

In the High Court of New Zealand
Whangarei Registry

M. No. 140/85

IN THE MATTER of the Charitable Trusts Act 1957, and in the matter of certain trusts established by ROBERT DRUCKI LUBECKI DUFFUS, late of Russell, surveyor, deceased, and his wife LUCY ANNA DUFFUS, for the founding, maintaining and managing of a convalescent home or hospital at Russell, and in the matter of an application by the NORTHLAND AREA HEALTH BOARD and the BAY OF ISLANDS COUNTY COUNCIL for approval of a scheme for variation of such trusts:

NOTICE is hereby given that the NORTHLAND AREA HEALTH BOARD AND THE BAY OF ISLANDS COUNTY COUNCIL have prepared a scheme under Part III of the Charitable Trusts Act 1957 for variation of trusts established on the 1st day of March 1905 by ROBERT DRUCKI LUBECKI DUFFUS AND LUCY ANNA DUFFUS for the purposes of founding, maintaining and managing a convalescent home or hospital or either of such institutions at Russell to be called "The Duffus Convalescent Home".

The scheme provides:

"1. All that parcel of land containing 7 acres, more or less, being Section 7, Block I of the Russell Survey District and being the whole of the land comprised and described in certificate of title, Volume 79, folio 237 (North Auckland Registry) (hereinafter referred to as "the said land") together with all other assets of the trusts established on the 1st day of March 1905 by Robert Drucki Lubecki Duffus and Lucy Anna Duffus for the purposes of founding and maintaining and managing a convalescent home and hospital or either of such institutions to be called "The Duffus Convalescent Home" (hereinafter referred to as "the said assets") shall be transferred forthwith by the Northland Area Health Board to the Bay of Islands County Council.

"2. In lieu of the trusts for the purposes of founding and maintaining and managing a convalescent home and hospital or either of such institutions to be called "The Duffus Convalescent Home" the Bay of Islands County Council (hereinafter referred to as "the Trustee") shall hold the said assets upon trust for the purpose of erecting upon the said land and thereafter maintaining, managing and administering such number as the Trustee may from time to time determine of self-contained dwelling units (whether in the style of villas, flats, apartments or otherwise and whether detached or not or furnished or not including such other improvements and amenities as may from time to time be determined by the Trustee) for occupation by needy elderly persons, and for persons who are handicapped, disabled or invalids (providing they are fit enough to live in such accommodation).

"3. Without limiting the generality of paragraph 2 hereof the Trustee shall proceed forthwith with the erection of 4 dwelling units and as soon as possible thereafter with the erection of 2 further dwelling units, provided that if the Trustee is unable to comply strictly with these obligations and in particular if appropriate Government grants and loans therefore shall not be available the Trustee shall thereupon seek the further direction of this Court.

"4. The trust shall be administered and managed by the Trustee under the title of "The Duffus Trusts" or such other name as the Trustee may from time to time determine provided that the words "Duffus Trusts" are part thereof.

"5. In relation to the occupation of the dwelling units the Trustee shall have regard to the following:

(a) A rental may be charged in respect of each dwelling unit but such rental shall be less than would be in the opinion of the Trustee the full rental obtainable for that dwelling unit on the open market and in fixing such rental (if any) the Trustee shall take the following factors into account:

(i) The total revenue required from all dwelling units in order that outgoings may be provided for and the dwelling units maintained in good order and condition and a fund for their ultimate replacement may be created.

(ii) The possibility that dwelling units may be vacant at times or that some of the rentals due may not be recovered.

(iii) The maximum rental (if any) approved by the Housing Corporation of New Zealand or any Government Department under any scheme for providing housing units or flats for such persons.

(iv) The desirability of charging rentals which should not cause financial hardship to persons having no income apart from benefits provided under any Social Welfare Legislation or National Superannuation or similar schemes.

(b) No preference shall be given to the members or adherents of any particular denomination religion or creed and there shall be no discrimination on the grounds of race.

(c) The occupants generally shall be of the class of persons who are considered by the Trustee to be of good character and are in the greatest need of assistance for housing and in particular, if appropriate, are eligible within any guidelines which may have been stipulated as a condition of obtaining Government finance for the erection of the dwelling units.

"6. Subject to the provisions of paragraph 5 hereof, it is hereby declared that the terms and conditions for occupation of the dwelling units shall be in the discretion of the Trustee who may enter into such legal arrangements by way of tenancy agreement or licence to occupy or otherwise as to the Trustee seems appropriate in any case.

"7. The costs and disbursements of Her Majesty's Attorney-General shall be paid by the Trustee out of the cash portion of the said assets."

The application by the NORTHLAND AREA HEALTH BOARD AND THE BAY OF ISLANDS COUNTY COUNCIL ("the applicants") for approval of the Scheme is to be heard in the High Court at Whangarei on Wednesday, the 12th day of March 1986 at 10 o'clock in the forenoon. Any person desiring to oppose the Scheme is required to give written notice of his intention to do so to (1) The Registrar of the High Court at Whangarei (2) The applicants (3) Her Majesty's Attorney-General, not less than 7 clear days before the said 12th day of March 1986.

The address for service of the applicants is at the offices of Messieurs Rishworths, Legal House, 9 Hunt Street, Whangarei.

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In the High Court of New Zealand
Hamilton Registry

M. No. 368/85

IN THE MATTER of the Companies Act 1955, and IN THE MATTER of ROLLESTON CONTRACTING LIMITED, a duly incorporated company having its registered office care of Messrs. Hoskins & Co., Chartered Accountants, 564 Victoria Street, Hamilton.—
Debtor:

EX PARTE—THE COMMISSIONER OF INLAND REVENUE—*Creditor:*

NOTICE is hereby given that a petition for the winding up of the above-named company by the High Court was, on the 6th day of December 1985, presented to the said Court by the DISTRICT COMMISSIONER OF INLAND REVENUE, at Hamilton; and that the said petition is directed to be heard before the Court sitting at Hamilton on the 3rd day of February 1986 at 10 o'clock in the forenoon; and any creditor or contributory of the said company desirous to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his counsel for that purpose; and a copy of the petition will be furnished by the undersigned to any creditor or contributory of the said company requiring a copy on payment of the regulated charge for the same.

C. Q. M. ALMAO, Solicitor for the Petitioner.

This advertisement is filed by Charles Quentin Martin Almas, Crown Solicitor, Hamilton, solicitor for the petitioner whose address for service is at the offices of Messrs Almas McAllen & Kellaway, Barristers and Solicitors, National Mutual Building, Victoria Street, Hamilton.

NOTE—Any person who intends to appear on the hearing of the said petition must serve on, or send by post to, the above-named, notice in writing of his intention to do so. The notice must state the name, address, and description of the person, or if a firm, the name, address, and description of the firm, and an address for service within 3 miles of the office of the High Court at Hamilton, and must be signed by the person or firm, or his or their solicitor (if any), and must be served, or, if posted, must be sent by post in sufficient time to reach the above-named petitioner's address for service not later than 4 o'clock in the afternoon of the 31st day of January 1986.

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In the High Court of New Zealand
Auckland Registry

M. No. 1542/85

IN THE MATTER of the Companies Act 1955, and IN THE MATTER of HADLOW'S TRADING COMPANY LIMITED, a duly incorporated company having its registered office at the Fifth Floor, Reserve Bank Building, 67 Customs Street East, Auckland:

NOTICE is hereby given that a petition for the winding up of the above-named company by the High Court was, on the 27th day of November 1985, presented to the said Court by AUTOCRAT SANYO LIMITED, a duly incorporated company having its registered office at Auckland; and that the said petition is directed to be heard before the Court sitting at Auckland on the 19th day of February 1986 at 10 o'clock in the forenoon; and any creditor or contributory of the said company desirous to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his counsel for that purpose; and a copy of the petition will be furnished by the undersigned to any creditor or contributory of the said company requiring a copy on payment of the regulated charge for the same.

L. W. DIVERS, Solicitor for the Petitioner.