On 9/12/2013, at 5:01 PM, "Grace Haden" <grace@verisure.co.nz> wrote:

Hi Ben

I am just taking some time out from my work to look at your submissions for the appeal, I can only guess that you were referring to paragraph 44 which states :
These claims were expressly considered by Judge Gibson at paras 29-30 of his judgment. In particular, he noted that Judge Joyce QC had noted that Mr Wells' communications had been "distinctly presumptive" (refer para 242 of Judge Joyce QC's judgment). In addition, Judge Joyce noted that it was particularly significant that AWINZ did not achieve "approved organisation" status until the end of 2000 by which time its establishment as a trust had been formally recognisable for almost 10 months (refer para 244 of Judge Joyce QC's judgment). For these reasons, there is no basis to Ms Haden's claims that AWINZ was not an approved organisation or that the AWINZ trust did not exist.

The issue with this is that although it is true that the AWINZ trust (allegedly formed on 1.3.2000) had existed for some 10 months before the approved organisation AWINZ was granted law enforcement authority it does not follow that the trust formed 1.3.2000 were the applicants. There has to be a legal connection such as the trustees signing an application form.

The evidence which we have is that
The application for approved status was made 22.11.1999 Neil Wells was the only signatory to this application .

The trust could not have made the application as it did not exist. (it did not form until 1.3.2000)

The argument for an oral trust does not hold water as the subsequent trust deed makes no reference to an oral trust having existed as required by law.
Those who came together in 1998 came together to form a trust with Waitakere city council as both trustee and settlor, therefore with the terms of the " oral trust" (if there was one)changing the terms without consultation with the potential trustees would have invalidated the terms of any oral trust . You also have to remember this was not an agreement to hold a Sunday school picnic this was an application for coercive law enforcement.

Secondly those who were allegedly trustees would have been required to sign the application papers as the responsibility in an unincorporated trust is with the individual trustees.

Neil Wells sent in a notice of intent on 22/8/1999 and a formal application 22 November 1999 , there is no reference to any other application and Mr Wells himself refers to that date as the date of the application in future correspondence as does MAF throughout the audit report

My OIA requests with MAF (Mow MPI) failed to produce any subsequent applications and they had no documents which bore the signatures of Coutts, Grove and Giltrap. These persons therefore were not part of the application process.

The fact that the AWINZ trust existed merely means that this is cause for identity confusion, just because John Smith the butcher makes an application to be a baker does not make all john smiths applicants for bakeries. They merely share a name

The reason the trustees could not have made an application for approved status is in the trust deed . although they signed the trust deed they did so when Tom Didovich drove to each respective person . They therefore did not meet as a trust and did not make any decisions including not appointing a representative.

We have proof that there were only ever four meetings of the trust and the audit report together with the minutes which account for those meetings (minutes 10/5/2006 13 July 2006 telephone meeting , Minutes 14/8/2006) shows that there were no trust meetings prior to June 2004. Therefore According to the terms of the trust deed the trustees never met , never implemented any of the provisions of the deed and never had any meetings. The deed requires them to have been reappointed after three years being 1.3.2003 therefore the trust which had no assets no meetings and had not ratified their deed never existed legally and definitely did not continue after 1.3.20003 .

If they did not meet how could they have made decisions ? and how would the decision to make an application for law enforcement powers come about ?

The other question is how could Hoadley Wells and Coutts be trustees of a trust which never met and wound up by its own terms in 2003 . what legal provisions allow people to become trustees of a sham trust and without any documentation????

If you could put me right on the law on that matter I would be grateful as all the law resources I have searched shows that this is an impossibility .

If there was an application which MAF is unaware of and which Mr Wells relies upon it would be the decent thing for you to produce it . In the absence of that document you are supporting perjury .

Please also refer to the letter dated 25 MARCH 2000 where Wells states to the minister PAGE 7 *"Having provided all the additional information over the past 3 months we trust you are now in a position to provide the approval sought in our original application of November 1999."*

The minister in granting consent to AWINZ states "In November 1999 you applied to my predecessor on behalf of the Animal Welfare Institute of New Zealand (Inc) (AWINZ), for declaration as an approved organisation under section121 of the Animal Welfare Act (the ACT)

So when was this application which was made after the trust was formed ?

Looking forward to you addressing these issues

Ben I refer you to section 4 of the lawyers and conveyancers act your obligation is to the rule of law , your baby does not need a dad who has supported the use of the civil court to conceal criminal behaviour .

I will not give up it has destroyed my family do not let it destroy yours you have the duty to remain independent at all times and faithful to yourself and your conscience. I will be taking criminal action . look up section 66 Crimes act .

Regards
Grace Haden

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Because truth matters

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From: Ben Atkins [mailto:atkins@brookfields.co.nz]
Sent: Monday, 9 December 2013 5:21 p.m.
To: Grace Haden
Subject: Re: re our discussions this morning

Grace,

I was referring to paragraphs 50 - 52 of our submissions.

I do not intend to correspond any further on these issues. You are well aware of our position, if you choose not to accept our views or the findings of the courts that is your choice which you take at your peril.

Regards

Ben Atkins
Senior Solicitor

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From: Grace Haden [mailto:grace@verisure.co.nz]
Sent: Monday, 9 December 2013 5:59 p.m.
To: 'Ben Atkins'
Subject: RE: re our discussions this morning

Thank you Ben so who is going to let the minister know that he considered an application which could not have been made ?

How was he application made ???? I am not surprised that you don't want to discuss it any more it is not me who is confused its you.

Can I quote you on this in my upcoming blog ? How is the evidence I have wrong?????? None of that evidence being government documents were available before Joyce it is Wells word against a truck load of government correspondence including his own

Please also refer to the letter dated 25 MARCH 2000 where Wells states to the minister PAGE 7 *"Having provided all the additional information over the past 3 months we trust you are now in a position to provide the approval sought in our original application of November 1999."*

Are you saying that you support perjury ???????? why could you not provide discovery of the allege document.. I can tell you why.. it does not exist you are using your office for fraud and **I formally (again) place you on notice**

Regards
Grace Haden

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