
**UENUKU
TRUST DEED**

BUSINESS & REGISTRIES
BRANCH, AUCKLAND
3 - APR 2014
RECEIVED

Handwritten signatures and initials:
Willy, Puh, L. O. O. A., H. R. K. R., J. B. J. A., J. C. Y., S. M. S., et mm

Index.....2
Background.....3
Name.....3
Office.....3
Aims and Objectives.....4
Powers.....5
Funds and Properties.....10
Constitution.....11
Vacancies.....11
Reappointments.....11
Powers of Board.....12
Proceedings of Board.....12
Minute Book.....14
Secretary/ treasurer.....14
The Seal.....14
Indemnity.....15
Accounts.....15
Auditor.....15
Meetings.....16
Alterations and Additions.....16
Winding Up.....17
Schedule.....21

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DEED OF TRUST

EXECUTED this day of 2014

BACKGROUND

- A. Those persons named and described in the Schedule (herein called the "Trustees") have contributed the sum of \$100.00 (herein called the "initial Capital") to be held for the said purposes and anticipate the receipt of further funds from various sources to be held for the said purposes of charitable trust set out below;
- B. The Trustees intend to Incorporate themselves as a Trust Board under the provisions of the Charitable Trusts Act 1957 with the name **UENUKU** ("the Trust")
- C. The Trustees wish to set out and define the Trusts conditions upon which they hold the property and assets vested in them in their capacity as trustees.
- D. In this Deed , " the Board" are defined as Trustees of Uenuku.

THIS DEED IS EVIDENCE that the Trustees hereby declare that they hold and stand possessed of the initial capital together with any property both real and personal which may at any time become vested in the Trustees (hereinafter collectively called the " trust property") upon the Trusts detailed in Appendix A and B

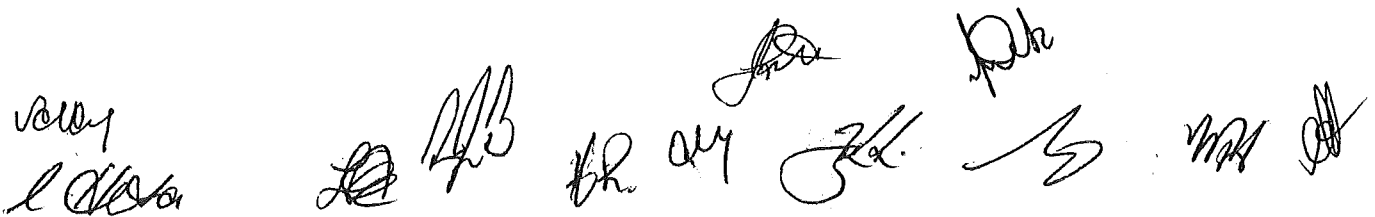
NAME:

UENUKU

OFFICE:

The registered office of the Trust shall be

.....



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APPENDIX A (OBJECTS & POWERS)

To be adopted by the Board of

Uenuku

Children of the rainbow

We are a confederation of hapu under He korowai o Uenuku that recognizes

Te Mana motuhake o Uenuku

Tino Rangatiratanga (courage with humility and strength)

Whakapapa

Whanaungatanga

Mana whenua

Mission

To elevate the mana motuhake o Uenuku

Vision

To promote develop and sustain equality and equity amongst Uenuku as well as preserve the cultural social and political independence of Uenuku people o te Ao

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OBJECTS

- 1 TO: Represent for the benefit of te Iwi o Uenuku, and their Wairuatanga , Maunga, Arikitunga, , Awa, Whenua and Tupuna o Uenuku, wahi tapu, tributaries, and its interests in te Tiriti o Waitangi claims and settlements.
- 2 TO: Foster and observe Tikanga principles when working with and for Uenuku tu tonu.
- Kia Tika Be professional and maintain high standards
 - Kia Pono Be truthful, honest and act with integrity
 - Kia Aroha Be respectful and always demonstrate empathy
 - Kia Mataara Be vigilant and wise when making decisions
 - Kia Rangimarie Be at peace with one another
- 3 TO: provide leadership to foster, secure, protect, safeguard te reo Maori me ona tikanga, promote, manage and provide social advocacy, economic development, education, training, technology, housing, health, well-being, political and cultural initiatives, indigenous rights, Intellectual property, whilst at all times respecting the historical knowledge, intellectual property and proprietary rights specific to each constituent hapu.
- 4 TO: To foster the recognition and active participation of Uenuku at all levels and promote and enter into functional and beneficial relationships with all people, groups, whanau, hapu and iwi as well as trusts, boards, bodies, authorities, organisations, local and regional authorities, private and public companies, tribunals and government departments and agencies who are interested in the general objects of the Board.
- 5 TO: seek, accept and receive donations, subsidies, grants, endowments, gifts, legacies, loans, reparation, settlement of claims of any resources, (distinct from Treaty of Waitangi claims) or assets or property or money or otherwise negotiated with the Crown or any agency of the Crown or local or regional authority, compensation and bequests either in money or in kind or partly in money and partly in kind for all or any of the purposes and objects of the Board and to carry out any specified trust attaching or relating to the same

A collection of handwritten signatures and initials in black ink, including names like 'Rory', 'HARRR. of', and several other illegible signatures.

to the intent that donations grants etcetera (made to the Board) may be made for the benefit of the general purposes of the Trust or may be made for some purposes within the general objects of the Trust specified in particular cases by the donor or donors, and lender or lenders.

- 6 TO: Carry on any other charitable object which may seem to the Board capable of being conveniently carried on in connection with the above objects or

calculated directly or indirectly to advance the objects of the Trust or any of them.

POWERS

IN ORDER to carry out the objects and purposes for which the Trust is established the Board may exercise all or any of the following authorities:

- 7 TO: Purchase take on lease or as a gift or otherwise howsoever acquire and hold on the trusts hereof land and/or buildings.
- 8 TO: Purchase take as gift or on loan or otherwise howsoever chattels of any kind whatsoever and hold the same upon the trusts hereof.
- 9 TO: Lease let or grant the use of land and/or buildings or parts thereof held by the Trust on limited terms for any lawful purpose or furtherance of the objects of the Trust and apply rents, commissions or other payment whatsoever accruing to the objects of the Trust.
- 10 TO: Sell demolish or otherwise dispose of any real or personal property vested in the Trust but only in furtherance of the trusts hereof.
- 11 TO: Engage in any business or transaction capable of being conducted so as to directly or indirectly benefit the Trust and for that purpose to take or otherwise acquire any hold and dispose of shares in any company having objects similar to those of the Trust.
- 12 TO: Enter into any arrangement with any government or authorities supreme municipal local or otherwise that may seem conducive to the Trust's objects or any of them to obtain from any such government or authority any rights privileges and concessions which the Board may think it desirable to obtain and to carry out exercise and comply with any such arrangements rights and privileges and concessions.
- 13 TO: Construct, alter, restore, improve, maintain, develop, work, manage, carry out or control any buildings or works to do anything whatsoever as the

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Board may deem necessary or convenient or calculated to advance directly or indirectly the objects of the Trust and to develop lay out and plant any land to prepare the same for building and any other purposes consonant with the objects of the Trust and to do or cause to be done all matters ancillary thereto and to enter into contracts and arrangements of all kinds with architects builders and others.

14 TO: Acquire, hire, operate and maintain any means of transportation whether of persons or of goods or both that the Board may deem necessary or desirable for the carrying out of the objects of the Trust or any of them, and to make sure such charges for the use thereof as the Board shall deem reasonable.

15 TO: Purchase, acquire, obtain and hold any policy of assurances or insurance in the name of the Trust, such assurance or insurance to include but not limited to any Public Liability insurance equipment insurance and building and chattel insurance the Trust may purchase, acquire, obtain and hold from time to time.

16 TO: Enter into contracts of employment or service with any person, body or society whether incorporated or not and to pay remuneration for services rendered as the Board may think fit.

17 TO: Lend money to any person, body or society whether incorporated or not on such terms as the Board may think fit and to guarantee the performance of contracts by any such persons but only in furtherance of the objects of the Trust.

18 TO: Borrow from time to time at the discretion of the Board for the purposes of the Board from any person, body or society whether incorporated or not any sum or sums of money on the security of all or any of the Board's property real or personal assets and effects or charges with powers or sale and other usual powers or by any other security and generally on such terms and conditions as to rate of interest or otherwise as the Board thinks fit and the Board may also borrow money from the Board's bankers or otherwise and with or without security.

19 TO: Invest subject to the terms of any trust or grant or endowment any money held by or on behalf of the Trust in any securities in which trust funds may be invested by trustees in accordance with the Trustees Act 1956 and any other statutory authority or in such other manner as the Board may approve; and pending disbursement of any money held by or on behalf of the Trust to

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deposit the same subject as aforesaid so as to yield interest in such manner as the Board may approve.

20 TO: Draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, debentures and any other negotiable or transferable instruments.

21 TO: Adopt such means of making known the activities and objects of the Trust as may seem expedient and in particular but not so as to limit the generality thereof by multimedia forums, advertising in the press by circulars and by publications of periodicals, brochures, maps and any printed and illustrative material whatsoever, and by contribution to the press periodicals and books, and also films and other means approved by the Board.

22 TO: Print, publish, distribute and sell any books, articles, newsletters, periodicals, research, monograms, pictures, photographs, maps and any other work upon such terms and conditions agreed with by the authors thereof as the Board may think fit and to commission and make grants to authors at the discretion of the Board.

23 TO: Make such charges for admission to property held by the Board to exhibitions, displays, lectures, films, sports and recreation programmes deemed reasonable.

24 TO: Obtain any provisions order or Act of Parliament or Town planning ordinance classification, designation or by-law for enabling the Board to carry out any of its objects or for any other purpose which in the opinion of the Board is directly or indirectly conducive to the carrying out of the objects of the Trust and to oppose any proceedings, applications, classifications, designation order Act ordinances or by-laws which may seem to the Board to be likely directly or indirectly to prejudice or injure the interests, objects and purposes of the Trust.

25 TO: Pay all or any of the expenses incurred in connection with the incorporation and establishment of this Trust.

26 TO: Appoint mandated representatives, managers, agents, attorneys in New Zealand or in any part of the world for all or any of the purposes of the Trust and to remunerate such agents for their services by salary or commission or partly by one mode and partly by other modes and to act as agents or managers or to accept the agency for any person, body or society whether incorporated or not on such terms as the Board sees fit.

27 TO: Establish limited liability companies or other legal entity (entities) as a post treaty claim settlement entity (entities) to receive, distribute and or manage

Ally
l. d. d. a.
RJB
ARK
HR
CLY
JH.
S
MAJ
SA

assets received both tangible and intangible real property or otherwise owned by or to be distributed to our constituent hapu or the Board on behalf of Uenuku people.

28 TO: Apply the assets and income of the Trust howsoever derived towards all or any of the aforesaid objects and purposes as the Board may in its absolute discretion think fit PROVIDED HOWEVER that any use or discretion of assets and or income shall be within New Zealand.

29 TO: Wind up the Trust voluntarily if at a general meeting a majority of the Board passes a resolution requiring the Board to be wound up and the resolution is confirmed at a subsequent special or general meeting called for that purpose and held no sooner than 28 days and not later than 42 days after the date on which the resolution so to be confirmed was passed. If, in the event of such winding up or on dissolution by the Registrar, or in the event that it becomes impossible or impracticable or inexpedient to carry out the charitable purposes for which any money is held, or if the amount available is inadequate to carry out that purpose or the purpose has been effected already or is illegal, useless or uncertain, and there remains, after the satisfaction of all costs, debts and liabilities, any surplus whatsoever, the same shall not be distributed but shall be disposed of by the Court as the Board shall direct at a special meeting PROVIDED HOWEVER such surplus shall only be distributed to any organization or body within New Zealand with charitable objects similar to the objects of this Trust and which have a similar charitable purpose or purposes.

30 TO: Do all or any of the above things as principals, agents, contractors, trustees or otherwise and by or through agents, trustees or otherwise either alone or in conjunction with others

31 TO: Do all such other things as in the opinion of the Board may be incidental or conducive to the attainment of any of the foregoing objects or the exercise of any of the foregoing powers.

32 TO: The objects set forth in this Appendix shall be the primary objectives of the Board. The objects set forth in Clauses 2 to 6 (inclusive) of this Appendix shall not except where the context expressly requires be in any way limited or restricted by reference to or any inference from the terms of any other of the said clauses and none of the said clauses or the objects there specified shall be deemed subsidiary or ancillary to any other clause or object but the Board shall be fully empowered to pursue and carry out all or any of the objects set out in the said Clauses 1 to 5 of this Appendix independently of any other of such objects. None of the powers or authorities conferred upon the Board under Clauses 6 to 30 (inclusive) shall be deemed subsidiary to

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- 1.4 No part of the income or property of the Trust shall be paid or transferred directly or indirectly by way of profit to any Board members **PROVIDED THAT** nothing herein contained shall preclude any reasonable payment to a Board member for goods and services rendered or for travel expenses or for goods supplied by way of interest on moneys borrowed from or by way of rent for premises let or leased to the Trust by any Board member.

PARTICULAR ASSETS

- 1.5 A submission about how to deal with a particular asset that is considered important by a constituent hapu (as defined in 2.0 hereof) shall be received by the Board (subject to a minimum of 75% supporting mandate obtained at a general meeting of the applicant hapu) and managed in the following way:
 - (a) The Board may accept the submission and carry out its recommendations **PROVIDED THAT** the supporting vote must be at least 75% of the Board.
 - (b) The Board may vary the submission and refer it back to the constituent hapu for further decision.
 - (c) If the Board does not accept the submission then it shall rehear it after it has received and considered advice and recommendations from the Pae Matua
 - (D) If the Board further rejects the submission then it shall submit the submission to a Hui-a-lwi for determination.

CONSTITUTION OF THE BOARD

- 2.0 The Board shall consist of not more than (37) nor fewer than (15) members whose numbers shall at all times equally represent the constituent hapu AND lwi members as set out in clause 2.2 selected from within Uenuku.

2.1 In this Deed "constituent hapu" means a separate or distinct hapu or grouping of people who are affiliated to Uenuku by common Tupuna ,whakapapa and mana whenua who have accepted invitation to participate in the objectives of the Trust.

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2.2 In this Deed "Iwi members" in clause 2.0 means Automatic right of hapu (26) & others , Kaumatua as of right, Marae (3) by rotation, Uri (3) who bring in our people outside the rohe , Rangatahi (2) by rotation, claimant group (3)

2.3 A Board member can only hold office if he or she has the mandate to do so from his or her constituent hapu, marae, tupuna group and or from a nomination from Uenuku Iwi at a meeting of the Trust.

2.4 The first Board members will ALL hold office for a period of twelve (12) months as interim Board members , WHEREBY at the first AGM of the Trust Board all interim members will retire. Any of the interim Board members shall be eligible for reappointment upon the confirmation of their constituent hapu and or Iwi members having nominated them or others respectively.

VACANCIES

3.0 The Office of Board member shall become vacant if:

- (a) He/she shall resign office by giving at least one months' notice of his/her intention to do so to the Secretary or the Board members; or
- (b) He/she becomes lunatic or of unsound mind; or
- (c) He/she shall be absent from New Zealand for a period of twelve (12) months without obtaining leave of absence from the other Board members; or
- (d) He/she fails to attend (and give reasonable explanation for not attending) three consecutive Board meetings; or
- (e) He/she shall die; or
- (f) The constituent hapu who the member represents withdraws its mandate from that member; or
- (g) He or she is currently serving a term of imprisonment or is an undischarged bankrupt.

3.1 Vacancies in the membership of the Board shall be filled by the constituent hapu who mandated the member whose position has become vacant.

3.2 Any vacancy filled under clause 3.1 shall continue until the term of the vacated member has expired.

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RETIREMENT/RE-APPOINTMENT

4.0 At the fourth annual general meeting of Uenuku one-third of the first confirmed appointed Board members shall retire and at each succeeding annual general meeting another one-third of the first confirmed appointed Board members shall retire in each case by agreement of the Board members or failing agreement by lot and Board members subsequently appointed shall retire by rotation three years after taking office.

4.1 A retiring Board member shall be eligible for re-appointment and such re-appointment shall take place at the annual general election.

POWERS OF BOARD MEMBERS

5.0 The Board members shall be responsible for the management of all the affairs of the Board and may exercise all powers and authorities conferred by Appendix A and B or by law.

PROCEEDINGS OF BOARD MEMBERS

6.0 Subject to provisions of Clauses 6.1 to 6.10 hereof the Board members shall meet together for the dispatch of business and may adjourn and otherwise regulate their meetings as they think fit.

Voting/Special meetings of the Board

6.1 With the exception of clause 15.0(a) questions arising at any meeting shall be decided by a consensus. Any eight Board members may at any time summon a special meeting of the Board members to occur within 14 days after a requisition signed on their behalf has been received by the Secretary. It shall not be necessary to give notice of a special meeting of the Board members to any Board member for the time being absent from New Zealand.

Quorum

6.2 The quorum necessary for the transaction of the business of the Board members shall be no less than ten (10) members present.

6.3 The quorum necessary for meetings of the Board shall be 10 members present.

Chairperson

6.4 The Board members shall elect a Chairperson from within their number and determine the period for which he or she is to hold office but if no such Chairperson is elected or if at any meeting the Chairperson is not present

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within five minutes after the time appointed for holding the meeting the Board members present may choose one of their number to be Chairperson of the meeting.

Sub-committees

- 6.5 The Board members may at any meeting appoint one or more members of their body to be a sub-committee for making any inquiry or for superintending or transacting any business but every act and proceeding of the sub-committee shall be submitted to a meeting of Board members for approval. Any sub-committee of the Board may co-opt any person to assist it and such co-option may be terminated at any time.
- 6.6 A sub-committee may elect a Facilitator from within their number to facilitate any meetings.
- 6.7 A sub-committee may meet and adjourn as it thinks proper. Questions arising at an meeting shall be determined by consensus.
- 6.8 The Chairperson of the Board shall , if required, be an ex-officio member of any sub-committees.

Written resolutions

- 6.9 A resolution in writing signed by all the Board members for the time being entitled to receive a notice of meeting of Board members shall be as valid and effectual as it if had been passed at a meeting of Board members duly convened and held. Likewise for any resolution transmitted by facsimile or by (properly identified) electronic transmission. Any such resolution may consist of several documents in like form each signed or approved by one or more Board members.

Financial year

- 6.10 The financial year of the Board shall end on the 30th day of June in each year or on such day as the Board shall decide.

Limited Liability Companies

- 6.11 In exercising their powers pursuant to clause 26 of Appendix A the Board members shall ensure that the directors of such a company shall be answerable to the Trust Board and that an up-to-date report on the activities of such company is available at the annual general meeting of the Trust Board

MINUTE BOOK

- 7.0 All proceedings of the Board members shall be recorded in the form of Minutes entered in a proper Minute Book.

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SECRETARY AND TREASURER

8.0 A Secretary and Treasurer may be appointed by the Board members for such term and at such remuneration and upon such conditions as they think fit and any Secretary and Treasurer so appointed may be removed by them.

THE SEAL

9.0 The Board members shall have the safe custody of the Common Seal and they may from time to time by resolution change or adopt any new seal as they may deem proper. The Common Seal shall not be affixed to any document except with the authority of the Board members previously given and it shall be so affixed in the presence of three Board members who shall affix their signatures to every document so sealed.

INDEMNITY

10.0 The Board members, Secretary, Treasurer and other officers, if any, shall be indemnified by the Board from and against all losses and expenses incurred by them in or about the discharge of their respective duties.

ACCOUNTS

11.0 The Board members shall cause proper books of account to be kept in which shall be kept full true and complete accounts of the affairs and transactions of the Board. The books of account shall be kept at the Board's office or at such place or places as the Board members think fit and shall be open to the inspection of any Board member.

AUDITOR

12.0 The accounts of the Board may be audited by a Chartered Accountant or a qualified auditor who shall not be a member of the Board and who may be appointed annually at the annual general meeting of the Board or when required.










MEETINGS

Annual general meeting

13.0 Every year on a date the Board may from time to time determine the Board members shall hold the annual general meeting of the Board. The business of the annual general meeting shall be:

- (a) To receive and consider the Chairperson's Annual Report; and
- (b) To receive, consider and adopt the Income and Expenditure Account and Balance Sheet; and

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- (c) To appoint replacement Board members for those whose term of office has expired; and
- (d) To consider the appointment of an Auditor ; and
- (e) To consider any resolution of which notice shall have been given in writing to the Secretary at least 14 days before the date of the meeting; and
- (f) To consider general business.

13.1 Notice of the annual general meeting shall be given to the Board members and such notice may be advertised in newspapers that the Board members deem fit.

Special General Meeting

13.2 Eight (8) Board members (equally representing the constituent hapu or lwi members) may call for a special general meeting by giving written notice to the Secretary who shall nominate a meeting date within 28 days of receipt of the notice.

Attendance – General/Special Meetings

13.3 In addition to the Board members any person who is registered with a constituent hapu or lwi members groups may attend any general meetings. All registered members may exercise a vote and the quorum shall be Twenty (20).

Postal vote and Proxy Vote

13.4 All registered members are entitled to vote through a postal vote system that will be available on the website or electronically through email or post. Should any member not be present at any meeting of which a vote on resolutions is required, then a Proxy vote system will also be included on the website or electronically through email or post.

KAUMATUA

14.0 Kaumatua of Uenuku may attend meetings of the Trust Board to counsel, tautoko, advise, make recommendations and inform on matters of protocol, whakapapa, history, tikanga and whanaungatanga.

14.1 The Board will tautoko the establishment of a Pai Matua Paeke.

ALTERATION AND ADDITION TO THE RULES, POWERS & OBJECTS

15.0 These Rules and the Objects and Powers in Appendix A may be rescinded, altered, varied or added to by a resolution of the annual general meeting of

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Uenuku , subject to the following conditions:

- (a) Notice of the proposed, rescission, alteration, variation or addition sought shall be made available to the Board members 28 days before the annual general meeting.
- (b) The meeting may amend any such proposals.
- (c) No resolution of any meeting shall effect any rescission, alteration, variation or addition sought unless it be carried by a two-third majority of the votes recorded at the meeting comprising equal representation from each constituent hapu.
- (d) No rescission alteration amendment or addition to the Rules, Powers and Objects shall be in conflict with any of the charitable objects or powers of the Board or of the Charitable Trusts Act 1957.

IN WITNESS of the above this Deed has been executed on the day mentioned on the first page of this Deed.

Signed by the said Trustee)



In the presence of)

Witness signature

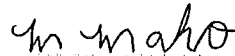
Witness occupation

EDITOR

Witness address

29 NORFOLK DR., WHANGANUI

Signed by the said Trustee)



In the presence of)

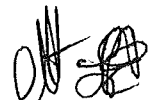
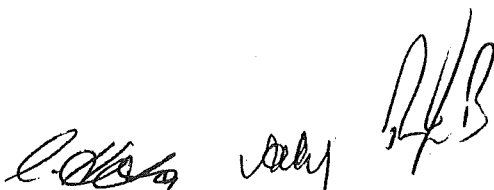
Witness signature

Lawyer

Witness occupation

4297 Beach Rd Wairakei 0630

Witness address



Signed by the said Trustee

)

W. H. [Signature]

In the presence of

)

Witness signature

Witness occupation

Witness address

Signed by the said Trustee

)

Marra Heiigo

[Signature]

In the presence of

)

Witness signature

Witness occupation

Witness address

Signed by the said Trustee

)

FRABINI KAREI KEREI

[Signature]

In the presence of

)

Witness signature

Witness occupation

Witness address

Signed by the said Trustee

)

Clyde Tukairora Connell

[Signature]

In the presence of

)

Witness signature

Witness occupation

Witness address

[Signature] [Signature] [Signature]

[Signature]

[Signature]

[Signature]

Witness address

Signed by the said Trustee
CLIVE TE IWINAUA
In the presence of

Clive Te Iwinaua

Witness signature

Witness occupation

897 Beach Rd, Waikae 0630
Witness address

Signed by the said Trustee
RAYMOND KAIRIMU RAPANA
In the presence of

RK Rapana

Witness signature

Witness occupation

897 Beach Rd, Waikae 0630
Witness address

Signed by the said Trustee
Hone Boy Rapanai
In the presence of

H Rapana

Witness signature

Witness occupation

897 Beach Rd Waikae 0630
Witness address

Signed by the said Trustee
Lesley Awhina Edmonds.
In the presence of

Lesley Awhina Edmonds

Witness signature

Witness occupation

897 Beach Rd, Waikae
Witness address

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Signed by the said Trustee)

CAROLYN HEJA

[Signature]

In the presence of)

Witness signature

Lawyer

Witness occupation

897 Beach Rd. Waialeale 0630

Witness address

Signed by the said Trustee)

Aiden Gilbert

[Signature]

In the presence of)

Witness signature

Lawyer

Witness occupation

897 Beach Rd. Waialeale 0630

Witness address

Signed by the said Trustee)

Don Edward Robinson

[Signature]

In the presence of)

Witness signature

Lawyer

Witness occupation

897 Beach Rd Waialeale 0630

Witness address

Signed by the said Trustee)

RANDI JOSEPH BRISTOL

[Signature]

In the presence of)

Witness signature

897 Beach Rd Waialeale 0630

Witness occupation

Lawyer.

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Witness address

Signed by the said Trustee)

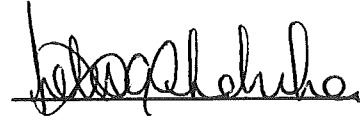
PETER WIKOHIKA

In the presence of)

Witness signature

Witness occupation

Witness address



Signed by the said Trustee)

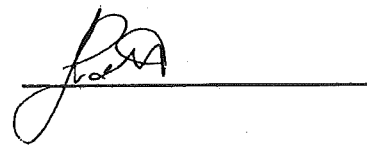
Johanne Patel

In the presence of)

Witness signature

Witness occupation

Witness address



Signed by the said Trustee)

In the presence of)

Witness signature

Witness occupation

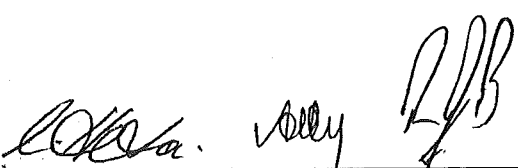
Witness address

Signed by the said Trustee)

In the presence of)

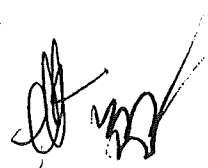
Witness signature

Witness occupation









SCHEDULE

Acceptance of appointment as a Board member of UENUKU.

I.....of

Accept an appointment as a Board member of Uenuku.

I give permission for the Officers of the Charitable Trust to carry out a police vetting enquiry to be held in confidence by the board.

I further declare that to the best of my knowledge the following:

- 1. I am not an undischarged bankrupt
- 2. I have had no convictions of fraud , theft or dishonesty charges within the past seven (7) years from this date.

Declared atby

Signed:

Date:

Witnessed:


 A series of five handwritten signatures in black ink, located at the bottom of the page. From left to right, they appear to be: a cursive signature, a signature starting with 'V', a signature starting with 'R/B', a signature starting with 'K', and a signature starting with 'J'.