



SUCCESSION IOI

MODULE 2 — SUCCESSION

Step-by-step: How to succeed to Māori land shares (with or without a will)

Step 1: Confirm you're dealing with Māori land (and get the exact block name)

You need the correct block name as the Court holds it (spelling matters).

What to collect:

- Block name(s) (e.g., “___ A”, “___ 2B2”, etc.)
- Any old Māori Land Court letters or block documents
- If you only know the area or a nickname for the land: write that down too (it's still a start)

Goal: One clear list of block names (even if it's incomplete).

Step 2: Confirm the owner who has passed (the “deceased owner”)

You need:

- Full name (as recorded, or closest)
- Date of death (approx at first is okay)
- Last address (if known)

Goal: One “profile” of the deceased owner.

Step 3: Decide who will apply (pick one main applicant)

Choose someone who is:

- A direct descendant (or entitled person)
- Organised and responsive
- Able to gather documents
- Able to attend a hearing if required (sometimes it's decided on the papers)

Goal: Name 1 main applicant + 1 backup.

Step 4: Check if there is a will (and what it says)

Ask whānau

- Was there a will?
- Who has it?
- Does it mention Māori land interests?
- Was probate/letters of administration done? (not always needed to start, but useful context)

Goal: “Will: yes / no / unsure” + copy if available.



PATH A: SUCCESSION WITH A WILL

Step 5A: Read the will and identify what’s being gifted

You’re looking for:

- Who the deceased wanted the shares to go to
- Any conditions (rare but possible)

Important reality: Māori land succession still goes through the Māori Land Court process. The will helps show intent, but the Court still makes the order.

Goal: List of intended beneficiaries from the will.

Step 6A: Match will beneficiaries to the whakapapa reality

Confirm beneficiaries are entitled:

- Usually children/descendants
- Sometimes broader whānau depending on the will and circumstances

Goal: Clean beneficiary list (names + relationship).

Step 7A: Gather documents for “with a will”

Minimum:

- Death certificate
- Copy of the will
- Proof of relationship (birth certs if available, or other evidence)

Goal: A tidy evidence pack.



PATH B: SUCCESSION WITHOUT A WILL (most common)

Step 5B: Build the whakapapa line (this is the core evidence)

Start simple and factual:

1. List all children of the deceased (tamariki)
2. If a child has passed, list that child's children (mokopuna)
3. Keep going only as needed to identify living successors

Goal: Successor list + relationships.

Step 6B: Decide how the shares should be allocated

Usually it's:

- Shares divided among children equally (and then down the line if children have passed)

If there's strong whānau agreement to do it differently, that may be possible, but keep your first application clean and defensible or move straight into a Whānau trust.

Goal: A straightforward proposed allocation.

Step 7B: Gather documents for “no will”

Minimum:

- Death certificate (best)
- Proof of relationship where possible (birth certs, letters from kaumātua, whakapapa sheets, etc.)

No documents? You can still proceed, but expect the Court may ask for more evidence.

Goal: Evidence pack (even if incomplete).



COMMON STEPS (BOTH PATHS)

Step 8: Identify the deceased owner's land interests (which blocks + shares)

This is where whānau often stall.

Do it like this:

- Start with the 1 block you know for sure
- Then request or compile the full list of interests over time
- Don't wait for perfection to start

Goal: “Application block list v1” (you can add later).

Step 9: Prepare the Succession Application Pack

(Māori Land Court – Correct Forms Identified)

All succession applications are made to the Māori Land Court.

The form you use depends on whether an estate has administration or probate.

A. Choose the Correct Succession Form

Form 22 – Application for Succession (No Grant of Administration Held)

Use Form 22 if:

- There is no probate
- There is no grant of administration
- No election to administer has been issued by the High Court

This is the most common form used by whānau.

MLC-Form-22-Application-for-succession

Form 21 – Application for Succession (Grant of Administration Held)

Use Form 21 if:

- Probate has been granted, or
- Letters of administration have been issued, or
- An election to administer exists or is intended

If this applies, do not use Form 22.

MLC-Form-21-Application-for-succession

B. What the Succession Application Pack Must Contain

Your completed pack should include:

1. Correct Succession Form
 - Form 22 or Form 21 (not both)
2. Deceased Owner Details
 - Full legal name (and aliases)
 - Date and place of death
3. Māori Land Interests
 - Block names
 - Shares or interests (if known)
4. Will (if applicable)
 - Copy of the will
 - Note whether probate has been granted
5. Whakapapa / Successor Information
 - Children, siblings, or next of kin
 - Whāngai (with whānau confirmation if included)
6. Evidence Attachments
 - Death certificate

- Birth / marriage certificates if needed
- 7. Written Statement (can be brief)
 - Who is applying
 - Relationship to the deceased
 - Whakapapa support letter from Kaimatua and Marae
 - Whether succession is with a will or no will

Step 10: File it with the Māori Land Court (and keep copies)

Submit via the registry process (email/online/post/in-person depending on what the Court accepts).

Goal: Confirmation that it has been lodged.

Step 11: Respond to registry questions (normal part of the process)

Common registry queries:

- wrong block name format
- missing death certificate
- unclear relationships
- missing successors
- inconsistent spelling of names

Goal: Updated pack returned promptly.

Step 12: Hearing or “on the papers” decision

Outcomes:

- Sometimes a hearing date is set
- Sometimes the Court decides based on documents only

Goal: Succession Order issued.

Step 13: Confirm the owners are updated on the record

After the order:

- The new owners should appear on the Māori Land Court ownership record
- Ensure addresses/emails are current so whānau don't go missing again

Goal: Ownership is “alive” and contactable.



WHAT SUCCESSION DOES (and does NOT) DO

Succession gives you:

- Legal recognition as an owner

- Ability to participate in decisions (where relevant)

Succession does NOT automatically give you:

- The right to occupy
- The right to build
- The right to borrow against the land



(Step-by-Step)

How to Obtain an LTO

Step 1 – Confirm the land status and who has authority

- Check the block is **Māori freehold land** (Pātaka Whenua / Māori Land Online).
- Identify whether the block has:
 - **Trustees** (whānau trust / ahu whenua trust), or
 - **No trust** (owners make decisions), or
 - **Incorporation** (committee makes decisions)

Outcome: You know **who must approve** the LTO.

Step 2 – Confirm the applicant's standing

The person wanting the LTO should be:

- An **owner**, OR
- A **whānau member** the owners/trustees agree to support

If the person is not an owner, that's still possible – but it must be **clearly approved** and recorded.

Step 3 – Do whānau kōrero first

Before any paperwork, agree on:

- **Who** the LTO is for (names)
- **Why** (housing need, papakāinga stage, returning home)
- **Fairness** (how others get their turn later)
- **What happens on death** (does it pass to partner? children? revert?)

Best practice: make it part of a **papakāinga staging plan** so everyone sees the pathway.

Step 4 – Choose the site (and keep it simple)

Pick a location that:

- Minimises conflict (not cutting across wāhi tapu, accessways, urupā, etc.)
- Has practical access (driveway, services, water)
- Fits future papakāinga layout

Prepare a **basic site sketch**:

- Mark approximate boundaries
- Show access track/road

- Note nearby landmarks

You don't need a survey at this stage—just clarity.

Step 5 — Get the decision formally approved

If there are trustees:

- Trustees pass a resolution approving:
 - the occupier
 - the site
 - the key LTO conditions

If there is no trust:

- Owners make a decision (preferably at a hui) and record it:
 - minutes + attendance list
 - signatures of supporting owners
 - clear description of the site and terms

Tip: Even when not legally required, written minutes + signatures prevent future fights.

Step 6 — Draft the LTO document

Your LTO should include:

- Full names of occupier(s)
- Block name + legal description
- A site plan/sketch attached
- Purpose (e.g., “residential dwelling as part of papakāinga”)
- Term (e.g., lifetime / 30 years / review every 5 years)
- Conditions (see Step 7)
- Signatures (trustees/owners) + date

Step 7 — Add the “safety conditions” (the ones that protect everyone)

Common LTO conditions:

- Only the approved whānau can live there
- No selling / renting out / Airbnb without permission
- One dwelling (or limit buildings)
- Must follow council/building rules
- Services responsibilities (water tank, septic, power)
- Maintenance obligations
- Review clause (every 3–5 years)
- What happens if the occupier leaves
- What happens on death (reverts to trust/owners or transfers with approval)

These conditions are what make the LTO “stable” long-term.

Step 8 – Sign, witness, and store it properly

- Sign by all required trustees/owners
- Have it **witnessed** (recommended)
- Store copies:
 - Trust records folder
 - Occupier folder
 - Shared whānau drive (if used)

Step 9 – Use the LTO as “owner consent” evidence for council

For building/resource consent (or permitted activity checks), council usually wants:

- Proof you have the right to occupy (LTO)
- Written owner/trustee consent
- Site plan

The LTO becomes the key supporting document.

Step 10 – Optional: strengthen it through the Māori Land Court

Not always necessary, but helpful when:

- There's risk of dispute
- A bank, funder, or agency wants more certainty
- The ownership base is large and fragmented

Options include:

- Noting it in governance records, or
- Seeking governance orders (agent/trust) if needed



Success

Occupation Order: Step-by-step application guide

Before you start

An Occupation Order is strongest when you can show **three things**:

1. **The exact area is clearly defined** (so nobody can argue what was granted)
2. **The owners/whānau have been properly consulted** (so it doesn't blow up later)
3. **The build plan is real and responsible** (so the Court sees it as a legitimate long-term use, not a land grab)

If any one of those is weak, the application tends to stall or get opposed.

Step 1 – Confirm the land status and who has authority

Goal: Know what legal “door” you’re walking through.

- Confirm the **block name** (exact legal name)
- Confirm the **title type** (Māori freehold / general etc.)
- Identify whether the land is under:
 - **Ahu Whenua trust**
 - **Whānau trust**
 - **Incorporation**
 - **No trust / multiple owners as individuals**

Why this matters:

If trustees or a committee exist, they usually become the key decision-makers and can formally support (or oppose) your application.

Output for your file:

A simple one-pager: block name, title type, trustees/owners list source, and who currently manages decisions.

Step 2 – Choose the occupation area and “design it like a property boundary”

Goal: Remove ambiguity.

You need a defined area that is:

- realistic (not oversized)
- accessible (legal access or practical access)
- able to be serviced (water/waste/power plan)
- aligned with current/future papakāinga layout

Best practice:

Treat it like a mini “site plan” even if you’re not subdividing:

- mark the proposed house site
- include driveway/access line
- show setbacks where possible
- show service corridors (even if indicative)

Output for your file:

A basic plan that clearly shows the occupation area (mapped/marked).

Step 3 – Gather your evidence pack (the Court wants “clean proof”)

Goal: Show seriousness and reduce objections.

Typical evidence includes:

A) Applicant evidence

- your full name and contact details
- your whakapapa connection / relationship to the block and owners
- your shareholding (if you hold shares)
- a short written statement:
 - why you need the occupation
 - what you’re building
 - what outcomes it creates (whānau housing, stability, tikanga responsibility, etc.)

B) Site evidence

- a plan/map of the occupation area
- photos of the site (optional but helpful)
- access confirmation (how you physically get to the site)
- basic servicing plan (even if staged)

C) Whānau/owner support evidence

- hui minutes (properly recorded)
- attendance list
- resolutions (who agreed to what)
- any written support letters from key owners/trustees/kaumātua

This is where most applications fail:

People apply with emotion, but without proof of process.

Step 4 – Run the hui properly (so your mandate can’t be attacked)

Goal: Build durable consensus and record it.

A strong hui process looks like:

1. Notice is sent

- message owners/trustees using known contact channels

- include agenda + maps + what decision is being sought

2. **Hui is held**

- present the occupation area clearly
- explain why Occupation Order (not LTO)
- invite questions and objections early

3. **Resolution is proposed and voted/confirmed**

4. **Minutes are recorded cleanly**

- who attended
- what was discussed
- what was agreed
- any conditions (e.g., no selling, no extra dwellings, review points)

Output for your file:

Hui agenda, hui minutes, attendance list, and a signed resolution/decision record.

Step 5 – Do an “objection pre-check” before filing

Goal: Prevent surprise opposition that slows everything down.

Identify:

- any owners likely to oppose (historical disputes, access concerns, jealousy, fear)
- any concerns you can address upfront:
 - “will this stop others building?”
 - “will this become permanent ownership?”
 - “what happens if you stop living there?”
 - “what about rates/insurance?”
 - “does it block future papakāinga design?”

Best move:

Write 5–10 bullet answers and include them in your application statement as reassurance.

Step 6 – Prepare the application forms and attachments

Goal: Submit one complete, readable pack.

Your pack should include:

- application form(s) for the Occupation Order (MLC form)
- your written statement (1–2 pages max, clear and calm)
- maps/plans of the occupation area
- hui minutes + attendance + resolution
- support letters (if any)
- any trustee resolution (if trust-managed)
- any servicing/access notes

Important: The Court is responding to what’s in front of them.

A tidy pack can cut months off the process.

Step 7 — File the application and serve notice properly

Goal: Make it procedurally safe.

Once filed, the process usually involves:

- Court checks completeness
- Notices go out to owners/interested parties
- A window for objections / submissions
- Scheduling (if a hearing is required)

Tip for your kit:

Encourage whānau to assume notice will trigger emotions—so your evidence and mandate must be strong enough to withstand that wave.

Step 8 — Hearing preparation (if required)

Goal: Walk in with clarity, not stress.

Prepare to explain:

- why this particular area
- why this applicant
- how whānau support was gained
- how this protects the collective long-term
- what conditions you accept (if needed)

Bring printed copies of:

- the map/plan
- minutes + resolution
- your statement
- support letters

If there's opposition:

- do not argue history
- stay on the present facts: mandate, defined area, long-term responsibility

Step 9 — The order and what happens next (title + practical follow-through)

Goal: Lock in certainty and protect relationships.

When granted, you'll typically need to:

- confirm any conditions in the order
- ensure it is correctly recorded/registered (where applicable)
- align the build and servicing with council requirements
- keep your promises to whānau (this is spiritual and legal)

