

## View Instrument Details

<b>Instrument No</b>	12796764.1
<b>Status</b>	Registered
<b>Lodged By</b>	Hoggard, John Farr
<b>Date &amp; Time Lodged</b>	03 Oct 2024 12:28
<b>Instrument Type</b>	Court Order

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<b>Affected Records of Title</b>	<b>Land District</b>
466496	Wellington
466497	Wellington
466498	Wellington
466499	Wellington
466500	Wellington
466503	Wellington
466504	Wellington
466514	Wellington
466519	Wellington
622077	Wellington
622078	Wellington
624482	Wellington
678139	Wellington
678140	Wellington
678141	Wellington
700572	Wellington
700573	Wellington
719325	Wellington
723274	Wellington
731772	Wellington
737083	Wellington
737084	Wellington
737085	Wellington
737086	Wellington
737087	Wellington
737088	Wellington
737089	Wellington
737090	Wellington
737091	Wellington
737092	Wellington
737093	Wellington
737094	Wellington
739180	Wellington
740303	Wellington
740304	Wellington
740305	Wellington
740781	Wellington
744769	Wellington
744770	Wellington

<b>Affected Records of Title</b>	<b>Land District</b>
747153	Wellington
747154	Wellington

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**Annexure Schedule**                      Contains 4 Pages

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**Applicant Certifications**

I certify this instrument is a correct copy of a sealed copy of the court order



I certify that I hold evidence showing the truth of the certification I have given and will retain that evidence for the prescribed period



**Signature**

Signed by John Farr Hoggard as Applicant Representative on 23/10/2024 02:24 PM

**\*\*\* End of Report \*\*\***

**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**I TE KŌTI MATUA O AOI TEAROA  
I TE WHANGANUI-A-TARA ROHE**

**CIV-2023-485-322**

**UNDER** **Part 7 of the High Court Rules and ss.316  
and 317 of the Property Law Act 2007**

**IN THE MATTER OF** **an application for an order extinguishing  
and modifying land covenants**

**BETWEEN** **John Mouroukis** of Wellington, Company  
Director as trustee of the Kakariki Trust

Applicant

**AND** **Warren Bernard O'Keeffe**, Manager and  
**Edite O'Keeffe**, his wife of 12 Matuhi Street,  
Waikanae; **Robert Martin McDonald**, Manager  
and **Victoria Ann Berry**, his wife of 14 Matuhi  
Street, Waikanae.

**PTO....**

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**ORDERS OF THE COURT**

Dated: **28 July** 2023

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Case Manager  
**Denia**  
Next Event: / /  
**11 AUG 2023**  
THE HIGH COURT  
WELLINGTON

**Brady Allan Thomas**, Manager and **Natasha Margaret Mazey**, his partner of 4 Hihi Place, Waikanae; **Alexey Akhmediarov**, Manager of 6 Hihi Place, Waikanae; **David George Green**, Manager and **Susan Green**, his wife of 3 Hihi Place, Waikanae; **Hamish Andrew Rowan**, Manager and **Natalie Emma Rowan**, his wife of 23 Matuhi Street, Waikanae; **Helen Margaret Walker**, Manager, and **Kevin Alfred Walker**, her husband of 72 Kakariki Grove, Waikanae; **Michael Alan Clulow**, Manager and **Bronwyn Marie Clulow**, his wife of 99 Kakariki Grove.

First respondents

**AND**

**Kapiti Coast District Council**, a local authority and body corporate under and by virtue of the Local Government Act 2002

Second Respondent



**Before the Honourable Justice Churchman**

**28 July 2023**

After reading the originating application for orders extinguishing and modifying covenants under ss.316 and 317 of the Property Law Act 2007 and the affidavits of John Mouroukis, Reon James Viles and Jamie Byrne and after hearing Mr R.J.B. Fowler KC on behalf of the applicant, this court orders:

- (1) That the land covenants created by Easement Instrument 7963080.2 as varied by Easement Variation 10866965.1 and the land covenants created by Easement Instrument 8567999.1 all be extinguished from that part of the land contained in Lot 110 Deposited Plan 498093, Record of Title Identifier 737093 shown as Lot 108 on Title Plan – LT 565812 or any modification or replacement thereof.
  
- (2) That the land covenants created by Easement Instrument 793080.2 as varied by Easement Variation Instrument 10866965.1 and the land covenants created by Easement Instrument 8567999.1 shall be varied by inserting the following additional clause into both of the said Easement Instruments as follows:  
"Notwithstanding the foregoing, the within covenants shall cease to have any effect (and shall be deemed to be extinguished without any further Instrument of Surrender or Instrument of Consent) as to any allotment in a plan of subdivision which is to vest or be dedicated as road or reserve at any time (including by way of example but not limitation, where an allotment is to vest as road or reserve or is to be dedicated as road or reserve in respect of any subsequent stages of the subdivision). The date of cessation and extinguishment shall be the date of approval of the survey plan in respect of the relevant stage of the subdivision by the territorial authority having jurisdiction in respect of the same."  
The foregoing additional clause shall be identified as clause "H" in Easement Instrument 7963080.2 as varied by Easement Variation



Instrument 10866965.1 and shall be numbered clause (8) in the Easement Instrument 8567999.

- (3) That the Registrar-General of Land shall note against all relevant titles that the said covenants have ceased to have any effect and have been extinguished as set out in Order 1 and have been varied as set out in Order 2.
  
- (4) That leave is reserved to apply by interlocutory application in the present proceeding to seek amendment to these orders or further orders if required.

Date: 28 July 2023



*R. M. Renata*  
.....  
**Deputy Registrar**

**Raphael Renata  
Deputy Registrar  
of the High Court  
of New Zealand**