

**IN THE MĀORI APPELLATE COURT OF NEW ZEALAND  
WAIARIKI DISTRICT**

**A20180001438**

UNDER	Section 58, Te Ture Whenua Māori Act 1993
IN THE MATTER OF	Lot 39A Sec 2A Parish of Matata
BETWEEN	RAE BEVERLY ADLAM Appellant
AND	GRAEME NIAO, KERERUA SAVAGE, CARRIE SAVAGE, WILLIAM DONEY, ALAN NIAO, MARTIN NIAO AND JASON DOWIE, AS TRUSTEES OF THE SAVAGE PAPAKAINGA LAND TRUST Respondents

Date: 25 September 2018

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**ORDER AS TO COSTS**

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## Background

[1] In our judgment made on 22 August 2018,<sup>1</sup> we dismissed an appeal filed by Ms Adlam challenging a charging order granted by Judge Coxhead on 30 November 2017.<sup>2</sup>

[2] In the judgment, we concluded that the trustees are entitled to costs. We directed counsel to file respective memoranda if the parties could not agree on costs.

[3] On 31 August 2018, counsel filed a joint memorandum indicating that discussions were ongoing concerning the issue of costs. The parties sought further time to work through the cost issues in attempt to reach agreement.

## Agreement on costs

[4] On 20 September 2018, counsel filed a further joint memorandum advising that they had reached agreement on costs.

[5] The parties now seek orders from the Court pursuant to s 79 of Te Ture Whenua Māori Act 1993 confirming the following:

- (a) that the amount of \$18,583.33 is an appropriate reflection of the costs actually and reasonably incurred by the respondents in the circumstances;
- (b) that 75 per cent of the amount of \$18,583.33 is a reasonable contribution to the costs of the respondents;
- (c) that the appellant pays to the respondents, costs of \$13,937.49 (being 75 per cent of \$18,585.33); and
- (d) that the appellant pays to the respondents, disbursements of \$1,718.13.

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<sup>1</sup> *Adlam v Niao – Matata Parish* 39A 2A [2018] Māori Appellate Court MB 478 (2018 APPEAL 478).

<sup>2</sup> 176 Waiariki MB 226-243 (176 WAR 226-243).

[6] Orders are made accordingly as set out in paragraph [5] above pursuant to s 79 of Te Ture Whenua Māori Act 1993. The appellant is further ordered to pay the agreed costs and disbursements to the respondents within 14 days from the date of this order.

Pronounced at 3.00 pm in Hamilton on this 25<sup>th</sup> day of September 2018.

**S R CLARK  
JUDGE**

**S F REEVES  
JUDGE**

**M J DOOGAN  
JUDGE**