

**IN THE HIGH COURT OF THE COOK ISLANDS
(LAND DIVISION)**

APPLICATION NO. 695/18

IN THE MATTER of Section 28 of the Land
(Facilitation of Dealings) Act 1970

AND
IN THE MATTER of the lands known as Arepakii
Section 36, Avatui

AND
IN THE MATTER of the Proprietors of Arepakii Section
36 Incorporated

Applicant

Decision: 16 August 2019

DECISION OF THE HONOURABLE JUSTICE WILSON ISAAC

[1] An application was filed by David McNair on behalf of the incorporation to confirm the committee of management for the incorporation on 31 October 2018.

[2] On 6 May 2019, Mr McNair appeared before me to prosecute the application. Following that, the matter was stood down to give Mr McNair time to search the title to ascertain whether a committee of management had already been appointed.

[3] On 27 May 2019, Mr McNair advised the Court that he had undertaken a search of the court record and could not locate an appointment of a committee of management for this incorporation.

[4] The Registrar of the Court carried out their own search on 13 August 2019 and located an order appointing the committee of management on 22 October 2009. That order states that the following members were appointed by the Court:

(a) Mr Joseph Caffery

(b) Mr Maara Brown

(c) Ms Charlene Thompson

(d) Mrs Mii Henry Katuke

(e) Ms TeKura Turitoa

[5] It is therefore clear that a committee of management is in place for this incorporation and the application by Mr McNair to confirm the committee of management is not required.

[6] Should Mr McNair wish to amend his application to alter the members of the committee of management a further application would be required.

[7] The application filed by Mr McNair on the 31 October 2018 is now dismissed.

Dated at Wellington this 16th day of August 2019.

W W Isaac
JUSTICE