

AGREEMENT TO MEDIATE

BETWEEN: _____

OF: _____

AND: _____

OF: _____

NATURE OF DISPUTE:

THE MEDIATOR:

The mediator to be appointed shall be - **Norman Richard Ely**

1. The mediation process will be initiated by the signing of a Mediation Agreement and will contain details of contact addresses, phone and fax numbers and email mail addresses. The Agreement to be accompanied by an outline of the dispute and copies of documents or statements in support.
2. Costs of the mediation and fees of the Mediator to be shared equally by the parties and each party will bear its own costs. A deposit of 10% of the anticipated cost of the Mediation or two days fee's, whichever shall be the lower figure shall be deposited by the parties with the mediator prior to the first hearing day.
3. The mediation shall be conducted in good faith with the intention by all parties present to reach a settlement.
4. The parties are to attend the mediation in person. They may be accompanied by a support person or whanau by prior arrangement with the other Party(ies) and the Mediator. Each party shall be solely responsible for the cost of attendance of any such support.
In some cases a Party may be represented by another Party, e.g. a Company may send a Manager.
5. The parties or their representatives attending the mediation shall have power to settle the dispute. As such the parties hereby warrant that they and/or such representatives will have full settlement authority.
6. The parties will, within one week of the date of the Mediation Agreement, produce to the Mediator and each other all papers relevant to the mediation. They also agree to exchange preliminary statements before the first mediation meeting.
7. The parties agree that the process of mediation is an entirely voluntary one, that it is confidential and without prejudice.
8. In the event of any disagreement about the process the parties agree to comply with any timetable provided by the Mediator.
9. The Mediator is absolved from any liability to the parties arising out of this mediation.
10. While the dispute is being mediated the parties agree that any other contractual obligations between them shall be met.
11. The parties agree to settle any disputes in accordance with the above processes and either party are at liberty to enforce terms and settlements in the usual manner. Any costs arising out of a failure to use these processes in good faith may be claimed against the party which fails to comply with this and any subsequent Agreement.
12. Proceedings may be brought to a close at any time by any party.

Signed: _____ Date: ____ / ____ / 2005 First Party

Signed: _____ Date: ____ / ____ / 2005 Second Party