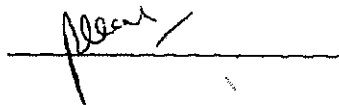
CHRISTCHURCH (Canterbury Registry) and there numbered 686366/2

LAND CORPORATION LIMITED at Wellington carrying on the business of land management appointed me its Attorney on the terms and subject to the conditions set out in the said Deed.

3. THAT at the date hereof I was Property Officer of the said Corporation.

4. THAT at the date hereof I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of the said LAND CORPORATION LIMITED or otherwise.

SIGNED at Christchurch
this 21 day of December 1990)



Idifier

CB34A/710

34A/710

Mortgage 922543/1 to Fred Lillian Urquhart,
Graham McKenzie Black and PG Trust Limited
--28.2.1991 at 9.04am

DISCHARGED
13.5.91
[Signature]

for A.L.R.

Transfer A113710/1 to Colin Frederick
Urquhart abovenamed and Lilian Edith
Urquhart of Erewhon, ~~Shropshire~~ Married
as tenants in common in equal shares - ~~Woman~~,
23.5.1994 at 9.04am

[Signature]
for A.L.R.

No. A194510/2 Variation of the terms of the
within Lease - 15.9.1995 at 12.00pm

[Signature]
for A.L.R.

Transfer A194510/3 to Stronechrubie Limited
at Christchurch - 15.9.1995 at 12.00pm

[Signature]
for A.L.R.

Mortgage A194510/4 to Bank New Zealand
Limited - 15.9.1995 at 12.00pm

DISCHARGED
22.7.98
[Signature]
for A.L.R.

A361398.2 Transfer to Erewhon Partnership
Limited

A361398.3 Mortgage to The National Bank of
New Zealand Limited

all 22.7.1998 at 11.57

[Signature]
for DLR

APPENDIX 2

FS E.5



New Zealand Forest Service

Telegrams "Forestry" - Telex 4410 - P. O. Box 25-022, Victoria
CHRISTCHURCH

Recd
23/12/83
J. Smith

FS 9/28
Your P16
KML:SIE
21 December 1983

Commissioner of Crown Lands
Department of Lands and Survey
Private Bag
CHRISTCHURCH

[Signature]
re/for CCL's
comments in
renewal sub:
Johs 821 p 6
At Torsesse/-
-Staircase
& Mesopotamia
precedents here

PROPOSED LAND EXCHANGE : CLYDE STATE FOREST/EREWHON STATION

The lessee of Erewhon Station has suggested that we consider an exchange of part of his leasehold for an area of State forest, as shown on the attached plans.

His reasons for the suggestion are that there is good winter grazing for stock on State forest land, whereas the area he wishes to give up has little grazing and is relatively inaccessible.

I note that the lease is due for renewal in 1984, so presumably the run has been inspected recently.

May I have your comments please?

[Signature]
K M LAMB
for J W Levy
Conservator of Forests

[Signature]
Affirmative reply please.
Arrange for surrender &
incorporation so as to
achieve objective as sought.
Refer to 27/10 for further report.
Acknowledge this letter to F.H.
[Signature]
5/4/84

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State Forest Boundary



Note For File

Comments: Walking easement.

Yes the walking easement is to be in addition to the access previously negotiated. It is intended that the easement be made over an existing walking track as described in my report and marked up on the plan. ~~It~~ just so happens that the track closely aligns with the legal Rd closed in 1976. It was not intended that the legal Rd closed in 1976 be resumed.

JBH/ed
field officer
16/3/84

DDM
16/3

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OUR FILE: 8/8/130

YOUR FILE: P16

From HEAD OFFICE

Date: 22 February 1984

To CCL CHRISTCHURCH

Ref.: Ours/Yours of

Person to consult:

27 FEB 1984

SUBJECT: RENEWAL OF PASTORAL LEASE : EREWHON

Your submission covering the renewal of the Erewhon pastoral lease was approved by the Head Office Committee under case number 84/22 of 21 February 1984. The Committee has made the following minor amendments.

Recommendation 3B to read "the stock limit to be shown on the lease document to be set as follows:

Not more than 7700 sheep (including not more than x breeding ewes)"

Recommendation 5 to read that "a general section 58 Land Act provision for the exclusion of land alongside of rivers and streams not less than 3 metres wide to included in the renewal lease".

When this case was considered in Head Office it was felt that the department should tread carefully in the matter of the walking easements as there was some controversy over this in the early 1970s. The recommendation made on this is not clear. Is the walking easement to be in addition to the access previously negotiated i.e. where route 3 was agreed to on condition that portions of route 1 be closed. It was agreed and gazettal finally took place in September 1976 where parts of route 3 were proclaimed as road and parts of route 1 were closed. Would you please provide guidance on this point.

Finally the Committee asked that more care be taken in the preparation and checking of the submissions. Some of the comments included in those under DFO's comments did not seem to be clear to the Head Office Committee which found that there was some inconsistency between the first two sentences in the second paragraph of these comments, and also in the last paragraph. While the Committee was able to get the gist of what was meant I would ask you to pay close attention to these points when preparing the submissions. It must be remembered that the Head Office Committee in most cases does not have the benefit of the full comments made by various officers therefore when including parts of these in the submission care should be taken to see that they follow on logically.

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#2 Head. - See 1825.
Comment please on walking
easement.
12/3