

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

**I TE KŌTI MATUA O AOTEAROA
KIRIKIROA ROHE**

CIV-2022-419-283

UNDER Part 18 of the High Court Rules 2016 and the Trusts Act 2019

IN THE MATTER of an application under s 133 of the Trusts Act 2019

BETWEEN **ADRIAN PAUL DOYLE, UWE KURT KROLL, ROBERT WELSFORD CARTER, SANDRA ROSE GREENSLADE, and JOANNA MARY BRANSGROVE** as trustees of the **KING COUNTRY TRUST**

APPLICANTS

ORDER FOR DIRECTIONS AS TO SERVICE AND REPRESENTATION

Date: 7/10/22



 **Simpson Grierson**
Barristers & Solicitors

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BEFORE THE HONOURABLE JUSTICE LANG

After reading the statement of claim dated 30 August 2022, interlocutory application without notice for directions as to service and orders for representation dated 30 August 2022, the affidavit of Adrian Paul Doyle dated 26 August 2022, the memorandum of counsel dated 26 August 2022 and explanatory note, this Court orders:

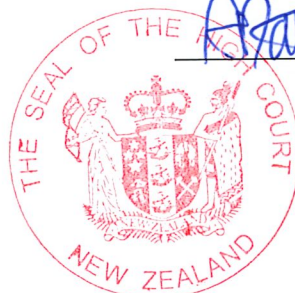
1. That T C Weston QC be appointed as counsel for the beneficiaries (defined as "Consumers" in the Deed of Trust dated 3 May 2022), who oppose, or may oppose, the application brought by the trustees of the King Country Trust for directions that:
 - (a) the trustees have the power to make the amendments to the Deed sought in the proceedings; and
 - (b) it is proper and lawful for the trustees to adopt those amendments;
2. That T C Weston QC's costs as counsel are met by the Applicants from the assets of the Trust;
3. That these proceedings are served on:
 - (a) King Country Energy Limited (**King Country Energy**);
 - (b) The Lines Company Limited (**Lines Company**);
 - (c) T C Weston QC as counsel for those who oppose, or may oppose, the application for the order sought in these proceedings; and
 - (d) Ian and Christine Boniface;
4. That service of this proceeding on the Consumers is effected by:



- (a) placing a public notice in the form annexed to this Application marked "A" (**Notice**) in the Taumarunui Bulletin on two consecutive Fridays;
 - (b) placing the Notice in the Ruapehu Bulletin on two consecutive Wednesdays;
 - (c) placing the Notice in the Taupō & Tūrangi Herald on two consecutive Thursdays;
 - (d) making the statement of claim dated 30 August 2022, affidavit of Adrian Paul Doyle dated 26 August 2022, explanatory note, Notice and order of the Court directing service and representation available for inspection during normal business hours at the public libraries at Taumarunui, Ohakune and Tūrangi within seven days of this Order;
 - (e) publishing the Documents on the Trust's website (www.kcpowertrust.co.nz) within seven days of this Order;
5. That no Notice of Proceeding be filed and served in these proceedings; and
6. That the date by which any statements of defence are to be filed is extended to 35 working days from the date of service. For Consumers served by the methods specified in paragraph 4 above, the 35 working days is deemed to commence from the Monday after the week in which notices are first published in the newspapers specified in paragraph 4(a) – (c).

Date: 7/10/22

Signature:



A Davis
Deputy Registrar
High Court

(Deputy) Registrar

"A"

PUBLIC NOTICE

**KING COUNTRY TRUST
PROPOSED AMENDMENTS TO TRUST DEED**

The King Country Trust (**Trust**) is currently governed by a Deed of Trust dated 3 May 2022 (**Deed**). The Trust holds income and capital and must be held by the trustees on the terms of the Trust. The Trust holds approximately 25 percent of shares in King Country Energy Limited (**King Country Energy**).

The trustees have applied to the High Court for directions that the Trustees have the necessary powers to amend the Deed to incorporate the Outstanding Amendments and that it is proper and lawful for the trustees to adopt those amendments.

Any party wishing to oppose the application or appear for an ancillary purpose is required by **[specific date to be inserted - 35 working days from the Monday after initial publication of this notice]** to file and serve a statement of defence or appearance along with evidence (if any) in support.

This is notice to the Consumers of the trustees' application to the High Court and provides details of how Consumers can review relevant documents, obtain further information, provide comments or be heard in relation to the application.

The beneficiaries of the Trust are, in broad terms, persons who are named in the records of the Lines Company Limited (**Lines Company**) as persons whose premises are connected to the Lines Company's lines network within the southern part of the King Country region (**Consumers**).

On 25 March 2022, the Trustees approved a number of amendments to the Deed after conducting a public consultative procedure. The Trustees' approval for some amendments was subject to them applying to the High Court for directions that the amendments are in order (**Outstanding Amendments**).



There are five Outstanding Amendments:

1. **Purpose of the Trust:** removing the requirement for the Trust to be wound up if the Trust no longer holds any shares in King Country Energy.
2. **Variations to the Deed:** introducing a new power of the trustees to vary the Deed without public consultation in certain circumstances.
3. **Redefining 'Consumers':** amending the definition of 'Consumers' to clarify that Consumers include persons who pay for line function services from the Lines Company, but who do not necessarily own the connected premises.
4. **Power to make grants or donations to charity:** clarifying that the trustees can, from time to time, make a donation or grant to a charitable entity whose activities may provide a benefit in the district.
5. **Definition of dates:** extending the Trust's duration to the maximum duration prescribed by section 16 of the Trusts Act 2019.

The Court has ordered that Mr T C Weston QC be appointed to represent those who wish to oppose, or who may oppose, the trustees' application. Mr Weston QC's details are PO Box 33, Tai Tapu 7645, email: tomweston@xtra.co.nz.

Copies of the statement of claim, supporting affidavit, Explanatory Note and Order of the Court Directing Service and Representation are available for viewing on the Trust's website (www.kcpowertrust.co.nz) and the public libraries at Taumarunui, Ohakune and Tūrangi during normal business hours.

