

## **Crown Pastoral Land Tenure Review**

**Lease name : THE JOLLIES**

**Lease number : PS 051**

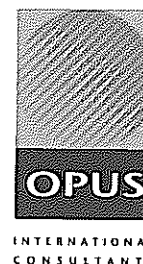
### **Due Diligence Report (including Status Report) - Part 1**

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.

**July 09**



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

**THE JOLLIES PASTORAL LEASE**

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File Ref: CON/50269/09/12657/A	Report No: DN0096	Report Date: 14/02/2002
Office of Agent: Dunedin	LINZ Case No: TR 02/323	Date sent to LINZ: 22/02/2002

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**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** there are no incomplete actions or potential liabilities.

**Signed by Opus:**

Michael Brown  
Property Consultant

Dave Payton  
Contract Manager

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

Name: GRANT KASPER WEBLEY

Date of decision: 28/2/02

**1. Details of lease:**

**Lease Name:** The Jollies  
**Location:** At Five Rivers, approximately 22 kilometres north of Lumsden  
**Lessee:** D G Dickie  
**Tenure:** Pastoral Lease under the Land Act 1948 – Ps051  
**Term:** 33 years from 1 July 1992  
**Annual Rent:** \$1,350.00  
**Rental Value:** \$90,000.00  
**Date of Next Review:** 30 June 2003  
**Land Registry Folio Ref:** SL229/98 (Southland Registry)  
**Legal Description:** Part Run 394A, Parts Run 575 and Lot 2 DP 6761  
**Area:** 1,164.6908 hectares

**2. File Search**

**Files held by Knight Frank Limited on behalf of LINZ:**

File Reference	Volume	From	To
Ps/051-SIN-04	4	05/04/1995	30/06/2000
CON/50213/09/12657/A-ZNO	1	01/07/2000	Date

**Files held by Opus International Consultants Limited on behalf of LINZ:**

File Reference	Volume	From	To
CON/50269/09/12657/A-ZNO	1	22/08/2001	Date

**Other relevant files held by LINZ:**

File Reference	Volume	From	To
Ps/051-SIN-03	3	12/05/1983	05/04/1995
Ps/051-SIN-02	2	09/06/1978	12/05/1983
Ps/051-SIN-01	1	08/12/1959	01/06/1978

**3. Summary of lease document:**

**Terms of lease**

*Stock Limitation in Lease*

2130 sheep plus 10% (when run in conjunction with the adjoining freehold land)

*Commencement Date*

1 July 1992

*Special Provisions*

There are no special provisions within the lease.

### Area adjustments

There are no area discrepancies.

### Registered interests

- 105740.1 Transfer granting a right to convey and drain water as an easement in gross over part together with incidental rights in favour of Southland County Council [now Southland District Council]– 2.5.1984
- 216153.1 Variation of the within lease renewing the term for a further 33 years commencing on 1.7.1992 and increasing the annual rental to \$1350.00 and the rental value to \$90,000.00 – 11.1.1994
- 230352.3 Surrender of the within lease as to part (755.0000 hectares) shown on diagram 4 hereon – 26.4.1995 [NB a copy of Certificate of Title SL229/98 is attached with the copy of Land Status Report in Schedule A of this report]
- 231806.3 Mortgage to Wrightson Farmers Finance Limited – 14.6.1995.

### Unregistered interests

There are no known unregistered interests in the property.

#### **4. Summarise any Government programmes approved for the lease:**

In 1963 the then lessees entered into an agreement with the Southland Catchment Board for the retirement of an area of the lease, and erosion control works elsewhere within erosion prone portions of the property. The schedule of works was completed within the timeframe; however, the surrender of the retired area was not effected until 1995.

#### **5. Summary of Land Status Report:**

Opus International Consultants Limited undertook a Land Status Check on 30 January 2002. This check confirms the status of the land as Crown Land under the Land Act 1948, subject to Pastoral Lease Ps/051. A copy of the Land Status Report is attached as Schedule A to this report.

The following items were identified for consideration in the context of Due Diligence:

- The file shows that a field inspection was made of the streams within this pastoral lease. No streams were found to be subject to Section 24 of the Conservation Act 1987. This aspect was considered on renewal of this lease on 1 July 1992.
- The file states that Area "A" on SO 11860 [461 hectares] part of surrender document 230352.3 is unoccupied Crown Land under the Land Act 1948. This land was surrendered from this pastoral lease for addition to a reserve administered by the Ministry for the Environment, which has subsequently been declared surplus to the requirements by the Ministry.
- SO 6857 defines a Right of Way over part of the northern portion of this Lease. The pastoral lease shown a variation of the lease in 1969 (reservation of right of way). This variation cannot be searched and confirmed because no reference to this documentation can be found in SL229/98. It is possible that this document is for the

subject Right of Way. Topographical information shows that there is a formed trace along this track.

- Diagram 3 on Pastoral Lease 229/98 illustrating Certificate of Incorporation 232715 is in error. The appellation of the area incorporated is Lot 2 DP 6761.

**6. Review of topographical and cadastral data:**

A review of the topographic and cadastral data indicates there are some minor inconsistencies between the fenced and legal boundaries along the central eastern boundary.

No other potential liabilities have been identified.

**7. Details of any neighbouring Crown or conservation land**

Neighbouring Crown Land is detailed as follows:

	Legal Description	Status	Owner/Lessee
North	Section 1 SO 301091	Crown Land (Reserve)	Her Majesty the Queen
East	Section 2 SO 301091	Crown Land	Her Majesty the Queen
	Pt Run 575	Crown Land	Her Majesty the Queen
	State Forest Eyre Survey District	Crown Land	Her Majesty the Queen
	Pt Run 394A	Crown Land	Her Majesty the Queen

There is no indication from the available information that any of these parcels should be included in the tenure review.

**8. Summarise any uncompleted actions or potential liabilities:**

There are no uncompleted actions or potential liabilities that may effect the tenure review of this property.

**Schedule A: Land Status Report**

**OPUS INTERNATIONAL CONSULTANTS LIMITED  
DUNEDIN OFFICE**

Project Number 6NLITR.02/096YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001 and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for The Jollies</b>		LIPS Ref 12657
Property	1	of 1

<b>Land District</b>	Southland
<b>Legal Description</b>	Part Run 394A and Parts Run 575, situated in Blocks IV and VII, Eyre Survey District and Lot 2 D. P. 6761
<b>Area</b>	1164.6908 hectares
<b>Status</b>	Crown Land under the Land Act 1948 subject to Pastoral Lease Ps.51
<b>Instrument of title/Lease</b>	SL229/98
<b>Encumbrances</b>	Subject to: - 105740.1 Transfer granting a right to convey and drain water as an easement in gross over part together with incidental rights in favour of the Southland District County.
<b>Mineral Ownership</b>	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 1853 Murihiku Purchase
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998

<b>Date Correct as at</b>	30/1/2002
<b>Certification Attached</b>	

<b>Prepared by</b>	John Kirk <i>[Signature]</i>
<b>Crown Accredited Agent</b>	Opus International Consultants Ltd, Dunedin

**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 under the Land Act 1948 subject to Pastoral Lease SL229/98

*[Signature]*

**Max Haydn Warburton  
Chief Surveyor  
Land Information New Zealand, Dunedin.**

19 1 2 2002

<b>LAND STATUS REPORT for The Jollies</b>		LIPS Ref 12657
Property	1	of 1

**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 file shows that a field inspection was made of the streams within this pastoral lease. No streams were found to be subject to Section 24 of the Conservation Act 1987. This aspect was considered on renewal of this lease on 1 July ~~1986~~ 1991.

File states that Area "A" on SO 11860 [461 hectares] part of surrender document 230352.3 is unoccupied Crown Land under the Land Act 1948. This land was surrendered from this pastoral lease for addition to a reserve administered by the Ministry for the Environment, which has subsequently been declared surplus to the requirements by the Ministry.

SO 6857 defines a Right of Way over part of the northern portion of this Lease. The pastoral lease shown a variation of the lease in 1969 (reservation of right of way). This variation cannot be searched and confirmed because no reference to this documentation can be found in SL229/98. It is possible that this document is for the subject Right of Way. Topographical information shows that there is a formed track along this track.

Diagram 3 on Pastoral Lease 229/98 illustrating Certificate of Incorporation 232715 is in error. The appellation of the area incorporated is Lot 2 DP 6761.



LAND STATUS REPORT for The Jollies				LIPS Ref 12657
Pro	ty	1	of	1

**Research Data:** Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	E43 & E44
Local Authority	Southland District
Crown Acquisition Map	1853 Murihiku Purchase
SO Plan	<p>SO 627- Plan of Sections in Block XXXIX Eyre Survey District [May &amp; July 1867]</p> <p>SO 6107- Plan of Run 547 formerly part Runs 352B &amp; 509 Blocks XVI, XVII, XVIII, XIX &amp; XX Eyre Survey District [February 1953] adjoining Run.</p> <p>SO 6818- Plan showing boundaries between Runs 575 and 576 Block IV Eyre Survey District [February 1961].</p> <p>SO 6857- Plan of Section 156, Block VII Eyre Survey District [May 1961].</p> <p>SO 6967- Plan of part Runs 191c, 134A &amp; 575 Block VII, Eyre Survey District [February 1962]</p> <p>SO 7195-Plan of Runs 589E and Part of 394A situated in Blocks II to VIII Eyre Survey District. [September 1963]</p> <p>SO 7491-Plan of Runs 597, 598 &amp; part Run 589 situated Blocks II, III, and V to VIII Eyre Survey District. [October 1965]. Adjoining property.</p> <p>SO 7626-Plan of Run 576 and parts Run 575 Block I, II, IV and VII Eyre Survey District. [September 1966].</p> <p>SO 11169- Plan of allocations to the Department of Conservation under Section 62 of the Conservation Act 1987 [E43].</p> <p>SO 11170- Plan of allocations to the Department of Conservation under Section 62 of the Conservation Act 1987 [E44].</p> <p>SO 11860-Plan of land to be set apart for Soil Conservation Reserve and Scenic Reserve.</p> <p>SO 12054- Plan of land to be set apart for Scenic Reserve</p>

<b>LAND STATUS REPORT for The Jollies</b>		LIPS Ref 12657
Property	1	of 1

	<p>SO 301091-Plan of Sections 1 and 2 S O 301091 [January 2001]</p> <p>DP 1544- Plan of subdivision of sections 62 Block IV and section 7 part sections 5, 6, 9, 17, 41, 42 Closed Roads &amp; original Railway Reserve Eyre Survey District.[November 1913] this defines adjoining land.</p> <p>DP 6761- Plan of Lot 2 DP 6761 being part Section 42 Block XXXIX Eyre Survey District. [May 1961]</p>
Relevant Gazette Notices and / or Computer interest register.	<p>Gazette 1998 page 980 Declaring Land to be Held for Conservation Purposes. Areas "B", "C" on SO 11860 &amp; area "A" on SO 12054.</p> <p>Gazette 1969 page 1282 Reservation of land and vesting in Soil Conservation Rivers Control Council. Section 156, Block VII, Eyre Survey District.</p>
CT Ref / Lease Ref	SL 229/98
Plan Index	Viewed as above
Legalisation Cards	<p>SO 11860- Area "A" To be Set apart for Soil Conservation Reserve [this has not been gazetted. File shows this land is UCL for disposal. See letter from the CCL dated 7 May 1996]</p> <p>Areas "B" &amp; "C" Land declared held for Conservation Purposes. Gazette 1998 page 980</p> <p>SO 12054- Area "A" Land declared held for Conservation Purposes. Gazette 1998 page 980.</p> <p>See Statutory Actions listed below</p>
Statutory Actions (Landonline)	<p>SO 12054-part Run 394A Gazette 1998 p 980 Conservation Purposes</p> <p>SO 11860-part Run 575 Gazette 1998 p 980 Conservation Purposes</p> <p>SO 7626- part Run 394A &amp; part Run 575 Gazette 1998 p 980 Conservation Purposes</p> <p>SO 7195- part Run 394A Conservation Purposes</p>

**LAND STATUS REPORT for The Jollies**

LIPS Ref 12657

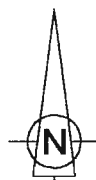
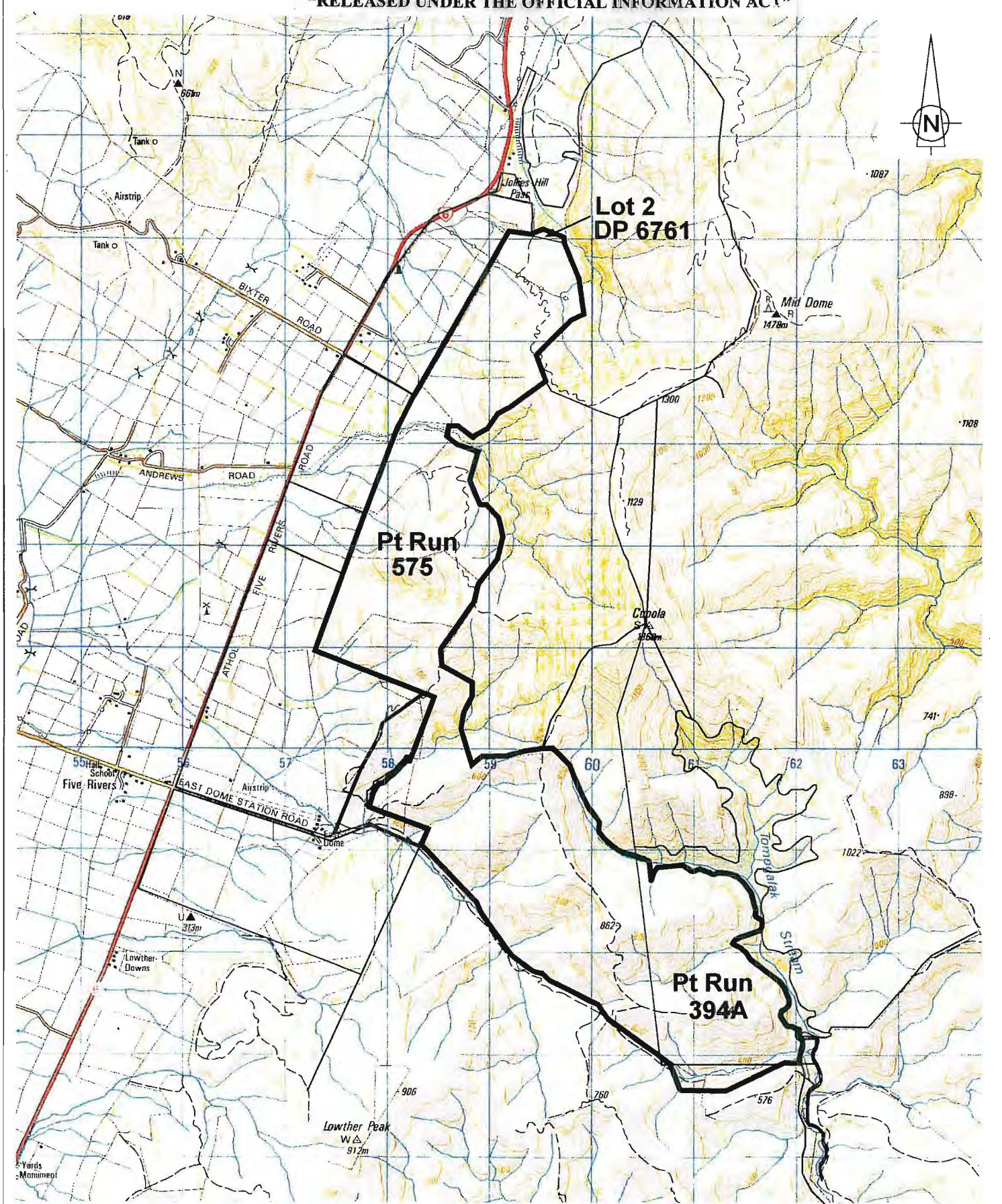
Property 1 of 1

	<p>SO 7491- State Forest Eyre Survey District Gazette 1886 p 253 State Forest</p> <p>SO 7491- Crown Land Eyre Survey District, Section 58 Land Act 1948, Crown Land Reserved from Sale</p>
CLR	Supports Pastoral Status
Allocation Maps (if applicable)	<p>DOC &amp; SOE maps – no allocations within lease area. Adjoining DOC allocations subject to section 62 of the Conservation Act 1987 references D*E44*26, 27, 34*CO, E43*21, 22, 32 *CO.</p> <p>Other SOE maps searched nothing found</p>
LNZ Ref - if known	29300 23800
Crown Grant Maps	1853 Murihiku Purchase
<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) Not Applicable</p> <p>b)</p> <p>c)</p>

<b>LAND STATUS REPORT for The Jollies</b>		LIPS Ref 12657
Property	1	of 1

**Research – continued**

If Crown land – <u>Check</u> Irrigation Maps.	Not applicable
Mining Maps	Searched nothing found
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989  b) By Proc	a) SO Plan Not applicable  b) 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) Not known  b) Nil  c) 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 1853 Murihiku Purchase  d) Not known



**Lot 2  
DP 6761**

**Pt Run  
575**

**Pt Run  
394A**

<b>Version</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Southland Land District</b>	<b>Sheet 1 of 1</b>				
<b>NZMS 260 E43 &amp; E44</b>	<b>Date 03/10/2001</b>				



**The Jollies**  
Scale 1 : 50000

Graphics by :  
TL Survey Services Ltd DUNEDIN



PART-CANCELLED  
107  
TO BE CONVERTED

REGISTER

21 APR 1952

229/198

16370

Pastoral Lease

Chris Dick, made the...

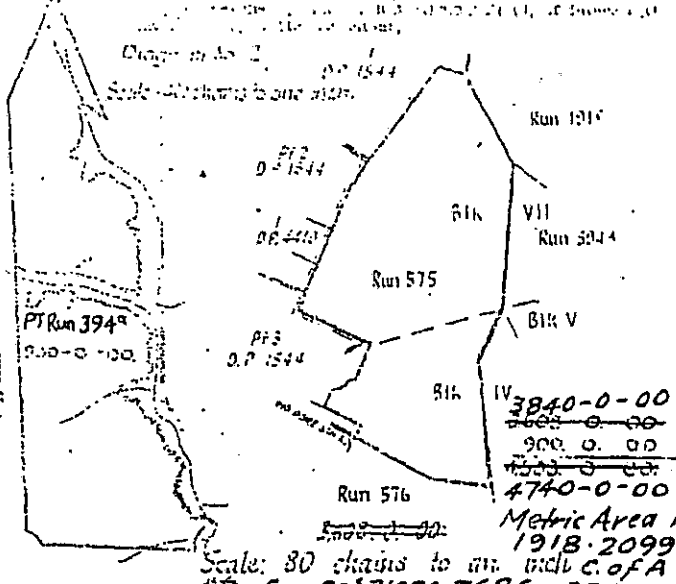


Image quality due to Condition of Original

These after referred to as the said land...  
 575 (part of...)  
 575 (part of...)

These after referred to as the said land...  
 575 (part of...)  
 575 (part of...)

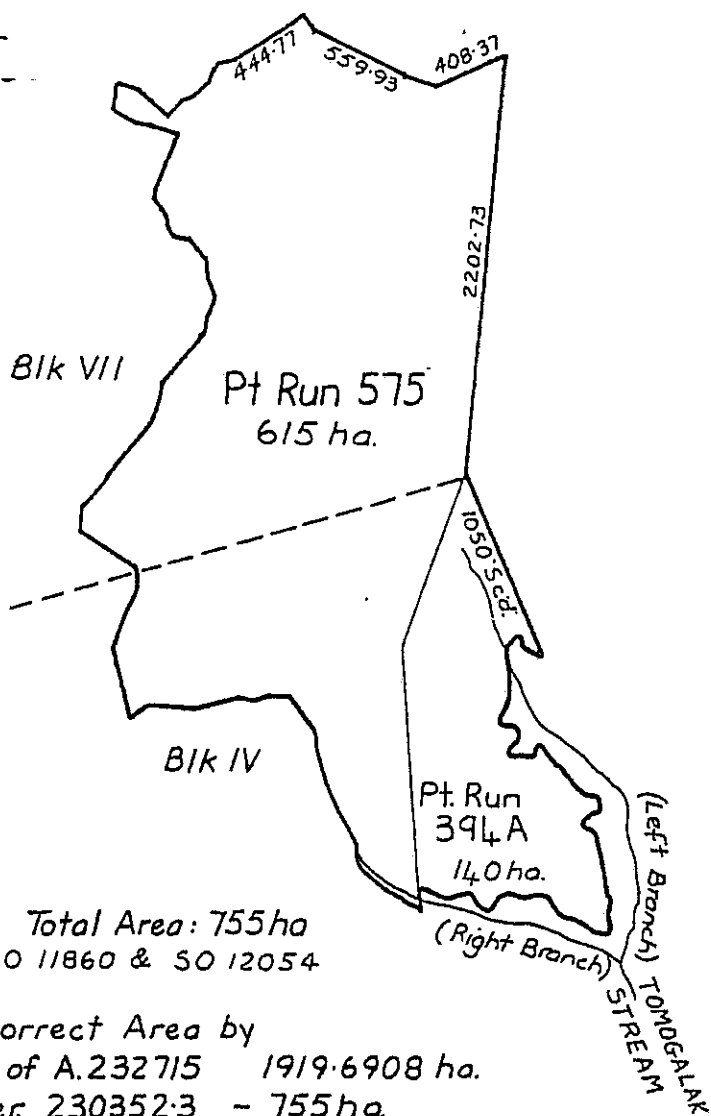
- AND the Lessee hereby covenants with the Lessor as follows, that is to say:-
1. THAT the Lessee will fully and punctually pay the rent hereinafter reserved to the Lessor by the Lessee, and in full, on the day appointed for the payment of the same, and will not be liable for any arrears of rent, and will not be liable for any interest on any such arrears of rent.
  2. THAT the Lessee will within one year after the date of this lease take up his pasture on the said land, and thereafter shall give the Lessor the value of the said land, and the Lessor will receive the same.
  3. THAT the Lessee will hold and use the said land for the purposes of the said lease, and will not transfer, assign, or otherwise dispose of the same, without the written consent of the Lessor, and any such consent shall be given only in the presence of the Lessor, and any such consent shall be given only in writing.
  4. THAT the Lessee will at all times keep the said land in a good and sound state according to the nature of the soil, and will not allow any building or other structure to be erected on the said land.
  5. THAT the Lessee will throughout the term of his lease to the satisfaction of the Lessor, keep the said land in a good and sound state, and will comply with all the provisions of the Statute in that behalf made.
  6. THAT the Lessee will keep the said land free from all animals, cattle, and other beasts, and generally comply with the provisions of the Statute in that behalf made.
  7. THAT the Lessee will throughout the term of his lease to the satisfaction of the Lessor, keep the said land in a good and sound state, and will comply with all the provisions of the Statute in that behalf made.
  8. THAT the Lessee will at all times during the term of his lease and in each and every year, keep in good and sound state, all the buildings, structures, and other works belonging to the Lessor, and will repair and rebuild the same, which are being destroyed or damaged, and will not, without the prior written consent of the Lessor, remove or alter any part of them.
  9. THAT the Lessee will insure all buildings belonging to the Lessor, and will pay the cost of the same, and will not, without the prior written consent of the Lessor, remove or alter any part of them.
  10. THAT the Lessee will at all times during the term of his lease to the satisfaction of the Lessor, keep the said land in a good and sound state, and will comply with all the provisions of the Statute in that behalf made.
- Provided that the Lessee shall not be liable for any loss or damage to the said land, or any part thereof, which may be caused by fire, lightning, or any other cause, which is beyond the control of the Lessee.
11. THAT the Lessee will not, except for the purpose of complying with any of the provisions of the Statute in that behalf made, erect any building or other structure on the said land, or any part thereof, which is not approved by the Lessor, and will not, without the prior written consent of the Lessor, remove or alter any part of them.
12. THAT the Lessee and his assigns, and all persons claiming under him, shall not be liable for any loss or damage to the said land, or any part thereof, which may be caused by fire, lightning, or any other cause, which is beyond the control of the Lessee.
- Provided that the Lessee shall not be liable for any loss or damage to the said land, or any part thereof, which may be caused by fire, lightning, or any other cause, which is beyond the control of the Lessee.

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

(a) THAT the Lessee shall have the benefit of the said lease, and shall not be liable for any loss or damage to the said land, or any part thereof, which may be caused by fire, lightning, or any other cause, which is beyond the control of the Lessee.

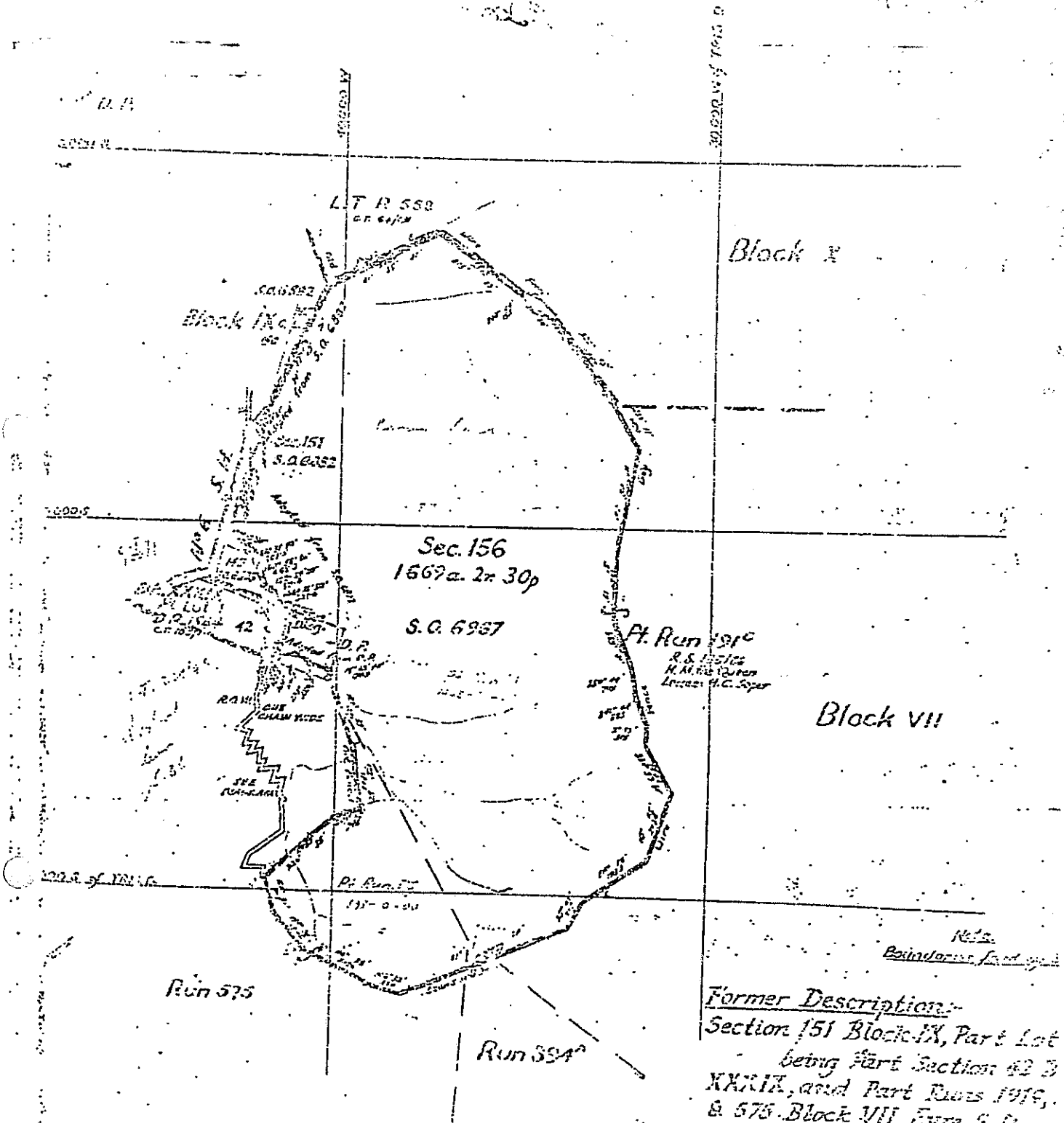
(b) THAT the Lessee shall have the benefit of the said lease, and shall not be liable for any loss or damage to the said land, or any part thereof, which may be caused by fire, lightning, or any other cause, which is beyond the control of the Lessee.

Diagram 4.



Total Area: 755 ha  
 SO 11860 & SO 12054

Correct Area by  
 C. of A. 232715    1919.6908 ha.  
 Surrender: 230352.3    - 755 ha.  
 Xà KH Total Area    1164.6908 ha.



*Former Description:-*  
 Section 151 Block IX, Part Lot  
 being Part Section 42 B  
 XXXIX, and Part Runs 1916,  
 & 575 Block VII Eyre S.D.

Plan of Sec. 156  
 Block VII Eyre S.D.  
 Surveyed by \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Approved _____
Chief Surveyor _____



- 14) The Commission shall have the right to inspect the books and records of the lessee and to require the lessee to produce any documents or information in its possession or control which may be relevant to the Commission's duties.
- 15) The Commission shall have the right to require the lessee to provide a security deposit to guarantee the performance of the lease.
- 16) The Commission shall have the right to require the lessee to provide a bond to guarantee the performance of the lease.
- 17) The Commission shall have the right to require the lessee to provide a guarantee to guarantee the performance of the lease.
- 18) The Commission shall have the right to require the lessee to provide a security deposit to guarantee the performance of the lease.
- 19) The Commission shall have the right to require the lessee to provide a bond to guarantee the performance of the lease.
- 20) The Commission shall have the right to require the lessee to provide a guarantee to guarantee the performance of the lease.

SCHEDULE

Interests in land owned by the Crown and leased to the Lessee

20) WITNESS whereof the Commissioner of Crown Lands for the Land District of Southeastland and these presents have also been executed by the said Lessee.

on behalf of the Lessee, last herein set out

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

Witness: [Signature]  
 Occupation: Public Office Clerk  
 Address: [Address]

[Signature]  
 Commissioner of Crown Lands

Witnessed by the above named as Lessee, in the presence of:-

Witness: [Signature]  
 Occupation: Public Office Clerk  
 Address: [Address]

[Signature]  
 Lessee

21) THAT the lessee shall be deemed not to have failed to use good care in working, or to have overworked, so long as the number of acres worked on the said lease and the lessee's adjoining household and outbuildings does not exceed 25% above (being an increase of ten per cent on the carrying capacity as shown in the lease) and the lessee shall be deemed not to have failed to use good care in working, or to have overworked, so long as the number of acres worked on the said lease and the lessee's adjoining household and outbuildings does not exceed 25% above (being an increase of ten per cent on the carrying capacity as shown in the lease) and the lessee shall be deemed not to have failed to use good care in working, or to have overworked, so long as the number of acres worked on the said lease and the lessee's adjoining household and outbuildings does not exceed 25% above (being an increase of ten per cent on the carrying capacity as shown in the lease).

Part 575 77749 to [Name]  
[Address]  
[Date]

Part 575 22525 [Name]  
**DISCHARGED**  
 26 APR 1995

192767 [Name]  
**DISCHARGED**  
 26 APR 1995

231255 [Name]  
 (198 acres) [Date]

16303 Certificate 193 755 by the Commissioner of Crown Lands, incorporating the parts of Run 394 A Eyre District (Vic.) shown on diagram NP 2 of the 1963.

232714 Certificate by the Commissioner of Crown Lands incorporating the parts of Run 394 A Eyre District (Vic.) shown on diagram NP 2 of the 1963.

Transfer 196 583 by the Commissioner of Crown Lands, incorporating the parts of Run 394 A Eyre District (Vic.) shown on diagram NP 2 of the 1963.

232715 Certificate by the Commissioner of Crown Lands incorporating the parts of Run 394 A Eyre District (Vic.) shown on diagram NP 2 of the 1963.

195024 [Name]  
**DISCHARGED**  
 26 APR 1995

033998-1 [Name]  
 1689613

Part 575 22525 [Name]  
 22525

034717-1 [Name]  
**DISCHARGED**  
 26 APR 1995

THIS REPRODUCTION (ON A REDUCED SCALE) CERTIFIED TO BE A TRUE COPY BY THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 215A LAND TRANSFER ACT 1952.

A.L.R.

OVER

051038.1 Transfer to Alexander Phillip Laing and Clifford Vernon Shirley both abov named and Robyne Frances Selbie of Dunedin Widow 28.9.1979 at 1.44 p.m.

*[Signature]*  
A.L.R.

143342.4 Variation of mortgage 034717.1 - 10.8.1987 at 1.57 p.m.

*[Signature]*  
A.L.R.

091207.1 Variation of Mortgage 034717.1 1.2.1983 at 11.33 a.m.

*[Signature]*

A.L.R.

091207.2 Mortgage to Rural Banking and Finance Corporation of New Zealand 1.2.1983 at 11.33 a.m.

148700  
186601  
DISCHARGED  
15 APR 1983

*[Signature]*

A.L.R.

103367.1 Mortgage to The National Bank of New Zealand Limited - 9.2.1984 at 2.38 p.m.

*[Signature]*  
A.L.R.

A.L.R.

105740.1 Transfer granting a right to convey and drain water in gross over part shown on diagram therein together with incidental rights in favour of Southland County Council - 2.5.1984 at 10.35 a.m.

16308

*[Signature]*

A.L.R.

143342.1 Transfer to Alexander Phillip Laing and Robyne Frances Selbie both abovenamed - 10.8.1987 at 1.57 p.m.

*[Signature]*

A.L.R.

143342.3 Mortgage to Rural Banking and Finance Corporation of New Zealand - 10.8.1987 at 1.57 p.m.

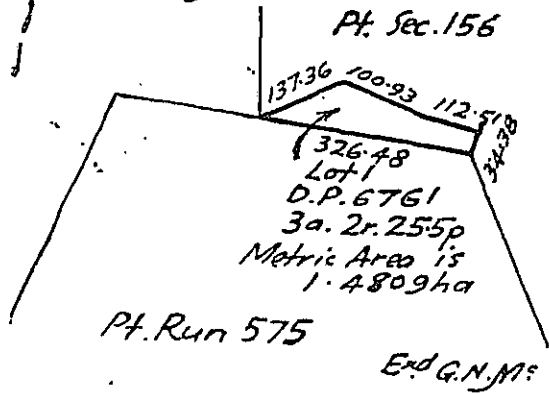
168961-1  
DISCHARGED  
23/11/88

*[Signature]*

A.L.R.

Correct Area by  
C. of A 232714 1918.2099ha  
C. of A 232715 1.4809ha  
Total Area 1919.6908ha.

Diagram No 3



172613.1 Transfer to Jollies Investments Limited at Dunedin - 16.3.1990 at 9.16 a.m.

*[Signature]*  
D.L.R.

A.L.R.

185601.2 Discharge to Bank of New Zealand - 15.4.1991 at 9.00 a.m.

231806-1  
DISCHARGED  
14 JUN 1995

A.L.R.

A.L.R.

216153.1 Variation of the within lease renewing the term for a further 33 years commencing on 1.7.1992 and increasing the annual rental to \$1350.00 and the rental value to \$90,000.00 - 11.1.1994 at 10.00 a.m.

16310

*[Signature]*  
A.L.R.

230352.3 Surrender of the within lease as to part (755.0000 ha) shown in diagram 4 hereon - 26.4.1995 at 9.15 a.m.

16311

*[Signature]*  
A.L.R.

231806.2 Transfer to David Gwyn Dickie of Eyre Creek farmer - 14.6.1995 at 9.10 a.m.

*[Signature]*  
A.L.R.

231806.3 Mortgage to Wrightson Farmers Finance Limited - 14.6.1995 at 9.10 a.m.

*[Signature]*  
A.L.R.

**John S Kirk**

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From: loladmin@linz.govt.nz  
Sent: Wednesday, 29 August 2001 16:54  
To: john.kirk@opus.co.nz  
Subject: THE JOLLIES



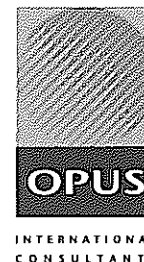
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LAND  
STATUS REPORT

**OPUS INTERNATIONAL CONSULTANTS LIMITED  
DUNEDIN OFFICE**

Project Number 6NLITR.02/096YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001 and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for The Jollies</b>	LIPS Ref 12657
Property <b>1</b> of <b>1</b>	

<b>Land District</b>	<b>Southland</b>
<b>Legal Description</b>	Part Run 394A and Parts Run 575, situated in Blocks IV and VII, Eyre Survey District and Lot 2 D. P. 6761
<b>Area</b>	1164.6908 hectares
<b>Status</b>	Crown Land under the Land Act 1948 subject to Pastoral Lease Ps.51
<b>Instrument of title / lease</b>	SL229/98
<b>Encumbrances</b>	Subject to: - 105740.1 Transfer granting a right to convey and drain water as an easement in gross over part together with incidental rights in favour of the Southland District County.
<b>Mineral Ownership</b>	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 1853 Murihiku Purchase
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998

<b>Data Correct as at</b>	30/1/2002
[Certification Attached]	

<b>Prepared by</b>	<b>John Kirk</b>
<b>Crown Accredited Agent</b>	<b>Opus International Consultants Ltd, Dunedin</b>

**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 under the Land Act 1948 subject to Pastoral Lease SL229/98

**Max Haydn Warburton  
Chief Surveyor  
Land Information New Zealand, Dunedin.**

19 1 2 12002

<b>LAND STATUS REPORT for The Jollies</b>				LIPS Ref 12657	
Property	1	of	1		

<p><b>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.</b></p>	<p>The file shows that a field inspection was made of the streams within this pastoral lease. No streams were found to be subject to Section 24 of the Conservation Act 1987. This aspect was considered on renewal of this lease on 1 July <del>1986</del> 1991.</p> <p>File states that Area "A" on SO 11860 [461 hectares] part of surrender document 230352.3 is unoccupied Crown Land under the Land Act 1948. This land was surrendered from this pastoral lease for addition to a reserve administered by the Ministry for the Environment, which has subsequently been declared surplus to the requirements by the Ministry.</p> <p>SO 6857 defines a Right of Way over part of the northern portion of this Lease. The pastoral lease shown a variation of the lease in 1969 (reservation of right of way). This variation cannot be searched and confirmed because no reference to this documentation can be found in SL229/98. It is possible that this document is for the subject Right of Way. Topographical information shows that there is a formed track along this track.</p> <p>Diagram 3 on Pastoral Lease 229/98 illustrating Certificate of Incorporation 232715 is in error. The appellation of the area incorporated is Lot 2 DP 6761.</p>
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<b>LAND STATUS REPORT for The Jollies</b>		LPS Ref 12657
Property	1 of 1	

**Research Data:** Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	E43 & E44
Local Authority	Southland District
Crown Acquisition Map	1853 Murihiku Purchase
SO Plan	<p>SO 627- Plan of Sections in Block XXXIX Eyre Survey District [May &amp; July 1867]</p> <p>SO 6107- Plan of Run 547 formerly part Runs 352B &amp; 509 Blocks XVI, XVII, XVIII, XIX &amp; XX Eyre Survey District [February 1953] adjoining Run.</p> <p>SO 6818- Plan showing boundaries between Runs 575 and 576 Block IV Eyre Survey District [February 1961].</p> <p>SO 6857- Plan of Section 156, Block VII Eyre Survey District [May 1961].</p> <p>SO 6967- Plan of part Runs 191c, 134A &amp; 575 Block VII, Eyre Survey District [February 1962]</p> <p>SO 7195-Plan of Runs 589E and Part of 394A situated in Blocks II to VIII Eyre Survey District. [September 1963]</p> <p>SO 7491-Plan of Runs 597, 598 &amp; part Run 589 situated Blocks II, III, and V to VIII Eyre Survey District. [October 1965]. Adjoining property.</p> <p>SO 7626-Plan of Run 576 and parts Run 575 Block I, II, IV and VII Eyre Survey District. [September 1966].</p> <p>SO 11169- Plan of allocations to the Department of Conservation under Section 62 of the Conservation Act 1987 [E43].</p> <p>SO 11170- Plan of allocations to the Department of Conservation under Section 62 of the Conservation Act 1987 [E44].</p> <p>SO 11860-Plan of land to be set apart for Soil Conservation Reserve and Scenic Reserve.</p> <p>SO 12054- Plan of land to be set apart for Scenic Reserve</p>

<b>LAND STATUS REPORT for The Jollies</b>				LIPS Ref 12657
Property	1	of	1	

	<p>SO 301091-Plan of Sections 1 and 2 S O 301091 [January 2001]</p> <p>DP 1544- Plan of subdivision of sections 62 Block IV and section 7 part sections 5, 6, 9, 17, 41, 42 Closed Roads &amp; original Railway Reserve Eyre Survey District.[November 1913] this defines adjoining land.</p> <p>DP 6761- Plan of Lot 2 DP 6761 being part Section 42 Block XXXIX Eyre Survey District. [May 1961]</p>
Relevant Gazette Notices and / or Computer interest register.	<p>Gazette 1998 page 980 Declaring Land to be Held for Conservation Purposes. Areas "B", "C" on SO 11860 &amp; area "A" on SO 12054.</p> <p>Gazette 1969 page 1282 Reservation of land and vesting in Soil Conservation Rivers Control Council. Section 156, Block VII, Eyre Survey District.</p>
CT Ref / Lease Ref	SL 229/98
Plan Index	Viewed as above
Legalisation Cards	<p>SO 11860- Area "A" To be Set apart for Soil Conservation Reserve [this has not been gazetted. File shows this land is UCL for disposal. See letter from the CCL dated 7 May 1996]</p> <p>Areas "B" &amp; "C" Land declared held for Conservation Purposes. Gazette 1998 page 980</p> <p>SO 12054- Area "A" Land declared held for Conservation Purposes. Gazette 1998 page 980.</p> <p>See Statutory Actions listed below</p>
Statutory Actions (Landonline)	<p>SO 12054-part Run 394A Gazette 1998 p 980 Conservation Purposes</p> <p>SO 11860-part Run 575 Gazette 1998 p 980 Conservation Purposes</p> <p>SO 7626- part Run 394A &amp; part Run 575 Gazette 1998 p 980 Conservation Purposes</p> <p>SO 7195- part Run 394A Conservation Purposes</p>



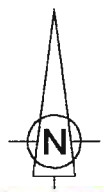
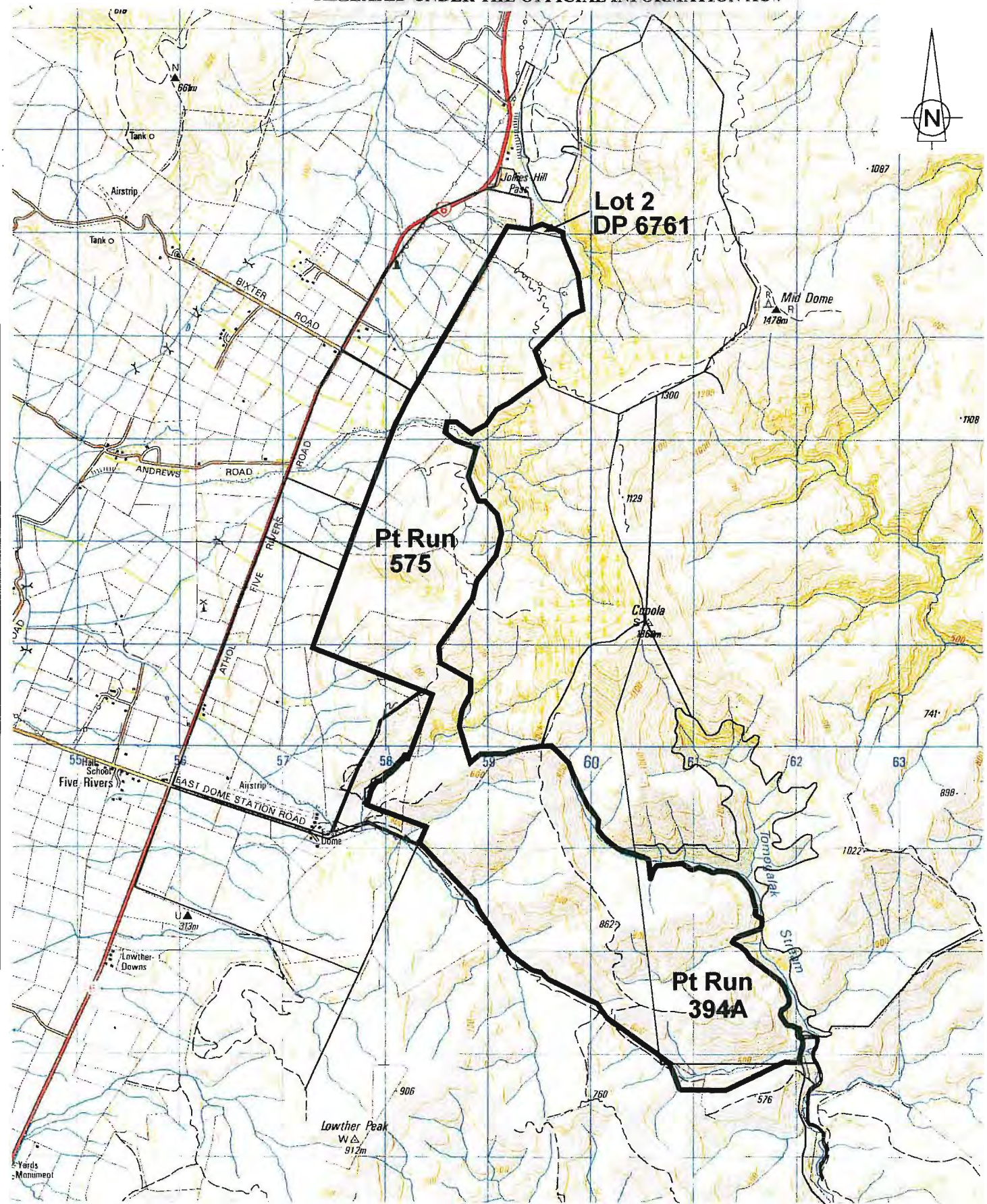
<b>LAND STATUS REPORT for The Jollies</b>	LIPS Ref 12657
Property 1 of 1	

	SO 7491- State Forest Eyre Survey District Gazette 1886 p 253 State Forest  SO 7491- Crown Land Eyre Survey District, Section 58 Land Act 1948, Crown Land Reserved from Sale
CLR	Supports Pastoral Status
Allocation Maps (if applicable)	DOC & SOE maps – no allocations within lease area. Adjoining DOC allocations subject to section 62 of the Conservation Act 1987 references D*E44*26, 27, 34*CO, E43*21, 22, 32 *CO. Other SOE maps searched nothing found
VNZ Ref - if known	29300 23800
Crown Grant Maps	1853 Murihiku Purchase
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]  b) Date Created  c) Plan Reference	a) Not Applicable  b)  c)

<b>LAND STATUS REPORT for The Jollies</b>		LIPS Ref 12657
Property	1	of 1

**Research – continued**

If Crown land – Check Irrigation Maps.	Not applicable
Mining Maps	Searched nothing found
<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) SO Plan Not applicable</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</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) Not known</p> <p>b) Nil</p> <p>c) 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 1853 Murihiku Purchase</p> <p>d) Not known</p>



**Lot 2  
DP 6761**

**Pt Run  
575**

**Pt Run  
394A**

<b>Version</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Southland Land District</b>	<b>Sheet 1 of 1</b>				
<b>NZMS 260 E43 &amp; E44</b>	<b>Date 03/10/2001</b>				



**The Jollies**  
Scale 1 : 50000

Graphics by :  
TL Survey Services Ltd DUNEDIN





Department of Conservation  
*Te Papa Atawhai*

File: RAS 21

25 January 2002

John Kirk  
Opus International Consultants Ltd  
Private Bag 1913  
DUNEDIN



Dear Sir,

**LAND STATUS INVESTIGATION - THE JOLLIES**

Your 15 November letter was referred on from our Dunedin office.

It is confirmed that there are no Department of Conservation allocations within the subject pastoral lease.

It is suggested that you add allocations \*E43\*21, 22, 32\*CO to the allocations already shown.

I have enclosed a copy of a plan with this department's land interests marked thereon. Please note that the light green colouring referring to Section 24 Conservation Act, applies to the marginal strip interests only on the relevant waterways and not the parcel as a whole.

Yours sincerely,

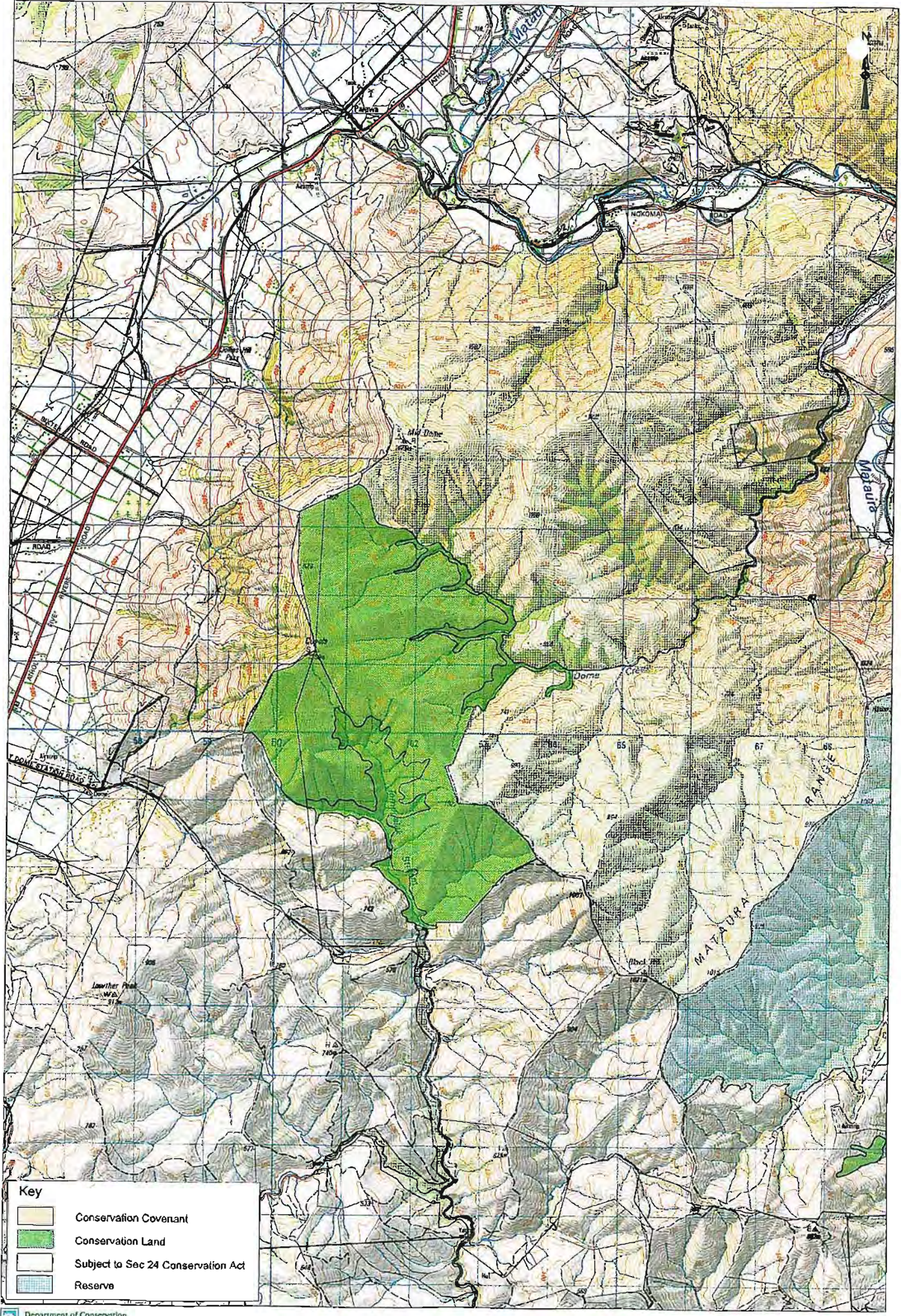
Colin Pemberton  
Community Relations Supervisor  
(Statutory Land Management)  
for Conservator

File No
File
Number
Date
Initials

document 2

**Southland Conservancy**

State Insurance Building, 33 Don Street, P.O. Box 743, Invercargill, New Zealand  
Telephone 03-214 4589, Fax 03-214 4486



**Key**

- Conservation Covenant
- Conservation Land
- Subject to Sec 24 Conservation Act
- Reserve

**PART - CANCELLED**  
**NOT**  
**TO BE CONVERTED**

**REGISTER**

279/198

163/70

31 04 10

Pastoral Lease of ...

This Day, ...

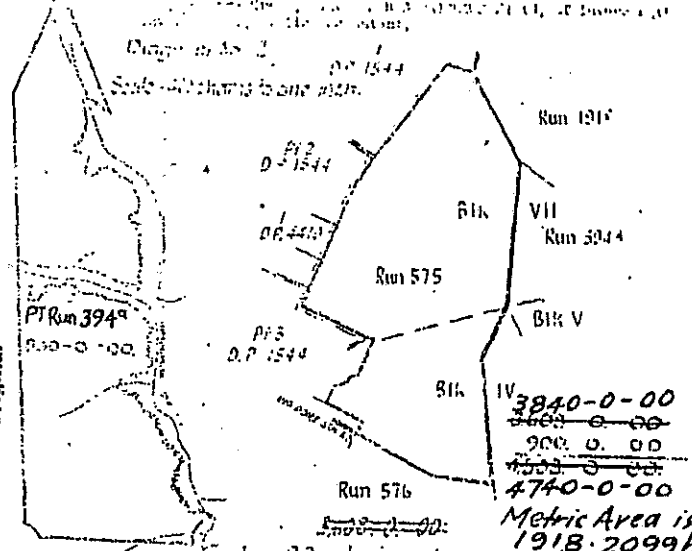


Image Quality due to Condition of Original

... the ...

... after referred to ...

... and Survey of the ...

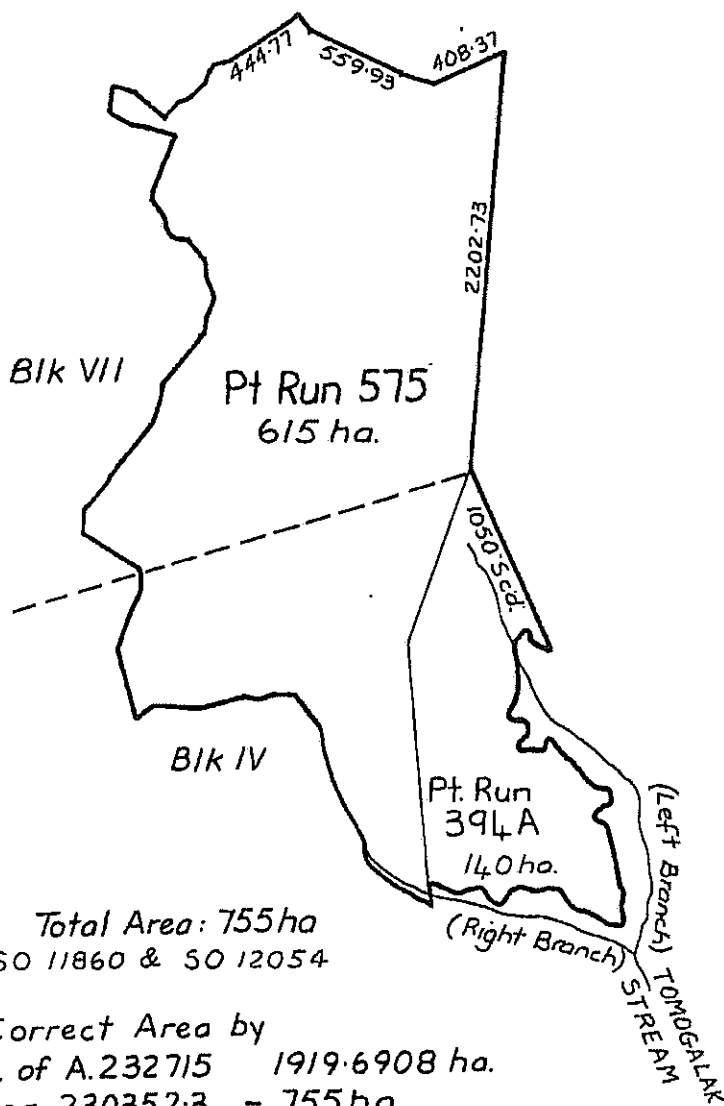
... the receipt of which ...

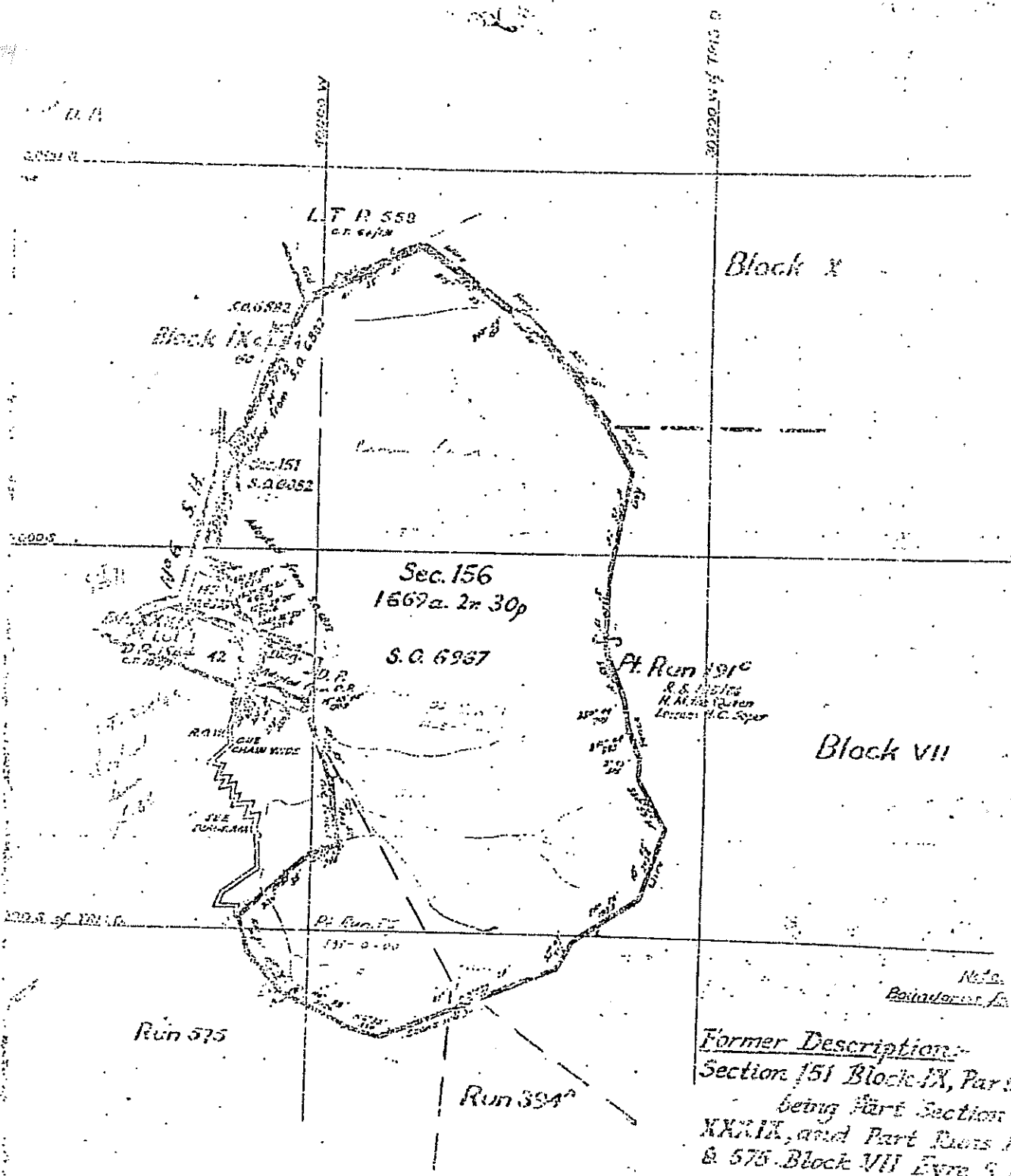
- AND the Lessee having covenant with the Lessor as follows, that is to say:-
1. THAT the Lessee will fully and lawfully pay the rent hereinafter recited ...
  2. THAT the Lessee will within one year after the date of this lease take up the ...
  3. THAT the Lessee will hold and use the said land ...
  4. THAT the Lessee will at all times farm the said land ...
  5. THAT the Lessee will throughout the term of this lease ...
  6. THAT the Lessee will keep the said land free from wild animals ...
  7. THAT the Lessee will clear from weeds and keep open all creeks ...
  8. THAT the Lessee will at all times during the term of this lease ...
  9. THAT the Lessee will insure all buildings belonging to the Crown ...
  10. THAT the Lessee will not throughout the term of this lease ...
- Provided that the covenant of the Commission ...
11. THAT the Lessee will not, except for the purpose of one ...
  12. THAT ...
- Provided that such officers and employees ...

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

- (a) THAT the Lessee shall have the exclusive right ...
- (b) THAT the Lessee shall have the right ...

Diagram 4.





Block X

Block VII

*Note:*  
*Particulars found on*  
**Former Description:**  
 Section 151 Block IX, Part Lot  
 being Part Section 42 of  
 XXXIX, and Part Runs 191,  
 & 575 Block VII Eyre S.D.

**Plan of Sec. 156**  
 Block VII Eyre S.D.

Approved
Chief Surveyor



- 14.11 The Lessee shall not be permitted to sub-lease the land to any other person without the prior written consent of the Commission, and shall not be permitted to assign the lease to any other person without the prior written consent of the Commission.
- 14.12 The Lessee shall not be permitted to use the land for any purpose other than that specified in the lease, and shall not be permitted to use the land for any purpose which is prohibited by law.
- 14.13 The Lessee shall not be permitted to use the land for any purpose which is prohibited by law, and shall not be permitted to use the land for any purpose which is prohibited by law.
- 14.14 The Lessee shall not be permitted to use the land for any purpose other than that specified in the lease, and shall not be permitted to use the land for any purpose which is prohibited by law.
- 14.15 The Lessee shall not be permitted to use the land for any purpose other than that specified in the lease, and shall not be permitted to use the land for any purpose which is prohibited by law.

SCHEDULE 4

IN WITNESS WHEREOF, the Commission has caused this Lease to be signed and sealed by its duly authorized officers and its seal to be hereunto affixed on the day and at the place first hereinabove expressed.

Witness whereof the Commissioner of Crown Lands for the Land District of Southland, on behalf of the Lessee, hath hereunto set his hand, and these presents have also been executed by the said Lessee.

Signed by the said Commissioner, on behalf of the Lessee, in the presence of—  
 Witness: \_\_\_\_\_  
 Occupation: \_\_\_\_\_  
 Address: \_\_\_\_\_

Signed by the above named as Lessee, in the presence of—  
 Witness: \_\_\_\_\_  
 Occupation: \_\_\_\_\_  
 Address: \_\_\_\_\_

*[Signature]*  
 Commissioner of Crown Lands

*[Signature]*  
 Lessee

15) THAT the Lessee shall be deemed not to have failed to use good care in stacking, or to have overstocked, so long as the number of stock kept on the said land and the Lessee adjoining Freehold Land combined does not exceed 2500 sheep (being an increase of ten per cent on the carrying capacity on which is based the rent by valuation) and the Commissioner may by notice in writing permit the Lessee to depasture them, any greater number should be deemed to be a failure to use good care in stacking, or to have overstocked, 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 violation committed by the Lessee shall not affect the rent payable hereunder.

*Portgall 77749 to George Selbie  
 Certificate 193755 by the Commissioner of Crown Lands  
 showing parts of Run 394 A Eyre District  
 shown on diagram N° 2*

Part Run 575 has been <sup>230352-2</sup> **DISCHARGED**. See Appellation 215529.  
 See 22608 Agreement under the Soil Conservation and Mire Management Act 1948 and 1952 and Attachment Form 19.4.1953 at 11.  
**26 APR 1995**

*192767 Certificate by the Statutory Land  
 showing parts of Run 394 A Eyre District  
 shown on diagram N° 2  
**DISCHARGED**  
**26 APR 1995**  
 A.L.R.*

231855 Certificate by the Commissioner of Crown Lands showing parts of Run 394 A Eyre District (198 series) taken 11-2-1964 at 2:16 pm  
**DISCHARGED**  
**26 APR 1995**

*Certificate 193755 by the Commissioner of Crown Lands showing parts of Run 394 A Eyre District (198 series) shown on diagram N° 2*

232714 Certificate by the Commissioner of Crown Lands showing parts of Run 394 A Eyre District (198 series) taken 11-2-1964 at 2:16 pm  
**DISCHARGED**  
**26 APR 1995**

*Transfer 194583 showing parts of Run 394 A Eyre District to Robert George Selbie of Eyre Creek*

232715 Certificate by the Commissioner of Crown Lands incorporating lot 2 DP 6761 in the Run 394 A Eyre District (198 series) taken 11-2-1964 at 2:16 pm  
**DISCHARGED**  
**26 APR 1995**

*Part Run 575 showing parts of Run 394 A Eyre District  
**DISCHARGED**  
**26 APR 1995**  
 A.L.R.*

033998-1 Transfer of land to Robert George Selbie of Eyre Creek showing parts of Run 394 A Eyre District (198 series) taken 11-2-1964 at 2:16 pm  
**DISCHARGED**  
**26 APR 1995**

*Part Run 575 showing parts of Run 394 A Eyre District  
**DISCHARGED**  
**26 APR 1995**  
 A.L.R.*

034717-1 Transfer of land to Robert George Selbie of Eyre Creek showing parts of Run 394 A Eyre District (198 series) taken 11-2-1964 at 2:16 pm  
**DISCHARGED**  
**26 APR 1995**  
 A.L.R.

THIS REPRODUCTION ON A REPRODUCIBLE MEDIUM IS CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 215A LAND TRANSFER ACT 1952.

OVER

D.L.R.

051038.1 Transfer to Alexander Phillip Laing and Clifford Vernon Shirley both abovenamed and Robyne Frances Selbie of Dun<sup>e</sup> 1 Widow 28.9.1979 at 1.44 p.m.

*Robyne Selbie*  
A.L.R.

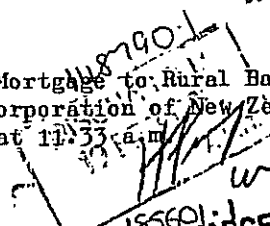
143342.4 Variation of mortgage 034717.1 - 10.8.1987 at 1.57 p.m.

*wabnd*  
A.L.R.

091207.1 Variation of Mortgage 034717.1 1.2.1983 at 11.33 a.m.

*wabnd*

091207.2 Mortgage to Rural Banking and Finance Corporation of New Zealand 1.2.1983 at 11.33 a.m.



A.L.R.

143342.5 Variation of mortgage 034717.1 - 10.8.1987 at 1.57 p.m.

*wabnd*

A.L.R.

103367.1 Mortgage National Bank of New Zealand Limited - 9.2.1981 at 2.38 p.m.

DISCHARGED  
15 APR 1981  
*H. H. H.*  
A.L.R.

A.L.R.

143342.6 Memorandum of Priority giving mortgage 143342.3 priority over mortgage 103367.1 - 10.8.1987 at 1.57 p.m.

*wabnd*

A.L.R.

157250.1 Variation of mortgage 143342.3 - 16.11.1988 at 9.33 a.m.

*[Signature]*  
A.L.R.

16308 105740.1 Transfer granting a right to convey and drain water in gross over part shown on diagram therein together with incidental rights in favour of Southland County Council - 2.5.1984 at 10.35 a.m.

*wabnd*

A.L.R.

172613.1 Transfer to Jollies Investments Limited at Dunedin - 16.3.1990 at 9.16 a.m.

*John Jollies*  
D.L.R.

143342.1 Transfer to Alexander Phillip Laing and Robyne Frances Selbie both abovenamed - 10.8.1987 at 1.57 p.m.

*wabnd*

A.L.R.

185601.2 Mortgage to Bank of New Zealand - 15.4.1991 at 9.00 a.m.

DISCHARGED  
14 JUN 1995  
*H. H. H.*  
A.L.R.

A.L.R.

143342.3 Mortgage to Rural Banking and Finance Corporation of New Zealand - 10.8.1987 at 1.57 p.m.

DISCHARGED  
23/11/88  
*[Signature]*  
A.L.R.

*wabnd*

A.L.R.

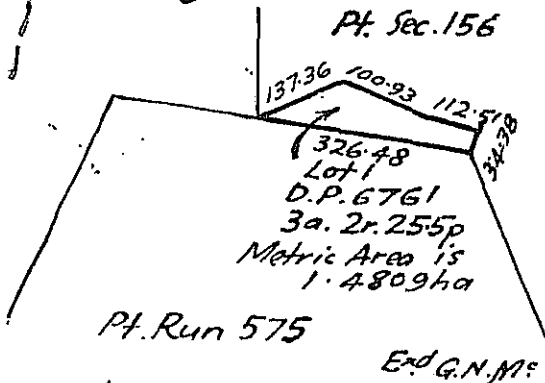
216153.1 Variation of the within lease renewing the term for a further 33 years commencing on 1.7.1992 and increasing the annual rental to \$1350.00 and the rental value to \$90,000.00 - 11.1.1994 at 10.00 a.m.

*H. H. H.*  
A.L.R.

16310

Correct Area by  
C. of A 232714 1918.2099ha  
C. of A 232715 1.4809ha  
Total Area 1919.6908ha.

Diagram No 3



230352.3 Surrender of the within lease as to part (755.0000 ha) shown in diagram 4 hereon - 26.4.1995 at 9.15 a.m.

*H. H. H.*  
A.L.R.

16311

231806.2 Transfer to David Gwyn Dickie of Eyre Creek farmer - 14.6.1995 at 9.10 a.m.

*H. H. H.*  
A.L.R.

231806.3 Mortgage to Wrightson Farmers Finance Limited - 14.6.1995 at 9.10 a.m.

*H. H. H.*  
A.L.R.

**John S Kirk**

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**From:** loladmin@linz.govt.nz  
**Sent:** Wednesday, 29 August 2001 16:54  
**To:** john.kirk@opus.co.nz  
**Subject:** THE JOLLIES



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SL229-98 - ...

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