

**I TE KOOTI WHENUA MĀORI O AOTEAROA
I TE ROHE O WAIKATO MANIAPOTO**

*In the Māori Land Court of New Zealand
Waikato Maniapoto District*

**AP-20230000027561
A20220010202
CJ 2022/27**

WEHENG
Under

Section 45, Te Ture Whenua Māori Act 1993

MŌ TE TAKE
In the matter of

Succession to James Ure

I WAENGA I A
Between

AARON URE
Te kaitono
Applicant

ME
And

MICHAEL URE AND SYLVIA JAMES
Ngā kaiurupare
Respondents

Kōtitanga:
Hearing

9 June 2026, 2026 Chief Judge's MB 930-937
10 March 2026, 2026 Chief Judge's MB 303-316
(Heard at Rotorua via zoon)

Whakataunga:
Judgment date

7 September 2026

TE WHAKATAUNGA A KAIWHAKAWĀ MATUA TUARUA C T COXHEAD
Judgment of Deputy Chief Judge C T Coxhead

Hei timatanga kōrero

Introduction

[1] This application has been filed by Aaron Ure (the applicant), pursuant to s 45 of Te Ture Whenua Māori Act 1993 to amend succession orders at 53 Waikato Maniapoto MB 286-289 on 21 February 2013 relating to James Ure (the deceased).

[2] The applicant claims the order complained of is incorrect in the presentation of facts presented to the Court in that their father Lloyd Ure, was a son of a Lebanese salesman and not the deceased. Both DNA and Y-DNA test showed no Māori connection at any level.

Kōrero whānui

Background

[3] The Registrar's Preliminary Report and Recommendation (the Report) dated 28 February 2026, sets out the background to the application. The Report is reproduced in full as follows:

Te rīpoata me tana tūtohunga mā tētahi tono i raro i te wehenga 45 o Te Ture Whenua Māori Act 1993 ki te Kaiwhakawā Matua

Preliminary report and recommendation on an application under section 45 of Te Ture Whenua Māori Act 1993 to the Chief Judge

He kupu arataki

Introduction

[1] This application, filed by Aaron Lloyd Ure seeks to amend a succession order made at 53 Waikato Maniapoto MB 286-289 on 21 February 2013 relating to James Ure (deceased) identified at the time his grandfather.

[2] The applicant claims the orders are incorrect due to a mistake in the presentation of facts presented to the court in that:

- a. The views of the family have changed since a DNA test showed otherwise. The DNA results showed their father, Lloyd Ure, was a son of a Lebanese salesman and not the deceased. He claims it was known by his father's siblings.
- b. Both standard DNA and Y-DNA test shows no Māori connection at any level. The results indicate that out of his father's five children, four are linked as siblings with no Māori ancestry. One child, Michael has not yet been tested, and one was raised by his father, is not his biological child;
- c. The family have documentation of their grandmother, Doris Ure's concerns relating to their father Lloyd's safety (referred to as the unborn child) and court documentation of his father, Herbert Barrington.

[3] The family are not adversely affected but feel as tauiwi they cannot claim mana whenua lands. Though the deceased raised their father, Lloyd, there was no whāngai arrangement between families.

[4] The remedy sought is to return the whenua to its rightful owners.

He kōrero tuku iho

Background

[5] The matter was first heard by the court at 46 Waikato Maniapoto MB 258 dated 11 October 2012 where the court adjourned the proceedings due to non-appearance.

[6] The minute has been reproduced in full below:

53 Waikato Maniapoto MB 286

MĀORI LAND COURT

Place: Hamilton
Present: S R Clark, Judge
 C Whitiora, Clerk of the Court
 M Kingi-Tutaki, Court Assistant
Date: 21 February 2013
Pānui No: 63 **Application No:** A20120009629 **File:** PF 9069
Subject: James Ure – Succession
Legislation: Sections 113 and 118, Te Ture Whenua Māori Act 1993
Previous Evidence: 46 Waikato Maniapoto MB 256, dated 11 October 2012
Present: Aaron Ure

Details of the applicant are as follows:

Applicant	Address
Aaron Lloyd Ure	95 Thornton Road, Cambridge 3434

The deceased was my grandfather. He died on 27 December 1951. At 41 Wellington MB 267 dated 31 October 1958 and 79 Taranaki MB 44 dated 1 December 1971 the Court records that James Ure is deceased with issue. He left no Will nor any assets that required a Grant of Administration. The deceased was married to Doris Caroline Smith, deceased.

The deceased had the following children:

	Name	Sex	Address
1	Alfred James Ure	M	50 Domain Rd, Granity 7823
2	Lenore Ure	FD	
3	Daphne Margaret Ure	FD	
4	Joyce Burnice Ure	FD	
5	Quoylene Ure also known as Colleen Ure	FD	
6	Shirley Ure	FD	
7	Lloyd Dennis Ure	MD	DOD: 21/05/2008, issue

Issue of number 7 at 37 Waikato Maniapoto MB 6-7, dated 8 March 2012:

	Name	Sex	Address
8	Graeme Ure also known as Graeme Brown	M	1 Bank Street, Fairlie
9	Lisa-Jayne Ure	F	11 Hurley Place, Cambridge
10	Michael James Ure	M	392 Lower Weld Road, RD 4, Oakura

53 Waikato Maniapoto MB 287

Issue of number 7 at 37 Waikato Maniapoto MB 6-7, dated 8 March 2012 continued:

	Name	Sex	Address
11	Aaron Lloyd Ure	M	95 Thornton Road, Cambridge
12	Melody-Anne Ure also known as Melody-Anne Osborne	F	107A Vogel Street, Woodville
13	Katy-Jo Ure also known as Katy-Jo Martin	F	92 King Street, Cambridge

Dean Haqqie, Deputy Registrar: According to searches, the deceased had the following land interests:

Aotea District

Blocks	CT Ref	Current Owner	Shares
North Island Tenths (Sub division)	WN37C/94 (Parent)	James Ure	11.875
Oakura Town Belt Sec. 7C	456240	James Ure	0.0391
Oakura Town Secs 182 & 183	483232	James Ure	0.0078
Paora-Aneti 17 & 18	491965	James Ure	0.2500
Section 70 Block I Oeo Survey District	TN13/88	James Ure	0.0078
Sub 2 of Sec 1 Oakura	TN15/43	James Ure	0.0078

There are no funds held by the Māori Trustee.

Orders are sought determining the persons entitled and vesting the said interests of the deceased.

TRANSCRIPT OF RECORDED HEARING

[Aaron Ure affirms evidence will be true and correct]

Court: Good morning, so you're Aaron?

Aaron Ure: I'm Aaron, yes.

Court: So you've seen the Case Manager to check the submission?

Aaron Ure: Yes.

Court: One or two small amendments I see?

Aaron Ure: Yes.

Court: Just to addresses and the like I see. If you can just confirm the following. This is a succession application in relation to your late grandfather, James?

Aaron Ure: Yes.

Court: And he died on the 27th of December 1951?

Aaron Ure: *[Indicates yes]*

53 Waikato Maniapoto MB 288

Court: You will need to talk because we're...

Aaron Ure: Oh, sorry.

Court: ... we're transcribing it so...

Aaron Ure: Yes.

Court: ... it's hard to pick up mm's and nods.

[Laughter]

Aaron Ure: Yes.

Court: Okay. And your grandfather did not leave a Will?

Aaron Ure: Not that we're aware of.

Court: Okay, and was married to Doris and had a number of children which are set out at numbers 1 to 13.

Aaron Ure: Yes.

Court: Okay.

Aaron Ure: 1 to 7?

Court: Oh, yes, 1 to 7. Yes, and those at 8 to 13 are the children of Lloyd.

Aaron Ure: That's right, my father.

Court: That's your father?

Aaron Ure: Yes.

Court: And I see when reading the file that there has previously been a succession application in relation to your father?

Aaron Ure: Yes there has. That's gone through. Yes.

Court: Okay. So the effect of your application today is the orders that I can make are in relation to these interests that they go to the children of James including your father. In relation to your father, his interests will go on to you and your brothers and sisters...

Aaron Ure: Cool. Yes.

Court: ... in line with what happened last time in terms of the succession to him.

Aaron Ure: Okay.

Court: Do you follow that?

Aaron Ure: Yes.

Court: Okay. Very simple, unless there's any questions I can make the orders.

Aaron Ure: No, but I would like some information on the family trust.

Court: I was just going to say that.



Aaron Ure: While my brother and sisters wish to keep theirs, for my children's sake I'd actually like to put it in trust...

Court: Yes, okay.

Aaron Ure: ... so that it's actually...

Court: Okay, just pause for a moment. Saraya, could you just give to Mr Ure on the way out a copy of our whānau trust documentation? *[Directed to Court Assistant]*

So you can take that away with you and have a look at.

Aaron Ure: Great.

Court: The other thing is I would suggest if you want to take it further is to arrange a time to talk to our... we have Advisory staff here...

Aaron Ure: Okay.

Court: ... and that's their job to talk through proposed or potential applications.

Aaron Ure: Okay.

Court: It's a relatively simple application. If, for example, it was just you putting your interests into a whānau trust it would be very simple, okay? But talk to them about it, get the information on the way out.

Aaron Ure: Cool. Will do.

Court: Okay.

The Court makes orders pursuant to Te Ture Whenua Māori Act 1993:

- (a) section 113 determining that the persons entitled to succeed to the deceased's interests set out in the schedule are 1-7 equally with substitution for number 7;
- (b) section 118 vesting the Māori land interests of the deceased in the persons entitled.

Aaron Ure: Choice, thank you very much.

Court: Thank you.

...

Ngā kōrero taunaki

Supporting or other information

[7] The applicant has provided the following documents in support of his application:

- a) A copy of the orders complained of;
- b) A copy of the Ethnicity inheritance DNA of Aaron Ure, Katy Jo Martin, Graeme Brown, and Lisa Jayne Ure (undated).
- c) A copy of the deceased's wife, Doris Ure dated 7 November 1931;
- d) A copy of Doris Caroline Ure particulars regarding dependants of Herbert Barrington and assistance dated 24 November 1931;
- e) A copy of an application filed by Doris C Ure for assistance for dependants of Herbert Barrington.

- f) A copy of army records of James Ure serving in the New Zealand Army from 17 August 1914 to 18 August 1916.
- g) A certified copy of the death certificate of Lloyd Dennis Ure;

BDM 108

New Zealand Death Certificate

DECEASED

First/given name(s)	Lloyd Dennis
Surname/family name	Ure
(If different from above) First/given name(s) at birth	-
(If different from above) Surname/family name at birth	-
Date of death	21 May 2008
Place of death	Vaile Court Shakespeare Street Cambridge
Cause or causes of death	Cryptogenic Pulmonary Fibrosis
(as specified in doctor's certificate or coroner's order)	Influenza 1 Month Prior
	Renal Failure Years
	Heart Failure 6 Months
Name of certifying doctor	I Gilbertson
Date last seen alive by certifying doctor	21 May 2008
Sex	Male
Age and date of birth	76 years 9 December 1931
Place of birth	Christchurch
If not born in New Zealand number of years lived here	-
Usual home address	3 Vaile Court Cambridge
Usual occupation, profession or job	Retired Roading Contractor
Date of burial or cremation	26 May 2008
Place of burial or cremation	Hamilton Park Crematorium Newstead Hamilton
Age of each daughter	49 45 34
Age of each son	47 46

Original Copied & returned with Acknowledgement letter. Shireen Cady

PARENTS

MOTHER: First/given name(s)	Doris Caroline
Surname/family name	Ure
(If different from above) First/given name(s) at birth	-
(If different from above) Surname/family name at birth	Smith
FATHER: First/given name(s)	James Alexander
Surname/family name	Ure
(If different from above) First/given name(s) at birth	-
(If different from above) Surname/family name at birth	-

RELATIONSHIP(S)

Relationship status at time of death	Married	Marriage
Relationship type	Marriage	25
Age of deceased at event	51	Christchurch
Place of marriage/civil union	Cambridge	Mavis Rita
SPOUSE/ First/given name(s)	Rona Patricia	Stent
PARTNER: Surname/family name	Lobb	Female
Sex	Female	71
Age (if living)	73	

Certified true copy of particulars recorded by a Registrar

Issued under the seal of the Registrar on 17 November 2011

Registration Number
2008012404




CAUTION - Any person who (1) interferes any of the particulars on this certificate, or (2) uses it as true, knowing it to be false, is liable to prosecution under the Crimes Act 1961.

- g) A certified copy of Lloyd Dennis Ure's birth certificate recording James Alexander Ure (father).

BDM 107

New Zealand Birth Certificate

Registration Number
1932009819

First/given name(s) **Lloyd Dennis**
Surname/family name **Ure**

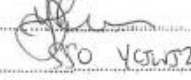
Sex **Male**
Still-birth/Multiple birth **-**
(if applicable)

Date of birth **9 December 1931**
Place of birth **Seaview Road New Brighton**

Name changes **-**

CERTIFIED COPY

Date: **24, 2, 2026**

Signed: 

Rank: **SSO YCWJ2**
New Zealand Police, North Hamilton
(an officer authorised to take statutory declarations)

Y CHAPMAN JWWJ2
STATION SUPPORT OFFICER
HAMILTON CITY DHQ
24.2.2026
An Officer authorised to take Statutory declarations

CHILD

First/given name(s) **Doris Caroline**
Surname/family name **Ure**

(if different from above) First/given name(s) at birth **-**
Surname/family name at birth **Smith**

Occupation, profession or job **-**
Age **36**
Place of birth **Amberley**

MOTHER

First/given name(s) **James Alexander**
Surname/family name **Ure**

(if different from above) First/given name(s) at birth **-**
Surname/family name at birth **-**

Occupation, profession or job **War Pensioner**
Age **45**
Place of birth **Wellington**

FATHER

Certified true copy of particulars recorded by a Registrar

Issued under the seal of the Registrar on **23 day of January 2003**



CAUTION - Any person who (1) falsifies any of the particulars on this certificate, or (2) uses it as true, knowing it to be false, is liable to prosecution under the Crimes Act 1961.
WARNING: THIS CERTIFICATE IS NOT EVIDENCE OF THE IDENTITY OF THE PERSON PRESENTING IT.

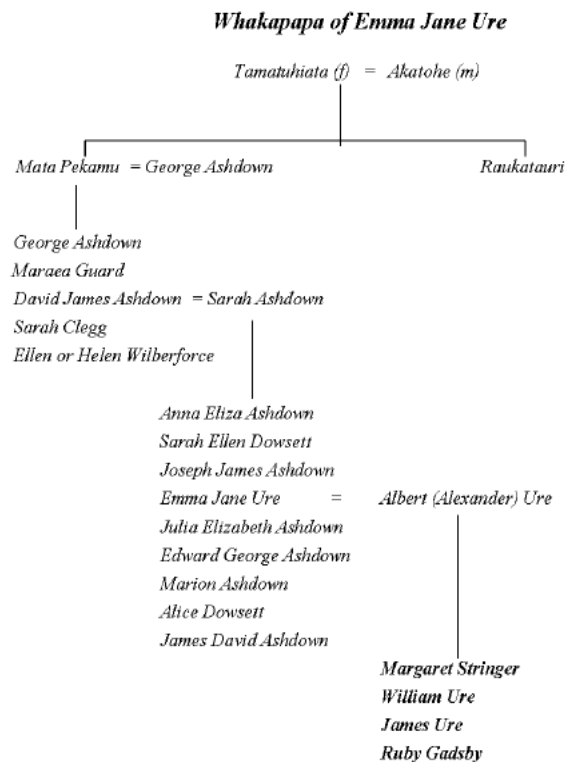
Te rangahau a te kooti

Court research

- [8] No death certificate was produced for the deceased to confirm he died 27 December 1951. The order complained of refers to succession to Emma Ure, also known as Emma Jane Ure or Emma Jane Ashdown (mother) at 41 Wellington MB 267 (31 October 1958) and succession to Sarah Dowsett, also known as Sarah Ellen/Helen Ashdown (aunty) at 79 Taranaki MB 44

(1 December 1971). Both references confirmed the deceased had passed leaving issue but neither actually stated a date of death.

- [9] The Pt 1V search shows the deceased inherited his interests at the order complained of from his mother, Emma Jane Ure nee Ashdown (mother), Julia Ashdown (aunty), and Marion Ashdown (aunty).
- [10] Further research shows previous succession to the deceased was completed at 41 WN 286-287 of 4 November 1958 and 38 Wai MB 314 of 2 October 1957. The minutes record the deceased died **27 December 1952**. The ownership report shows the deceased appears to have some Māori lands interests un-succeeded too.
- [11] At 2009 Chief Judge's MB 335-347, dated 27 October 2009, concerning Emma Jayne Ure at folio 343, & 338 the applicant, Shirley Perriton filed an application where the court made orders to various orders complained of to include the deceased. She presented a whakapapa showing the children of Emma Jane Ure and Albert Alexander Ure. Two children Joseph and Harold Ure passed away in infancy and are not included in this whakapapa.



Applicants evidence:

- [12] The DNA test of Aaron Ure and his siblings was carried out by Ancestry Ireland Unlimited Company, (AIU), the Dublin-based International headquarters for the global genealogy giant Ancestry.com. The results show they share Scottish, English, Northwestern European, Irish, Levantine, Swedish, and Danish origins. No Māori origin is recorded.
- [13] A copy of Doris Caroline Ure's correspondence (signed) dated 7 November 1931 (translated from the original copy produced):

...

Dear Sir,

I am writing to you to ask if you will make all arrangements with Herbert Barrington, c/- Hautu Prison camp, National Park, re Maintenance of my child to be born at anytime Now, I find I cannot keep it myself and so will have to board it out and Miss Laradale tells me I cannot do so under 15/-per week.

Herbert Barrington is the father and has written and asked me to write to you, to arrange everything so he can sign the papers, I lived with Mr Barrington for three months and he says he is quite willing to pay for the child.

I am a married woman and have 6 children – and my husband is a cripple and gets a pension of 2 pound a week for life plus 2 pound economic per weekend as his disability is affecting his mind and I cannot keep this other child in the house as I am afraid something may happen to it, so trusting you will see to this matter for me as soon as possible.

I remain

Your faithfully

Doric C Ure. –

- [14] On 24 November 1931, Doris C Ure filed an application to the Prison Department for assistance regarding child support for dependants of Herbert Barrington, requesting that wages be credited for this purpose.

- [15] Particulars filed regarding dependants of Herbert Barrington (in summary):

Doris Caroline Ure submitted a form regarding the dependants of Herbert Barrington. She lived at 65 Seaview Road, New Brighton, Christchurch, and the deceased, a returned soldier receiving a pension of £3-7-6. Doris has six children, with the oldest being 12 years old. She claimed to be pregnant with Barrington's child, although there is uncertainty about Barrington being the father. Doris left her husband to live with Barrington before returning to her husband shortly before Barrington's arrest. She is currently living with her husband and has made an application for maintenance for the unborn child from Barrington, who had no dependants living with her.

A small insertion by the Acting clerk of the court reads:

There is no certainty
that Barrington is the father of applicants child.

Any further particulars:

Does not come
within scope of Rec: (Ure is legally
bound to maintain the child
in absence of a Court order directing otherwise...

- [16] The war records of James Ure shows he served from 1914 to 1916. He was discharged due to injuries and was no longer physically fit for service.
- [17] The applicant claims that one of Lloyd's children is not his biological child. The death certificate lists five children three females and two males, but six children have inherited.
- [18] The certified birth certificate of Lloyd Ure records his father's name is James Alexandra Ure.

Michael Ure's email of 6 May 2025:

- [19] On 5 May 2025, a colleague from the Aotea office requested as Michael had been attempting to reach the team for an update. The colleague provided Michael's email and phone number. On 6 May 2025, a response email was sent to both informing Michael his contact details had been updated. It was also noted that there was no need to obtain a DNA sample until the report and recommendation had been distributed.
- [20] On 6 May 2025, Michael responded he does not intend getting a DNA, believing the succession is clear. He questions his rights around the removal of the lands and dismissal of the application.

Ngā taipitopito o ngā ōta e whai pānga ana ki te whenua e hāngai ana ki tēnei tono

Details of subsequent orders affecting lands to which this application relates

- [21] There are no subsequent orders affecting lands to which this application relates as the children of Lloyd Ure still hold the interests absolutely.

The Court should be aware:

- [22] Previous successions were made to Lloyd at 37 Waikato Maniapoto MB 6-7 (8 March 2012) which vested the interest in persons entitled.
- [23] In addition, the court issued further orders concerning Lloyd at 462 Aotea MB 13-14 (15 February 2023) and vested the interest in persons entitled.
- [24] Depending on the outcome of the application other orders may also be affected.

Te utunga nā te putanga o te ōta

Payments made because of the order(s)

- [25] On 27 February 2026, Te Tumu Paeroa responded that the orders complained of had not been sent to them and therefore no accounts in question have not been created to pay to beneficiaries entitled. Te Tumu Paeroa holds \$42.28 in the unclaimed monies account client number CLI-002817.

Payment holds have been placed for the following client accounts:

Client Record	Name(s) and Address	Current Balance
CLI-00281742	James Ure	\$42.28
<i>Funds derived from:</i>		
Unclaimed Monies		
• Sub-total from North Island Tenths		\$26.02
• Succession to Mary Ashdown		\$0.90
• Succession to Sarah Ellen Ashdown		\$15.36

Funds remain held in our Unclaimed Monies account.

Ngā āhuatanga i rararu ai

Areas of difficulty

- [26] Doris Ure letter confirms Herbert Barrington is the father of her unborn child.

- [27] The timing of Doris's application applying for child support (24 November 1931) and the birth date of Lloyd Ure shows 9 December 1931.
- [28] No additional evidence confirmed that Mr. Barrington was the father, prompting the department to deny child support until a court proved otherwise. No further evidence was presented to Doris Ure's claim.
- [29] The birth certificate of Lloyd Ure records James Alexander Ure (father) and Doris Caroline Ure nee Smith (mother).
- [30] Whether the DNA of the applicant and siblings is acceptable to the court in its form.
- [31] The new evidence produced that wasn't available at the order complained of would need to be considered if it is of a sufficient level of information compared to the information contained in the birth certificate of Lloyd Ure.

Āe rānei, he take o tana haere ki tētahi kootitanga

Consideration of whether matter needs to go to hearing

- [32] Even though Lloyd's children were aware of the situation, two children, Michael Ure and Melody Ure (deceased), did not share the same views. A court hearing is necessary to allow Michael and Melody's children the opportunity to present their views to the new evidence.

Te tūtohunga hei whai

Recommendation of course of action to be taken

- [33] If the Deputy Chief Judge is of a mind to exercise his jurisdiction, then it would be my recommendation that:
- a) A copy of the Preliminary Report and Recommendation (the Report) be sent to parties, for whom we have contact details for, giving them an opportunity to comment in writing.
 - b) The applicant is to provide:
 - i. A certified copy of a full-size death certificate of the deceased;
 - ii. The applicant to confirm which child is not a child of Lloyd Ure as it appears succession to the deceased named six children whilst the death certificate record five.
 - c) The application be set down for hearing on **Tuesday, 10 March 2026 at 10.40am** via zoom to determine the merits of the application.

Ko te hātepe ture o te tono nei

Procedural History

- [4] The Report was distributed to parties on 28 February 2026.

[5] The application came before me on 10 March 2026.¹

[6] I heard evidence from the applicant, Aaron Ure, Katy-Jo Martin and Graeme Brown-Wackett. Given the insufficient notice of the hearing and distribution of the Report to parties, I adjourned the application and directed Michael Ure contact the Court in one month. Failing such contact, the orders would be made final.

[7] On 13 March 2026, Michael Ure contacted the Case Manager to advise his contact details had changed. The Report was provided to Michael Ure the same day. He subsequently filed objections on 17 March 2026.

[8] On 19 March 2026, I directed a copy of Michael Ure's submissions (signed version) be circulated to all parties; and the matter be set down for hearing in June 2026.

[9] On 30 March 2026, Sylvia James filed a request seeking leave for whānau members to file submissions in support of Michael's claims. On 31 March 2026, I directed submissions be filed by 30 April 2026.

[10] Supporting submissions were filed on 17 April 2026, 23 April 2026 and 27 April 2026 by Joy Hansford, Rosalie Gibellini, Sylvia James on behalf of Shirley Perriton who later withdrew, Sylvia James and Heather Buckley on behalf of the Buckley whānau. Copies were circulated to the applicant, Katy-Jo Martin and Graeme Brown Wackett on 12 May 2026.

[11] The application came before me on 9 June 2026.² I heard evidence from both respondents, Michael Ure, and Sylvia James.

[12] I reserved my decision.

Ngā Ture
The Law

¹ [2026] Chief Judge's MB 303-316 (2026 CJ 303).

² [2026] Chief Judge's MB 930-937 (2026 CJ 930).

[13] The Chief Judge's jurisdiction to amend or cancel an order of the Māori Land Court is set out in s 44(1) of Te Ture Whenua Māori Act 1993 (the Act):

44 Chief Judge may correct mistakes and omissions

(1) On any application made under section 45 of this Act, the Chief Judge may, if satisfied that an order made by the Court or a Registrar (including an order made by a Registrar before the commencement of this Act), or a certificate of confirmation issued by a Registrar under section 160 of this Act, was erroneous in fact or in law because of any mistake or omission on the part of the Court or the Registrar or in the presentation of the facts of the case to the Court or the Registrar, cancel or amend the order or certificate of confirmation or make such other order or issue such certificate of confirmation as, in the opinion of the Chief Judge, is necessary in the interests of justice to remedy the mistake or omission.

[14] In *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)*, the principles to be applied in determining such applications made pursuant to s 45 were listed as follows:³

- (a) When considering s 45 applications, the Chief Judge needs to review the evidence given at the original hearing and weigh it against the evidence provided by the applicants (and any evidence in opposition);
- (b) Section 45 applications are not to be treated as a rehearing of the original applications;
- (c) The principle of *omnia praesumuntur rite esse acta* (everything is presumed to have been done lawfully unless there is evidence to the contrary) applies to s 45 applications. Therefore, in the absence of a patent defect in the order, there is a presumption that the order made was correct;
- (d) Evidence given at the time the order was made, by persons more closely related to the subject matter in both time and knowledge, is deemed to have been correct;
- (e) The burden of proof is on the applicant to rebut the two presumptions above; and

³ *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)* [2009] Chief Judge's MB 209 (2009 CJ209) at [15].

- (f) As a matter of public interest, it is necessary for the Chief Judge to uphold the principles of certainty and finality of decisions. These principles are reflected in s 77 of the Act, which states that the Court orders cannot be declared invalid, quashed or annulled more than 10 years after the date of the order. Parties affected by orders made under the Act must be able to rely on them. For this reason, the Chief Judge's special powers are used only in exceptional circumstances.

[15] Section 44 explicitly refers to situations where the Court has made an incorrect decision due to a flaw in the evidence presented, or in the interpretation of the law, and it is necessary in the interests of justice to correct its record. For this reason, s 45 applications must be accompanied by proof of the flaw identified, either through the production of evidence not available or not known of at the time the order was made or through submissions on the law.

[16] As stated in *Tau v Nga Whānau o Morven and Glenavy – Waihao 903 Section IX Block*, the Chief Judge must exercise their jurisdiction by applying the civil standard of proof on the balance of probabilities, having regard to that standard's inherent flexibility that takes into account the nature and gravity of the matter at issue.⁴ This means that the applicant must establish on the balance of probabilities that there was a mistake or omission.

[17] The Court of Appeal has confirmed that the power under s 44(1) falls into two parts:⁵

The first is an evaluative decision as to whether the order made was "erroneous in fact and law because of any mistake or omission on the part of the court or the Registrar or in the presentation of the facts of the case to the court or the Registrar." The second is a power, which is likely in most cases to involve discretion, to "cancel or amend the order ... or make such other order as, in the opinion of the Chief Judge, is necessary in the interests of justice to remedy the mistake or omission." We note that in making that decision, and exercising that power, the preamble to the Act and ss 2 and 17 are of particular significance.

Kōrerorero

Discussion

[18] The issues for determination are:

⁴ *Tau v Nga Whānau O Morven & Glenavy – Waihao 903 Section IX Block* [2010] Māori Appellate Court MB 167 (2010 APPEAL 167) at [61].

⁵ *Inia v Julian* [2020] NZCA 423 at [10].

- (a) Was an error made in fact or in law or in the presentation of the evidence to the Court which led to an error in the order complained of?
- (b) If so, is it necessary in the interests of justice to remedy the error by amending or cancelling the order?

Was an error made?

[19] The orders the applicant claims were made in error are succession orders made at 53 Waikato Maniapoto MB 286-289 on 21 February 2013 relating to James Ure, who was identified at the time as the applicant's grandfather.

[20] The applicant claims the orders are incorrect due to a mistake in the presentation of facts presented to the court in that his father, Lloyd Ure, is not the son of the deceased.

[21] It is not often in this Court that an application is made claiming that someone is not entitled to land. But here, most of the family feel as tauiwi they cannot rightfully claim the Māori lands, and so seek to return the whenua to its rightful owners.

[22] The applicant Aaron is supported by some of his siblings. At the hearing Graeme and Katy-Jo spoke in support of the application in wanting to have the matter sorted. It has become a bit of a burden to the family in that they are holding lands, which now given the DNA information they are not comfortable to hold.

[23] Michael is the only sibling of the children of Lloyd who does not support the application. Jo Hansford, Rosalie Gibellini, Sylvia James and Heather Buckley, all cousins of Micheal have filled letters supporting his position.

[24] Michael made the point at hearing that his sister Lisa Jane Ure and Melody who have both passed away, haven't had the opportunity to have people speak on their behalf. Both have children. Michael also raised concerns that he had heard about the application through the Māori Land Court and not from his siblings.

[25] Michael Ure wishes to retain the land interests that he has obtained through his father. He states that if his siblings do not want their land and feel uncomfortable holding the land then there is the option of the land being passed to him as next-of-kin.

[26] Michael says he was born Michael James Ure and his understanding is that he is entitled to the interest that he has received and because of receiving those interests he has been involved with the Marae. Michael understands that his siblings have done DNA tests, but that does not really change anything for him. He is still Michael James Ure and therefore entitled to those interests because they were handed down by family.

[27] The Court records, including whakapapa evidence, clearly indicates that James Ure was Māori. Whakapapa evidence on the record would clearly indicate that he is a descendant of a Māori. There does not appear to be anything on record to note otherwise. Consequently, James biological children also have whakapapa Māori. Once again there is nothing to suggest that they are not of Māori ancestry.

[28] However, four children of Lloyd have now provided DNA evidence that clearly shows they have no Māori ancestry. The clear inference therefore is that their father Lloyd Ure was not Māori and was not the biological son of James Ure.

[29] There is no dispute that the four children who undertook DNA testing are the biological children of Lloyd. Further while the family do not have the DNA of Lloyd Ure, the evidence is quite persuasive in that given the four siblings are all biological children of Lloyd and the DNA has shown they have no Māori ancestry, it is difficult to see how their father had Māori ancestry.

[30] The accuracy of the DNA evidence was not disputed. No expert evidence contesting the DNA evidence was called. I have no reason to not accept the DNA evidence.

[31] Michael, who has not undertaken DNA testing, raised concerns that potentially there is a lack of proof that his four siblings are the biological children of their father. This seems improbable given the information on the Court record. It also seems unlikely that Michael would be the only biological child of Lloyd, and his four siblings are not the biological children of Lloyd.

[32] The original information before the Court indicated that Lloyd Ure was a child of James Ure.

[33] Along with the DNA evidence is documentation from the applicants' grandmother Doris Ure. The documentation clearly has Doris Ure raising concerns relating to her unborn child and notes the child's father as Herbert Barrington. The application says the unborn child is their father Lloyd Ure. The timing of the letters and the timing of the birth of Lloyd clearly indicates that when Doris Ure was referring to her unborn child she was referring to Lloyd.

[34] What is also telling is the letters/emails in support of Micheal. As noted above Jo Hansford, Rosalie Gibellini, Sylvia James and Heather Buckley, all cousins of Micheal and the applicant have filled letters supporting Micheal's position. Interestingly, the cousins letters/emails all stated:

“we consider Uncle Lloyd to be a full part of the family without regard to parentage, this was known by all of his siblings and with acceptance from both parents naturally followed through his life fully accepted.”

[35] This statement while given in support for Michael actually supports the applicants position in that while showing clear respect and love from the family for Lloyd also indicate that they are aware of the fact that James was not Lloyd's biological father.

[36] The Court therefore has evidence:

- (a) Their father was a son of a Lebanese salesman and not James Ure.
- (b) Both standard DNA and Y-DNA test shows no Māori connection at any level. The results indicate that out of his father's five children, four are linked as siblings with no Māori ancestry.
- (c) Documentation of Doris Caroline Ure's (signed) dated 7 November 1931 and 24 November 1931, regarding a child of Herbert Barrington.
- (d) Letters from cousins of the applicant acknowledging that the issue of parentage of Lloyd was known by all of his siblings.

[37] The evidence proves on the balance probabilities that Lloyd is not the biological son of James Ure.

[38] Taking these matters and evidence into consideration I am of the view that an error has occurred.

[39] The applicant did not dispute that family have loved and respected their father. The fact that he was loved by James has never been in dispute. They agreed that their father was loved and accepted by his family, but the fact remains that he was not of Māori descent and not a biological child of James and therefore not entitled to hold on to or have a say on matters of land that the applicant and his siblings have received.

[40] I am also of the view that it is in the interest of justice that the error be corrected.

[41] It is noted that in honouring their father and grandfather, the applicant, Aaron and Katy-Jo have written about their father and paid tribute to James Ure who chose to raise their father as his own knowing he was not. In their view, this is not about dishonouring the grandparents rather it is about being honest and truthful. Despite Lloyd not being the biological child of James it is clear that he was loved by James. Clearly, Lloyd was and so too are his children very much part of the Ure family. Lloyd was always an uncle to his nieces and nephews and a brother to his siblings.

Kupu whakataunga
Decision

[42] As noted I am of the view that an error has occurred.

[43] As a result, I consider that it is in the interests of justice that the orders be amended in that Lloyd Dennis Ure was not a person entitled to succeed.

Nga Ōta
Orders

[44] I therefore grant this application and make an order pursuant to Section 44(1) of Te Ture Whenua Māori Act 1993 to amend the order complained of at 53 Waikato Maniapoto MB 286-289 dated 21 February 2013 by:

- (a) Excluding the issue of Lloyd Dennis Ure as persons entitled to succeed to the interests of the deceased namely, Graeme Ure also known as Graeme Brown, Lisa-Jane Ure, Michael James Ure, Aaron Lloyd Ure, Melody-Anne Ure also known as Melody-Anne Osborne, and Katy-Jo Ure also known as Katy-Jo Martin.
- (b) Amend the entitlements of the other successors namely, Alfred James Ure, Lenore Ure, Daphne Margaret Ure, Joyce Burnice Ure, Quoylene Ure also known as Colleen Ure and Shirley Ure from a 1/7th proportion to a 1/6th proportion;

[45] An order pursuant to s 47(4) making all consequential amendments necessary to give full effect to the above order.

[46] The Case Manager is directed to distribute a copy of this decision to all parties.

I whakapuaki i te 3:00 pm i Waiairiki i te tuawhitu o ngā rā o Hepetema i te tau 2026.
Pronounced at 3:00 pm in Rotorua on the 7th day this day of September 2026.

C T Coxhead
DEPUTY CHIEF JUDGE