



The Napier District Masonic Trust

(Incorporated under the Charitable Trusts Act, 1957)

Established 1961

APPLICATION FOR AN OCCUPATION RIGHT AGREEMENT

The General Manager
P O Box 7288
Taradale 4141

I/We wish to apply for residency of a unit under the Trust's Right to Occupy Scheme:

Title: (please circle) Mr Mrs Miss Ms

Surname: Contact Phone No:

Christian Name(s):

Residential Address:

Postal Address (if different):
.....

Date(s) of birth:
.....

Your Legal Advisor:

Name & address of your next of kin:.....
.....
.....

To raise the Capital Sum I/We need to sell a property: Yes/No

We already have the cash on hand or on short term investment to pay the Capital Sum in full:
Yes/No

Please indicate whether the Agreement will be in your name(s) or whether the Agreement will be held in another persons name, for example, a family trust or estate:

Please attach two character references.

MY/OUR PREFERENCE: (please tick)

	<i>Capital Sum</i>	<i>Weekly Service Charge</i>	<i>if more than one property chosen</i>
Scinde Masonic Flats			
Vigor/Brown/McVay Street, Napier			<input checked="" type="checkbox"/>
1 Bedroom	\$150,000	\$85.00	<input type="checkbox"/>
2 Bedroom	\$175,000	\$85.00	<input type="checkbox"/>
Waiohiki Masonic Flats			
37 Meeanee Road, Taradale			<input type="checkbox"/>
1 Bedroom	\$165,000	\$85.00	<input type="checkbox"/>
2 Bedroom	\$180,000	\$85.00	<input type="checkbox"/>
Elbourne Street Flats			
6 Elbourne Street, Taradale	\$175,000	\$85.00	<input type="checkbox"/>
Waikaremoana Masonic Flats			
Marine Parade, Wairoa	\$90,000	\$85.00	<input type="checkbox"/>
Taradale Masonic Village			
15 Devonshire Place, Taradale (Units 1-16)	\$230,000	\$105.00	<input type="checkbox"/>
(Units 17 & 18)	\$260,000	\$105.00	<input type="checkbox"/>
Mission View Masonic Village*			
190 Avondale Road, Taradale	\$270,000	\$105.00	<input type="checkbox"/>
188 Avondale Road	\$310,000	\$105.00	<input type="checkbox"/>
Knightsbridge Masonic Village*			
17 Balmoral Street, Taradale	\$270,000	\$105.00	<input type="checkbox"/>
Kensington Masonic Villas*			
70 Kensington Drive, Knightsbridge	\$270,000	\$105.00	<input type="checkbox"/>
Apartments			
13 Devonshire Place, Taradale	\$180,000	\$105.00	<input type="checkbox"/>

*Those units with a fully consented conservatory cost an additional \$5,000

Please note:

1. The Napier District Masonic Trust will write to you to confirm receipt of your application form. You will then be placed on the waiting list. If you have circumstances as per page 4 of this application please advise the Trust in writing.
2. The Capital Sum and service charge for units are current at the date of your application but may be subject to alteration. Should you be offered a unit, the Capital Sum and service charge current at that date will be advised to you.
3. When allocated a unit, you will be required to complete an application (accompanied by our disclosure documents) in the form prescribed by the Retirement Village Act.
4. Privacy Act 1993 – The information collected in this application is for the purpose of allocating units and is intended for use by trustees and employees of the Napier District Masonic Trust for that purpose and will not be disclosed to any third party. Applicants may review or amend the information on request to the General Manager of the Trust.

I/We declare that the details in my/our application form is/are correct and can be relied upon by the Napier District Masonic Trust.

Signed: **Dated:**

(Both signatures are required if this is a joint application)

HOW THE OCCUPATION RIGHT AGREEMENT SCHEME WORKS

1. The resident makes a contribution to the Trust called the Capital Sum.
2. The Capital Sum ranges between \$90,000 and \$310,000. The Capital Sum is relative to the age, size and location of the unit.
3. The resident pays a weekly service fee to cover rates, insurance, maintenance, administration and other ongoing costs. Weekly service fees are currently between \$85.00 and \$105.00 for Village Units.
4. An amenities contribution is charged at the rate of 5 per cent per annum (5 % pa) on the Capital Sum, up to a maximum of 25 % of the original Capital Sum. There is no amenities contribution charged on the Studio Rooms. This fee is charged to cover future capital maintenance of the complex communal amenities such as roading, community halls and major capital expenditure. The amenities contribution fee is deducted on repayment of the Capital Sum
5. When a unit is offered for occupancy, the Trust and the resident enter into a formal agreement called an "Occupation Right Agreement".
6. Should the occupancy terminate for any reason, including death, then the original Capital Sum less the amenities contribution fee due is returned once a new resident has been found. In the event of death the Capital Sum (less the amenities contribution fee) will be repaid to the estate executors upon production of probate or letters of administration.
7. The weekly service fee is payable until a new occupier enters into a new Occupation Right Agreement or such earlier date as the Trust may determine.
8. The chattels in each unit are owned by the resident. Usually these chattels include carpets, drapes and blinds. Incoming residents are required to negotiate a mutually acceptable price directly with the outgoing resident or the resident's relatives/representatives to purchase these items. Where a new resident wishes to lay new carpet the outgoing resident is required to remove their carpet upon vacating. If any other fixture has been added to the unit, i.e. heat pump, conservatory this fixture will become the property of the trust when the resident vacates however during the term of the tenancy the resident will be responsible for the maintenance of the fixture.
9. Emergency Co-ordinators are located at the Knightsbridge, Kensington, Mission View and Taradale village complexes. A charge for certain services may apply.
10. When a unit is available for allocation to a resident, formal acceptance of that offer is subject to the Trust receiving a satisfactory medical report from your doctor.
11. A full copy of all disclosure documents required under the Retirement Villages Act will be made available to you and your legal advisor at the time that a unit is allocated to you.
12. The Napier District Masonic Trust has a "no pets" policy for all their Retirement Villages.

This is a very brief outline of the Right to Occupy Scheme. When a unit becomes available then full discussions will take place with the prospective resident including details of actual financial commitments.

When a unit becomes available the Trust will look to allocate that unit in accordance with its philosophy and its legal status as a Charitable organization.

The original Deed of Constitution and Rules made in 1961 established the Trust with the principle need to “provide suitable accommodation for aged, infirmed, disabled and indigent needy persons. Recently the Trust reviewed its constitution and the purpose has been amended to read; “To supply, attend and render assistance to the needs of the sick, elderly, aged and infirmed, disabled, destitute, poor, indigent, needy or helpless persons including their spiritual and cultural needs.

As the Trust is a registered charity it is also important that the Trust act in accordance with that status. The Trust must demonstrate a Charitable Purpose. There are several ways in which you can establish your charitable purpose. These are indicated below.

☒ Beneficial to the community ✎

. The purposes must benefit the community in a way that the law regards as charitable.

- facilitating social rehabilitation (such as integrating people back into the community who have a disability or some form of deprivation)
- As well as development of the law through the Courts, section 61A of the Charitable Trusts Act 1957 says that it is charitable to provide, or help to provide, facilities for recreation or other leisure-time occupation, if the facilities are provided in the interests of social welfare, and there is a public benefit.
- “In the interests of social welfare” means that:
 - a. the facilities must be provided to improve the conditions of life for the people for whom the facilities are primarily intended and
 - b. either:
 - those people need those facilities because of their youth, age, infirmity, disability, poverty, race, occupation, or social or economic circumstances; or
 - the facilities are available to all members of the public, or to all male or all female members of the public.

Relief of Poverty

To be charitable under this category, your organisation’s purpose must -

- be directed at people who are poor, in need, aged, or suffering genuine hardship, and
- provide relief.

“Poverty” is interpreted broadly in law. People who are in need, aged, or who are suffering genuine financial hardship from a temporary or long-term change in their circumstances are likely to qualify for assistance. Generally, this includes anyone who does not have access to the normal things of life that most people take for granted.

To provide “relief”, the people who benefit should have an identifiable need arising from their condition that requires support. These people should have difficulty in addressing that need themselves.

Courts have found the following purposes to “relieve poverty” —

- caring for the aged, children, or orphans
- caring for the infirm, blind, war veterans, or disabled
- caring for the intellectually disabled, discharged prisoners, or alcoholics
- providing accommodation for elderly people, patients’ relatives, staff at hospitals and emergency shelters
- helping other needy persons (for example, refugees) or providing disaster relief.