

**I TE KOOTI WHENUA MĀORI O AOTEAROA
I TE ROHE O TE WAIARIKI**

*In the Māori Land Court of New Zealand
Waiariki District*

AP-20250000000849

AP-20250000003232

WEHENG
Under

Section 241, Te Ture Whenua Māori Act 1993

MŌ TE TAKE
In the matter of

Tapuwae 1B and 4 Incorporation

NĀ
By

SHIRLENE NITA TAYLOR ON BEHALF OF
THE TUKINO AND NITA TAITE WHĀNAU
TRUST
Te kaitono
Applicant

ME
And

GILLIAN SAMSON ON BEHALF OF THE
NOBLE SAMSON SENIOR WHĀNAU TRUST
Te kaitono
Applicant

AP-20250000002870

WEHENG
Under

Section 239, Te Ture Whenua Māori Act 1993

NĀ
By

GILLIAN SAMSON
Te kaitono
Applicant

Kōtitanga:
Hearing

3 December 2025, 359 Waiariki MB 237-240
3 December 2025, 359 Waiariki MB 234-236
3 December 2025, 359 Waiariki MB 221-233
20 March 2025, 335 Waiariki MB 290-298
(Heard at Rotorua)

Whakataunga:
Judgment date

10 September 2026

TE WHAKATAUNGA A KAIWHAKAWĀ T M WARA
Judgment of Judge T M Wara

Hei tīmatanga kōrero*Introduction*

[1] There are three applications before the Court regarding the Herena Hare Samson Whānau Trust:

- (a) Application filed by Shirlene Taylor on behalf of the Tukino and Nita Taite Whānau Trust seeking the partial termination of trust (AP-20250000000849);
- (b) Application filed by Gillian Samson on behalf of the Noble Samson Senior Whānau Trust seeking the partial termination of trust (AP-202500000003232);
and
- (c) Application filed by Gillian Samson seeking a reduction of trustees to give effect to her resignation (AP-202500000002870).

[2] The issue for the Court to determine is whether the Herena Hare Samson Whānau Trust ought to be partially terminated as to the entitlements of Nita Samson Taite and Noble Samson.

He aha te kaupapa o tēnei kēhi?*What is this case about?*

[3] Herena Hare passed away on 2 June 1972, leaving the following children:

- (a) William Samson;
- (b) Wellington Samson;
- (c) Meri Samson Rameka;
- (d) Margaret Samson Martin;
- (e) Noble Samson;
- (f) Nita Samson Taite; and
- (g) Emily Samson Pirini.

[4] On 8 March 1995, orders of succession were granted in favour of her children listed above about lands throughout te rohe o Te Taitokeau.¹ Five years later, on 18 August 2000,

¹ 66 Taupo MB 252 (66 TPO 252).

the Herena Hare Samson Whānau Trust was constituted, holding 3684.375 shares in the Tapuwae 1B and 4 Incorporation. The beneficiaries, with substitution of issue, were identified as Herena's children.²

[5] In 2019 the trustees were replaced due to the passing of Noble Samson Jnr and Wellington Samson, with Shirlene Nita Taylor.³ Shirlene then resigned in 2023, and the resignation was affected as a reduction of trustees on 8 August 2024.⁴

[6] On 31 August 2024, a hui of the Herena Hare Samson Whānau Trust was convened to discuss the removal of Nita Samson Taite's interests from the trust. It is apparent that the meeting was contentious, and that those present argued as to the merits of the removal being sought.

[7] On or about 5 October 2024, Shirlene applied for partial termination to enable her mother's entitlement, being that of Nita Samson Taite, to be vested in the Tukino and Nita Taite Whānau Trust. While not explicit in the application filed with the Court, the reasons included dysfunction, a lack of transparency, and inactivity.

[8] Shirlene's application was set down for a hearing on 20 March 2025, where the application was adjourned to enable further evidence to be filed and for the related applications of Gillian to be located so that the application could be heard together.

[9] The three applications were then set down for hearing on 3 December 2025. Prior to hearing, the Court received notices of intention to appear, opposing partial termination, from Peter Samson and a collective notice from Emily Ngaronoa Pirini; Pretoia Beddis; Bryon Beddis; and Josephine Pirini.

[10] In the meantime, a further whānau hui was convened on 20 October 2025 to discuss the applications.

² See 73 Taupo MB 183 (73 TPO 183) and 66 Taupo MB 251 (66 TPO 251).

³ 225 Waiariki MB 83-85 (225 WAR 83-85).

⁴ 319 Waiariki MB 253-255 (319 WAR 253-255).

[11] On 3 December 2025,⁵ I heard from the parties, gave an opportunity for the beneficiaries to provide further information as to their positions, and adjourned the applications to Chambers. Further beneficiary statements were filed as to support or opposition and are considered in this decision.

Te Ture *The Law*

[12] The Court has jurisdiction to terminate or partially terminate a whānau trust pursuant to s 241 of Te Ture Whenua Māori Act 1993 (the Act).

[13] The leading case on how s 241 of the Act should be applied is *Larkins v Kaitaia – Waihou Hutoia D2A Block* where three important considerations emerge from the decisions on termination:⁶

- (a) A change of mind is usually insufficient as a ground for termination unless there is an absence of opposition;
- (b) Termination should be refused where it is likely to result in detriment or create unreasonable disadvantage to affected parties;
- (c) Evidence of a trust failing to adhere to their terms of trust and core accountabilities may be sufficient grounds for termination.

[14] In *Chambers v Keepa – Te Hinau A Pura Whānau Trust* the Court stated that:⁷

The power to allow a trust's partial termination is discretionary and should be invoked cautiously. The applicant has no automatic right to withdraw and must establish that the discretion to refuse termination should not be exercised.

(footnotes omitted)

[15] In exercising its discretion, identifies that the Court must consider a range of important considerations:⁸

- (a) the Preamble, s 2, and other matters listed in s 17, including the extent to which partial termination achieves better retention, use, development and control of

⁵ 359 Waiariki MB 237 (359 WAR 237).

⁶ *Larkins v Kaitaia - Waihou Hutoia D2A Block* [2013] Maori Appellate Court MB 159 (2013 APPEAL 159) at [27].

⁷ *Chambers v Keepa – Te Hinau A Pura Whānau Trust* (2016) 350 Aotea MB 74 (350 AOT 74) at [45].

⁸ *Larkins v Kaitaia - Waihou Hutoia D2A Block* [2013] Maori Appellate Court MB 159 (2013 APPEAL 159) at [30].

the land in accordance with the fundamental principles and purposes of the legislation;

- (b) the purposes of the whānau trust;
- (c) the extent of beneficiary and trustee consent;
- (d) the impact of any termination on the remaining beneficiaries and the trust; and
- (e) any evidence of dysfunction by the whānau trustees to justify the Māori Land Court's intervention.

Te Tātaritanga

Analysis

Purpose of the Trust

[16] The purpose of the whānau trust can be inferred from 73 Taupo MB 152, which notes the following from Emily's application: "*we wish to form a whanau trust so that the interest are not fragmented.*"

[17] The desire to prevent fragmentation is also reflected in the evidence of Peter Samson, who is a current trustee and chairperson of the whānau trust. He says that a meeting was held to form the trust on 15 January 2000, to protect all the shares from fragmentation and to help keep the whānau in contact with each other. He has cited the values of kotahitanga, whanaungatanga, and manaakitanga as guiding principles of the trust and has provided photographs demonstrating the embodiment of those values through mahi and connections to Motukaraka on the northern shores of the Hokianga Harbour.

The extent of beneficiary and trustee consent

[18] The kaupapa of partial termination was initially discussed at a hui on 31 August 2024, where the meeting ended without resolution. A second meeting was called on 20 October 2024. The minutes from that hui record that 24 whānau were emailed notice on 6 October 2024, 16 whānau attended, and 11 expressed their opinions. However, the motion was for

the whānau to express their opinion towards the withdrawal of shares, rather than a motion for partial termination.

[19] The opinions recorded in the minutes are as follows:

- (a) **Margaret and Hemi** acknowledge they are entitled to their portion of the shares, but do not agree.
- (b) **Pretoria, Bryn and Peter** do not agree, and think they should be kept in the trust.
- (c) **Joyce, Gerard and Toni** agree that they are entitled to their shares.
- (d) **Shirlene and her whānau** would like to remove their portion of shares.
- (e) **Gillian and her whānau** are in the process of putting forward their application to remove their shares.
- (f) **Emily** does not agree and would like kept there as a sacred taonga.

[20] These opinions are considered alongside the oppositions set out in the notices of intention to appear filed by Peter Samson, and a joint notice filed by Emily Ngaronoa Pirini; Pretoria Beddis; Bryon Beddis; and Josephine Pirini.

[21] Finally, I take into account those views that were filed with the Court following the December hearing: The beneficiaries in support include:

- (a) Nita Taite whānau:
 - i. Shirlene Taite;
 - ii. Pateriki Taite;
 - iii. Paul Taite;
 - iv. James Taite;
 - v. Troy Taylor;
 - vi. Grace Taylor;
 - vii. Brett Taylor;
 - viii. Luke Taite; and
 - ix. Nita Taite.
- (b) Noble Samson whānau:
 - i. Frank Samson;

- ii. Sivyver Samson;
- iii. Kenneth Samson;
- iv. Natasha Samson;
- v. Jade Samson Stewart; and
- i. Gillian Samson.

[22] Those beneficiaries in opposition include:

- (a) Emily Ngaronoa Samson whānau:
 - i. Emily Samson Pirini;
 - ii. Garreth Pirini; and
 - iii. Stacey Samson.
- (b) Margaret Samson Martin whānau:
 - i. Margaret Te Haara; and
 - ii. Riria Te Haara.
- (c) Noble Samson whānau:
 - i. Jemarl Samson.

[23] A letter was also received from Joyce Rameka of the Meri Samson Rameka whānau, supporting the Taite and Samson whānau to take their parents' shares, but in opposition for them to take their grandmother's shares. Taking all positions into account, I find that the extent of beneficiary and trustee consent is finely balanced.

The impact of any termination on the remaining beneficiaries

[24] Concerns have been raised by those opposed to the partial termination as to the impact of fragmentation should orders be granted. While those concerns are warranted, I also have regard to the fact that the only interest vested in the trust was shares in the Tapuwae 1B and 4 Incorporation. Should some shares be removed, the majority of the shares would remain, and the beneficiaries would retain their connection to the whenua. I also have regard to the fact that the whānau have already chosen to fragment Herena's interests, as orders of

succession were sought and granted, to the exclusion of Tapuwae 1B and 4, and vested in her children individually.

Evidence of dysfunction

[25] Parties have referred to the 2023 hui-a-tau, where the problems commenced, however the circumstance were never illuminated to the court. There has clearly been a breakdown in relationships within the trust, and this has led to a dysfunctional situation. A mistrust has grown, and Shirlene has asserted that removing her mother's interests and vesting them in her mother's whānau trust would offer better protection.

Trustee Conduct and protection of trust assets

[26] Shirlene has made several claims as to why the trust ought to be partially terminated, including the conduct of the trustees and the need to protect the assets of the trust. Starting with trustee conduct, while the applicant has made various assertions regarding the actions of the trustees, there is insufficient evidence to support such claims. While some meeting minutes were filed, those minutes do not disclose any trustee conduct that would warrant termination. Therefore, the weight that I can attribute to allegations regarding trustee conduct is limited. As for the need to protect the assets of the trust, while the applicant claims that partial termination is necessary to protect her mother's shares, no evidence has been presented as to any actual risk. There is no suggestion that trustees of the whānau trust seek to sell the shares or are attempting to use the shares as collateral – which would be factors demonstrating risk. Therefore no weight is given to the issue of asset protection either.

Diminishment of the mana and disrespect

[27] In his statement of opposition, Peter Samson as the chairperson of the whānau trust stated that the application is a diminishment of the mana of Herena, and that it is disrespectful for mokopuna to go against the wishes of kuia and kaumatua while they are still alive. It is a shame that the chairperson would characterise the issues in such a light, as this attitude is at odds with the value of manaakitanga and indicates hostility towards the applicants. The function of a rangatira is to bind people together, not further alienate them. For these reasons I give no weight to the accusations regarding diminishment of the mana and disrespect.

Kupu whakataua
Decision

[28] The starting point is that my discretion should be invoked cautiously, and that the onus is on the applicants to establish why I should not refuse termination.

[29] The key opposition to partial termination is fragmentation. However, fragmentation does not significantly impact the beneficiaries as the trust would retain significant shares, and the connection to Tapuwae 1B and 4 would remain. This is to be balanced against the dysfunctional relationships within the whānau trust, and the real hostility that has been expressed by the chairperson toward Shirlene and Gillian. Should I refuse to terminate, there is a real possibility of Shirlene and Gillian being alienated from the trust and alienated from the whenua.

[30] Taking all factors into account, while my decision is finely balanced, I find in favour of the applicants.

Ngā ōta
Decision

[31] Pursuant to section 241, the Herena Hare Samson Whānau Trust is partially terminated as to the interests of Nita Samson Taite and Noble Samson. Should any of the descendants of Nita Samson Taite and Noble Samson wish for their interests to be revested in the trust, and an application is filed within 12 months, the filing fee is to be waived.

[32] Pursuant to section 239(1), the number of trustees is reduced by one, to give effect to the resignation of Gillian Samson. Pursuant to section 239(3), the remaining interests are revested in Joyce Foster, Margaret Te Haara and Peter Samson as responsible trustees of the Herena Hare Samson Whānau Trust.

I whakapuakina i te 2:00pm i Rotorua, i tekau o ngā rā o Hepetema i te tau 2026.
Pronounced at 2:00pm in Rotorua, this 10th day of September 2026.

{signature}

T M Wara
KAIWHAKAWĀ