

BETWEEN

LAKES INTERNATIONAL GOLF  
MANAGEMENT LIMITED  
First Applicant

THE LAKES INTERNATIONAL GOLF  
COURSE LIMITED  
Second Applicant

AND

HARTLEY CLENDON VINCENT  
Respondent

Court: William Young, Arnold and O'Regan JJ

Counsel: D J Goddard QC and A W Johnson for Applicants  
M J Fisher and K J Ng for Respondent

Judgment: 21 November 2016

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**JUDGMENT OF THE COURT**

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**A** Leave to appeal is granted (*Vincent v Lakes International Golf Management Ltd* [2016] NZCA 382).

**B** The approved questions are:

- (i) Was the Court of Appeal correct to take into account, in its interpretation of the instrument creating the registered covenant (the covenant), extrinsic evidence of the factual matrix in which the covenant came into existence?
  - (ii) Was the Court of Appeal correct to find that the Lakes Resort Golf Club operated by the First Applicant is not the "Golf Club" for the purposes of cl 7 of the covenant?
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Solicitors:  
Martelli McKegg, Auckland for Applicants  
Castle/Brown, Auckland for Respondent