

APPLICATION FOR SUCCESSION WHEN GRANT OF ADMINISTRATION HELD

Te Ture Whenua Māori Act 1993
Sections 113 and 117

For more information visit www.maorilandcourt.govt.nz

WHAT IS THIS FORM FOR?

If an owner with Māori land interests is deceased, and probate, letters of administration or an election to administer the estate have been granted by High Court, or is to be obtained, you can use this form to seek a determination from the Court as to those persons entitled to a deceased's Māori Land interests and an order transferring the interests to those entitled.

If you do not intend to seek a grant of probate or administration in the estate you should complete the application for succession without administration on Form 22.

HOW TO FILE AND COMPLETE THIS APPLICATION FORM

- (i) This form must be accompanied with the appropriate application fee and may be filed at any office of the Court;
- (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) Refer to the notes to assist applications at the end of the form and comply with the requirements set out in the Checklist at the end of this form.

Office use:

Application: ACCEPTED / REFUSED

Dated:

Signed:

Name:

Designation:

Your application may be heard by a Registrar and you will not need to attend court. If you would prefer your application to be heard in court by a Judge, please tick here: ☐

The Māori Land Court of New Zealand

Please select the name of the Māori Land Court district in which you wish your application to be heard:

Please select one district	<input type="checkbox"/> Taitokerau	<input type="checkbox"/> Waikato Maniapoto	<input type="checkbox"/> Waiariki
<input type="checkbox"/> Tairāwhiti	<input type="checkbox"/> Tākitimu	<input type="checkbox"/> Aotea	<input type="checkbox"/> Te Waipounamu

NAME OF DECEASED/OWNER: (List all possible names that the deceased/owner may have been known by including any aliases)

.....

.....

APPLICATION:

I / We(state full name)

make application to vest the Māori land interests of the above named deceased in the person/s beneficially entitled.

1 THE DECEASED DIED AT on

2 DETAILS OF ADMINISTRATION ARE:

<input type="checkbox"/> Name(s) and address(es) of Administrators (if not named above):	
.....	
.....	
<input type="checkbox"/> Probate No.	Dated:
<input type="checkbox"/> Letters of Administer No.	Dated:
<input type="checkbox"/> Election to Administer No.	Dated:

3 ARE ANY MĀORI LAND INTERESTS HELD BY THE ADMINISTRATOR(S) pursuant to an order of the Court made under section 112 of Te Ture Whenua Māori Act 1993

<input type="checkbox"/> YES (go to question 4)	<input type="checkbox"/> NO (go to question 5)
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4 PROVIDE DATE OF ORDER(S) AND MINUTE BOOK REFERENCE

.....

.....

.....

.....

.....

.....

5 WHAKAPAPA:**FULL NAMES OF DECEASED'S PARENTS:**

Male Female Deceased

(a) Parent:

☐☐☐

(b) Parent:

☐☐☐**FULL NAMES OF DECEASED'S BROTHERS AND SISTERS:**

Male Female Deceased

(a)

☐☐☐

(b)

☐☐☐

(c)

☐☐☐

(d)

☐☐☐

(e)

☐☐☐

(f)

☐☐☐

(g)

☐☐☐

(The above information assists the Court to search for land interests – any additional whakapapa could assist the Court in its search)

6 WAS THE DECEASED AT THE TIME OF DEATH LEGALLY MARRIED OR IN A CIVIL UNION?☐ YES (go to question 7)☐ NO (go to question 9)**7 GIVE THE FULL NAMES OF AND ADDRESS OF THE SPOUSE OR CIVIL UNION PARTNER****8 SELECT ONE OF THE FOLLOWING STATEMENTS - THE SPOUSE / PARTNER OF THE DECEASED:**☐ Desires to take their right to receive any income or discretionary grants from the interest; or☐ Desires to take their lifetime right to occupy the principal family home if it is on the land; or

Please specify the name of the block(s) on which the dwelling is located:

☐ Has since remarried or entered into a civil union or a de facto relationship; or☐ Has since died; or☐ Was, at the date of death, separated from the deceased under a Separation Order or a written agreement; or☐ Wishes to surrender their lifetime right (surrender attached).

9 THE FULL NAMES OF ANY FORMER SPOUSES, CIVIL UNION PARTNERS OR DE FACTO PARTNERS OF THE DECEASED,
other than as stated in question 7, who are a parent of any of the deceased's children, are:

Name	Spouse	Civil union partner	De Facto Partner
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10 NEXT OF KIN *(select the statement that applies)*

☐ The deceased left children or their issue as next of kin and they are listed below: or

☐ The deceased had no children but left brothers and sisters or their issue as next of kin and they are listed below; or

☐ The deceased left no children or brothers and sisters as next of kin but I/we list below or attach a whakapapa record showing the next of kin to the deceased, including, where possible the names, gender, age and postal address of those next of kin living at the date of death of the deceased.

Under 'Gender', please write either 'M' (male) 'F' (female) or 'GD' (gender diverse). Only state the age if they are under 20. If a person is deceased, instead of the address write the date of death, and, as the case may be, DI to indicated deceased with children, or DNI to denote deceased without children. Include any person who have been legally adopted into the family. Details of all next of kin are to be given even though some may not be beneficiaries under a will.

1.	Full Name	Gender	Age
	Postal Address		
	Email		
2.	Full Name	Gender	Age
	Postal Address		
	Email		
3.	Full Name	Gender	Age
	Postal Address		
	Email		
4.	Full Name	Gender	Age
	Postal Address		
	Email		
5.	Full Name	Gender	Age
	Postal Address		
	Email		

6.	Full Name	Gender	Age
	Postal Address		
	Email		

7.	Full Name	Gender	Age
	Postal Address		
	Email		

8.	Full Name	Gender	Age
	Postal Address		
	Email		

9.	Full Name	Gender	Age
	Postal Address		
	Email		

10.	Full Name	Gender	Age
	Postal Address		
	Email		

11.	Full Name	Gender	Age
	Postal Address		
	Email		

12.	Full Name	Gender	Age
	Postal Address		
	Email		

11 SPECIFY THE FULL NAMES OF THE PARENTS OF EACH PERSON AS NEXT OF KIN (ABOVE)

Where there are different parents – identify the parents by reference to the numbers before the names of each next of kin (above). For example:

The parents of numbers 1 to 6 are.....; or

The parents of number 7 is.....; or

The parents of numbers 8 and 10 are

.....

.....

.....

.....

.....

12 WHERE ANY NEXT OF KIN LISTED IN QUESTION 10 ARE DECEASED WITH CHILDREN

Write the corresponding number of that person in question 10 (above) in the table below and the name of each child and their details. Repeat this process if there is more than one child or more than one next of kin who is deceased leaving children. Under 'Gender', please write either 'M' (male) 'F' (female) or 'GD' (gender diverse). For example:

No.	Name	Gender	Age	Postal Address
6	Rangi Te Mete	M	12	1 Smith Street, Tauranga
6	Waimarie Te Mete	F	9	1 Smith Street, Tauranga
6	Tere Te Mete	GD	16	1 Smith Street, Tauranga

No.	Name	Gender	Age	Postal Address

Please continue on separate sheet if necessary.
Where any of the above children is deceased, list their children on a separate sheet in the same manner as above.

13 DID THE DECEASED LEGALLY ADOPT ANY CHILDREN INTO THEIR FAMILY OR WERE ANY CHILDREN ADOPTED OUT OF THE FAMILY?

<input type="checkbox"/> YES - if YES complete the details below:	<input type="checkbox"/> NO - if NO go to question 14.
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Name	Tick as appropriate			
	Adopted in	<input type="checkbox"/>	Adopted out	<input type="checkbox"/>
	Adopted in	<input type="checkbox"/>	Adopted out	<input type="checkbox"/>
	Adopted in	<input type="checkbox"/>	Adopted out	<input type="checkbox"/>
	Adopted in	<input type="checkbox"/>	Adopted out	<input type="checkbox"/>
	Adopted in	<input type="checkbox"/>	Adopted out	<input type="checkbox"/>
	Adopted in	<input type="checkbox"/>	Adopted out	<input type="checkbox"/>

14 DID THE DECEASED HAVE WHĀNGAI? (see note (v))

<input type="checkbox"/> YES (go to question 15)	<input type="checkbox"/> NO (go to question 16)
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15 WHĀNGAI - (see note (v))

Names and addresses of whāngai:

Name	Postal address

☐ The family wish the whāngai to succeed as if they were natural children of the deceased; or

☐ The family wish the whāngai to succeed as follows

.....

☐ The family recognises the whāngai as a child of the deceased and is not entitled to succeed; or

☐ The family recognises the whāngai as a child of the deceased and entitled to the right to receive any income or discretionary grants from the interest and occupation of the principal family home as set out in the schedule; or

Please specify the name of the block(s) on which the dwelling is located:

☐ **THE FAMILY DO NOT WISH THE WHĀNGAI TO SUCCEED BECAUSE** (set out reasons)

.....

.....

Relationship of whāngai child to the deceased.....

FULL NAMES OF BIRTH PARENTS of WHĀNGAI (if known):

Male Female Gender diverse Deceased?

(a) Parent:

☐☐☐☐

(b) Parent:

☐☐☐☐

Birth parents relationship to the deceased.....

Has the whāngai child already received an interest in Māori land from either of their birth parents?

☐

YES

☐

NO

16 DID THE DECEASED LEAVE A WILL? (see note (ii))

☐

YES (go to question 17)

☐

NO (go to question 19)

17 THE BENEFICIARIES IN THE WILL:

☐

Are all named in question 10 and 12 as next of kin of Deceased; or

☐

Include the following people not named as next of kin (give names, addresses and relationship to deceased)

Name	Postal address	Relationship

18 WHERE ANY NAMED BENEFICIARY'S RIGHT TO SUCCEED under section 108(2) of the Act is not evident from his or her relationship to the deceased explain how the beneficiary qualifies under that section: (see note (vi))

19 WHĀNAU TRUST:

☐

Those entitled do not wish to form a whānau trust; or

☐

Those entitled to succeed have conferred and wish to vest the interests of the deceased into a whānau trust. If those entitled do wish to vest the deceased's interests into a whānau trust please complete and attach application form 23.

20 THE DECEASED'S LAND INTERESTS TO WHICH THIS APPLICATION RELATES
(including Māori Incorporation interests)

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

21 HAS THERE BEEN PREVIOUS SUCCESSION TO THE DECEASED?

<input type="checkbox"/> YES (if yes, specify the following details)	<input type="checkbox"/> NO
Place(s)	

22 THE PERSONS I/WE BELIEVE ARE ENTITLED TO SUCCEED ARE:

☐ Are all named in question 10 and 12 as next of kin of Deceased; or

☐ The persons entitled under the will being:

- ☐ the next of kin as set out in questions 10 and 12; or
- ☐ as set out in Schedule 1; or

☐ The persons listed or identified in the space below in accordance with an agreed arrangement under section 117(3)(c) of Te Ture Whenua Māori Act 1993:

.....

.....

.....

.....

NOTE: The purpose of this question is to allow the applicant to advise the Court the persons he or she believes are entitled to succeed. Use the space above to help identify those persons if necessary or to make comments.

23 I AM AN ADMINISTRATOR/WE ARE ADMINISTRATORS OF THIS ESTATE:

☐ YES (go to question 24) ☐ NO (specify the following information below:)

I am/we are bringing this application instead of the administrator(s) because:

.....

.....

.....

.....

☐ I have notified the administrator(s) of this application:

☐ I have not notified the administrator(s) of this application because

.....

.....

.....

24 I / WE SEEK AN ORDER BASED ON THIS APPLICATION WITHOUT FORMAL HEARING:

☐ YES (declaration at end of application must be completed) ☐ NO

25 I/WE HAVE ADVISED THE IMMEDIATE NEXT OF KIN OF THIS APPLICATION:

☐ YES ☐ NO

PREFERRED PLACE OF HEARING:

SIGNATURE OF APPLICANT(S)

Dated:

Dated:

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: \$ 68.00

NOTES TO ASSIST APPLICANTS

- (i) Death certificate – original or photocopy should be filed. If a death certificate is not readily available by reasonable enquiry the Court may accept other evidence as to death. If death has been established at a previous hearing a further death certificate may not be required.
- (ii) Will - the original or a copy certified as a true copy by a solicitor or Trustee Company must be supplied where the Grant of Administration does not contain a copy.
- (iii) Next of Kin – where there is no will, or the will is unclear or leaves interests to anyone other than the preferred class of alienee (who are the family of the deceased) then the next of kin for the purposes of succession are children of the deceased; if there are no children then brothers and sisters; if neither of these then next of kin are the nearest relatives on the side of the family from whom the land originated. Generally speaking where next of kin die before the person from whom succession is sought their children are entitled to the share they would have received had they survived the deceased.
- (iv) Notice of hearing – while an applicant is not required to give formal notice of hearing to other beneficiaries he or she is expected to consult with them and advise them of the application and when it is to be heard. If this is not done the Court may direct that formal notice be given to the beneficiaries.
- (v) Whāngai – where it is desired to include whāngai as successors the Court will normally require evidence of their acceptance by the family either by signed consents or orally at the hearing.
- (vi) Succession by will – where a testator died after 1 July 1994 the right to succeed under a will is limited by s108 of the Act to certain classes of people. If the successors named in a will are not children or their issue or qualify as next of kin of the testator an applicant needs to satisfy the Court that they qualify to succeed. The Court office can assist you as to what the qualifications are to succeed.
- (vii) Additional information – if you find that there is not enough room on the form to provide all the information you need to supply continue your application on a separate sheet of paper.

CHECKLIST OF DOCUMENTS REQUIRED:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Original or certified copy of the election to administer, or |
| <input type="checkbox"/> | Certified copy of Probate or Letters of administration or other Grant of Administration |
| <input type="checkbox"/> | Copy or photocopy of death certificate (<i>if available</i>) |
| <input type="checkbox"/> | Certificate by Administrator (<i>Form 20 - optional</i>) |
| <input type="checkbox"/> | Deed of Arrangement (<i>where applicable</i>) |
| <input type="checkbox"/> | Declaration or Affidavit where application being dealt with ex parte pursuant to Rule 10.8 of the Māori Land Court Rules 2011 |

NOTE: The Court may, under rule 10.8 of the Māori Land Court Rules 2011, deal with an application without requiring attendance by the applicant or any other person if it is satisfied as to the persons entitled to succeed. The Court's power is discretionary and it will generally require a hearing where there are issues to be settled such as rulings on whāngai or other matters which may not be straight forward. If you wish this application to be handled without appearance and formal hearing, you should indicate Yes in question 24 and complete the following request.

REQUEST FOR APPLICATION TO BE DEALT WITH WITHOUT FORMAL HEARING AND WITHOUT NOTICE:

I/We, the applicant(s) hereby declare:

- (i) That the facts of the application as stated are true and correct.
- (ii) That persons entitled to succeed are correctly listed in this application.
- (iii) That there are no disputes as to succession or issues to be settled before an order can be made.
- (iv) That it is desired that an order be made without formal hearing and without notice

SIGNATURE OF APPLICANT(S)

Dated:

Dated:

Dated:

Sworn/declared/affirmed this :

before me Dated: / /

SCHEDULE 1 – ENTITLEMENT TO DECEASED'S INTERESTS UNDER TERMS OF A WILL

[illegible]

MĀORI LAND COURT CONTACT DETAILS

This application may be lodged with the Registrar at any office of the Māori Land Court.

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

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Ellerslie, AUCKLAND

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WAIKATO MANIAPOTO

L2, BNZ Centre
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WAIARIKI

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ROTORUA

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TAIRĀWHITI

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

DX Box PX10106
GISBORNE

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mlctairawhiti@justice.govt.nz

TĀKITIMU

Hastings District Court
106 Eastbourne Street West
HASTINGS

DX Box MX10024
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mlctakitimu@justice.govt.nz

AOTEA

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74 Ingestre Street
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TE WAIPOUNAMU

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