Te Kooti Whenua Māori
Māori Land Court

Form 39
Rule 13.1

APPLICATION FOR PARTITION OR COMBINED PARTITION

Te Ture Whenua Māori Act 1993
Section 289 or 298

For more information visit www.māorilandcourt.govt.nz

RESET FORM

WHAT IS THIS FORM FOR?

Use this form to apply to the Court for a partition of Māori Land or the combined partition of Māori and General Land to separate out owner's shares into new land titles.

HOW TO FILE AND COMPLETE THIS APPLICATION FORM

(i) This form must be accompanied with the appropriate application fee and be filed with the Registrar in the District in which the land is located;

(ii) Please ensure that all information required on the form is completed;

(iii) Where tick boxes ☑ are provided please ensure you tick all those boxes that apply to your application, unless you are required to select one box, then only select the box that applies;

(iv) If there is insufficient room on the form to provide all the required information you should continue your application on a separate sheet of paper;

(v) Additional information – in addition to completing this form, if the application requires you to provide further information you must include all documents, information or evidence you wish the Court to consider; and

(vi) Comply with the requirements set out in the Checklist at the end of this form.

Office use:

Application: ACCEPTED / REFUSED

Dated: .....

Signed: .....

Name: .....

Designation: .....

The Māori Land Court of New Zealand

(please select the name of the Māori Land Court District in which the land is located)

Please select one District	☐ Taitokerau	☐ Waikato Maniapoto	☐ Waiariki
☐ Tairāwhiti	☐ Tākitimu	☐ Aotea	☐ Te Waipounamu

BLOCK(S): (State name and block number (s) of the land and any Land Information New Zealand title references)

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.....

.....

APPLICATION:

I/We .....

.....*(state full name),*

apply for a Partition Order/Combined Partition Order of the above land.

GROUNDS / REASONS: (☑ tick as appropriate)

1. I/we would like a partition of the land because: *(set out reasons why you want a partition)*

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2. I/we believe that a partition will benefit this block of land because:

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3. I/we have consulted with the owners and given them adequate opportunity to consider the proposal by:

☐	Personal contact;
☐	A meeting or meetings of owners; and/or

☐ Other means *(give details)* .....

.....

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.....

4. I/we attach the following evidence of consultation with the owners

☐ Written consents or objections of beneficial owners;

☐ Minutes of meeting(s);

☐ Other means *(give details)* .....

.....

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.....

PREFERRED PLACE OF HEARING: Whangārei

SIGNATURE OF APPLICANT Dated: / /

CONTACT DETAILS

Contact Address: .....

.....

.....

(Address to which documents or correspondence in connection with the application can be posted or delivered)

Phone Number(s):

Home:	Work:
Mobile:	Fax:
Email Address:	

NOTE: Where fax or email addresses are given these may be used as a means of notice and service.

Fee: $ 228.00

CHECKLIST OF DOCUMENTS REQUIRED:

- ☐ Schedule 1 *(Information to accompany application for partition)* fully completed with required attachments.
- ☐ A valuation of the land before partition and a valuation of each separate are created after partition.
  NOTE: An applicant may seek a preliminary hearing by the Court as to the merits of partition before obtaining a valuation.
- ☐ A sketch plan or diagram showing:
  - ☐ The area of the portion to be partitioned out; and
  - ☐ The position or locality of the partition relative to the whole block; and
  - ☐ Any river, lake or seashore boundaries of the whole block; and
  - ☐ The position of any easement or roadway required for access to the partitioned area.
- ☐ Details as to how ownership of the land is to be apportioned after partition
- ☐ Details of notice of the application or proposal to the owners, the minutes of any meetings held for this purpose, and the amount of support for the proposal
- ☐ Copy of the current *(certificate of)* title (if any) of any land included in partition
- ☐ Local Authority approval *(where applicable)*
- ☐ Consents of owners
- ☐ Consents of Trustees (where applicable)
- ☐ Consent of Committee of Management of Māori Incorporation *(where applicable)*
- ☐ Consent of lessee *(where applicable)*
- ☐ Copy of current roll valuation or valuation by a registered valuer

NOTE: An applicant may seek a preliminary hearing by the Court as to the merits of partition before obtaining a valuationĀ

MĀORI LAND COURT CONTACT DETAILS

This application may be lodged with the Registrar in the District in which the land is located.

TAITOKERAU

Level 1
16 Rathbone Street
WHANGĀREI

DX Box AX 10086
WHANGĀREI

PH: (09) 983 9940
Fax: (09) 983 9941
mlctaitokerau@justice.govt.nz

TAITOKERAU

Auckland Information Office
Avanti Finance Building
65B Main Highway
Ellerslie, AUCKLAND

DX Box EX10912
AUCKLAND

PH: (09) 279 5850
Fax: (09) 279 5852
mlctamakimakaurau@justice.govt.nz

WAIKATO MANIAPOTO

L2, BNZ Centre
354-358 Victoria St
HAMILTON

DX Box GX10101
HAMILTON

PH: (07) 957 7880
Fax: (07) 957 7881
mlcwaikato@justice.govt.nz

WAIARIKI

Hauora House
1143 Haupapa St
ROTORUA

DX Box JX10529
ROTORUA

PH: (07) 921 7402
Fax: (07) 921 7412
mlcwaiariki@justice.govt.nz

TAIRĀWHITI

Ngā Wai e Rua Building
Cnr Lowe Str & Reads Quay
GISBORNE

DX Box PX10106
GISBORNE

PH: (06) 869 0370
Fax: (06) 869 0371
mlctairawhiti@justice.govt.nz

TĀKITIMU

Hastings District Court
106 Eastbourne Street West
HASTINGS

DX Box MX10024
HASTINGS

PH: (06) 974 7630
Fax: (06) 974 7631
mlctakitimu@justice.govt.nz

AOTEA

Ingestre Chambers
74 Ingestre Street
WHANGANUI

DX Box PX10207
WHANGANUI

PH: (06) 349 0770
Fax: (06) 349 0771
mlcaotea@justice.govt.nz

TE WAIPOUNAMU

Level 1
20 Lichfield Street
CHRISTCHURCH

DX Box WX11124
CHRISTCHURCH

PH: (03) 962 4900
Fax: (03) 962 4901
mlctewaipounamu@justice.govt.nz

Te Kooti Whenua Māori
Māori Land Court

SCHEDULE OF PARTICULARS FOR APPLICATION

Name of block to be partitioned:

Area: square metres/hectares

Name of applicant(s): .....

.....

Local authority in which land is situated:

1. Current title held under (specify type of order) .....

   order of the Māori Land Court dated: / /

2. Is title completed by survey?	☐ YES	☐ NO
3. Is there a Land Transfer / Land Information New Zealand title? If Yes, what is/are the Title Reference(s)	☐ YES	☐ NO

Title Reference(s): .....

4. Is this partition intended to be a hapü partition in terms of the Resource Management Act?	☐ YES	☐ NO

Note: If this is a hapū partition, consent from the local authority does not need to be obtained. The Court will impose a restriction as to any alienation over the partitioned land. If this restriction is not wanted on the partition, then local authority consent must be obtained.

5. Current Government roll valuation attached or valuation completed by a registered public valuer.	☐ YES	☐ NO

6. Particulars of any improvements claimed by the applicant: .....

.....

.....

.....

7. Is the land vested in a Trust or Body Corporate; or subject to Part II of the Māori Affairs Restructuring Act 1989 (development)?	☐ YES	☐ NO

If so, consents to the partition from the trustees; or the Chief Executive of Te Puni Kōkiri must be attached.

8. Is the land vested in a Māori Incorporation?	☐ YES	☐ NO

NOTE: If the answer is yes a copy of a special resolution supporting the application must be provided.

9. Particulars of any registered alienations, encumbrances, rights of way, or other easements or profit a pendre affecting the title:

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10. Particulars of any unregistered alienations, any encumbrances, rights of way, or other easements or profit a prendre disclosed by Court files, or known to the applicant:

.....

.....

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11. Particulars of any alienation the subject of an application for confirmation not yet disposed of:

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12. Particulars of present occupation and tenure:

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.....

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13. Names of present owners, their postal addresses *(where these are known to the applicant)* and their relative shares:

	Sex and, if minor, age	Share
Name		
Postal Address		
Name		
Postal Address		
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(continue on a separate sheet if necessary)

Te Kooti Whenua Māori
Māori Land Court

CONSENTS OF TRUSTEES /OWNERS FOR PARTITION

We the undersigned being trustees/owners in .....

.....

.....

Block hereby agree to the partition of the said land as shown on the plan attached hereto.

Signed by	☐ Owner	☐ Trustee
Full Name:		
Signature:	Dated: / /	
Address:		
Signed by	☐ Owner	☐ Trustee
Full Name:		
Signature:	Dated: / /	
Address:		
Signed by	☐ Owner	☐ Trustee
Full Name:		
Signature:	Dated: / /	
Address:		
Signed by	☐ Owner	☐ Trustee
Full Name:		
Signature:	Dated: / /	
Address:		

Print