

# Multiple Representative Form to be used at a meeting of Beneficial Owners

## NGATARAWA AND OHITI WAITIO 1E3A LANDS TRUST

In the matter of a meeting of Beneficial Owners of the Trust to be held at .....on .....,  
and any adjournment thereof.

I/We ..... am/are:

- a Trustee/Trustees of the ..... Whanau Trust;
- a duly appointed attorney/attorneys of
- an executor/executors in the estate of .....
- a trustee/trustees of .....

*(cross out options that do not apply)*

I/We appoint ..... to vote on my/our behalf at the upcoming meeting.

Date:

.....

Signature/s of trustee/duly appointed attorney/executor:

Signed in the presence of: [*signature of witness*]

Full name of witness (*block letters*):

Occupation:

Address:

Phone number:

### Notes:

1. This form must be signed in the presence of an independent witness. The witness must be aged over 18 years of age and must not be another attorney, trustee or executor.
2. The witness must sign his or her signature, write his or her full name, occupation, address and contact phone number.
3. This form is to be used where the required number of representatives (trustees/attorneys/executors) cannot attend a General Meeting in person and are appointing one or more of the other representatives to attend on their behalf.
4. If this form (or a proxy form) is not used a trust or estate will require all trustees or executors to attend the General Meeting or that trust (or estate) will not be able to vote.

# Multiple Representative Explanation Form

These requirements **must** be followed for representatives to participate in a General Meeting. If not followed a trust or estate will **not** be able to vote.

## **Estates**

Executors appointed under a Will of a deceased Beneficial Owner may attend at a General Meeting and vote on behalf of that deceased Beneficial Owner.

The Executors must bring to the meeting the Death Certificate and a copy of the Will certified by a Solicitor, Court Registrar or Justice of the Peace.

Where there is more than one Executor, they must all attend. If they cannot all attend then those not attending must complete a proxy or Multiple Representative Form in favour of the Executors that can attend.

If the deceased Beneficial Owner did not leave a Will then no person is able to attend the meeting on their behalf, speak or vote.

If Letters of Administration has been granted in the estate of a deceased Beneficial Owner, the Administrator under the Letters of Administration can attend at a meeting, speak and vote. The Administrator **must** produce to the meeting a certified copy of the Letters of Administration.

## **Attorney under Powers of Attorney**

An attorney appointed under a Power of Attorney document may attend at a General Meeting, speak, and vote on behalf of that Beneficial Owner. The attorney **must** provide a certified copy of the Power of Attorney.

If there is more than one attorney appointed and the Power of Attorney document requires the attorneys to act jointly, then all appointed attorneys must either attend in person, by proxy or by the completion of the Multiple Representative Form.

If the Power of Attorney document allows an attorney to act alone then one attorney can attend, speak and vote.

## **Whanau Trusts**

Where the Beneficial Owner is a Whanau Trust, that Trust shall be entitled to one vote regardless of the number of Trustees.

A majority of Trustees **must** be present at the meeting (in person, by proxy or by completing the Multiple Representative Form) for that Trust.

**The Multiple Representative Form must appoint one of the other Trustees (or the other Trustees that are attending) to act on behalf.**

If there are **two** Trustees of a Whanau Trust, **both** must attend either in person (or by a properly completed Proxy or Multiple Representative Form).

If there are **three** Trustees, **two** must attend either in person (or by a properly completed Proxy Form or Multiple Representative Form).

If there are **four** Trustees then **three** must attend either in person (or by a properly completed Proxy or Multiple Representative Form).

If there are **five** Trustees then **three** must attend either in person (or by a properly completed Proxy or Multiple Representative Form).

### **Other Trusts**

If the Trust Deed/Order allows for Trustees to act by majority then the process for Whanau Trusts must be followed.

If the Trust Deed or Order requires the Trustees to act unanimously then the process for estates must be followed.