

DEED OF SEGREGATION

The Bucket Superannuation Fund

ABN 27 175 901 609

Document provided by

TOWNSENDS BUSINESS & CORPORATE LAWYERS

Tel 02 8296 6222 www.townsendslaw.com.au

THIS DEED is made at

ON 13 August 2021

BY SUPER GOVERNING RULES PTY LTD ACN 117 737 381

whose registered address is
Level 9, 65 York Street, Sydney NSW
("the Company")

AND

BY Pip Squeak Pty Ltd ACN 638 524 231

whose registered address is
18 Redfern Street Cowra NSW 2794
("the Trustee")

RECITALS

- A. A deed establishing The Bucket Superannuation Fund ABN 27 175 901 609 ("the Superannuation Fund") was signed on 5 May 2020 ("the Trust Deed").
- B. The Trust Deed incorporates the SUPERCentral Governing Rules as the Governing Rules of the Superannuation Fund ("the Governing Rules").
- C. The Trustee is the current Trustee of the Superannuation Fund.
- D. The Governing Rules can be amended by the Company and they can be amended by the Trustee (if the amendment power conferred on the Company has terminated).
- E. The Trustee is proposing to acquire real property or an interest in real property ("the real estate") on behalf of the Superannuation Fund from the registered proprietor who is a member of the Superannuation Fund ("the transferring member") as an investment by the Superannuation Fund which investment will be segregated and held exclusively to provide retirement benefits for the transferring member.
- F. The Trustee wishes to ensure that if acquired the real estate is to be used solely for the purpose of providing retirement benefits for the transferring member in the manner required by section 62A(2) of the *Duties Act 1997* of New South Wales.
- G. The Trustee has pursuant to Rule 3.17 of the Governing Rules determined that if and when the real estate is transferred to the Trustee then the real estate will be segregated exclusively to provide retirement benefits for the transferring member.
- H. The Trust Deed confers power on the Company to amend the SUPERCentral Governing Rules as they apply to the Superannuation Fund.

- I. The Trustee requests that the Company formally acknowledges it will not exercise the amendment power if to do so would alter any Determination made under rule 3.17 of the Governing Rules.
- J. Both the Company and the Trustee intend that the Superannuation Fund remains a complying superannuation fund for the purposes of the *Superannuation Industry (Supervision) Act 1993* (Cth).

OPERATIVE PART

With effect on and from the Effective Date

1. The Trustee declares that it will hold the Specified Property exclusively for the Specified Member pursuant to the following provisions of the SUPERCentral Governing Rules, namely:

3.17 Certain assets to be held exclusively for the benefit of Specified Members

The Trustee may, by an irrevocable written instrument, determine that an asset ("the specified asset") which is specified in the instrument is to be held exclusively to provide the superannuation or retirement benefits of the member or members specified in the instrument and for no other members.

3.18. The specified asset referred to in rule 3.17 must be held by the Trustee or by a custodian on behalf of the Trustee, separately from and cannot be pooled with other assets of the Superannuation Fund and the specified asset will constitute for the purposes of these rules a discrete portfolio separate from the other assets of the Superannuation Fund and any earnings and proceeds from the specified asset must be retained as part of the discrete portfolio.

3.19 The specified asset referred to in rule 3.17 must only be applied for the purpose of providing retirement benefits of the member or members specified in the instrument referred to in rule 3.17.

2. The Trustee hereby declares that when executed by the Trustee the Determination made by the Trustee of the Superannuation Fund pursuant to rule 3.17 of the Governing Rules in relation to the Specified Property is irrevocable.
3. The Trustee undertakes to the Specified Member not to revoke or vary the Determination.
4. The Company acknowledges that the amendment powers conferred by the Trust Deed cannot be exercised if to do so would have the effect of altering the Determination unless such amendment is permitted by the *Duties Act 1997* (NSW) or with the prior consent of the Chief Commissioner of State Revenue for New South Wales (or a duly authorised delegate of the Chief Commissioner).

DEFINITIONS

5. For the purposes of this Deed including the Recitals:

Determination means any Determination made by the Trustee pursuant to Rule 3.17 of the SUPERCentral Governing Rules in respect of the Specified Property.

Specified Member means Mark Leighton Ritchard of 7 Glover Drive Yass NSW 2582.

Specified Property means the Specified Member's 100% interest in the property contained in Folio Identifier 1/799558 & 2/1202734 otherwise known as 55 Polding Street Yass NSW 2582.

Effective Date means the date of this Deed.

Superannuation Fund means the superannuation fund established pursuant to a deed made by the Trustee dated 5 May 2020 and known as The Bucket Superannuation Fund ABN 27 175 901 609.

SUPERCentral Governing Rules means the current version of the SUPERCentral Governing Rules being the version attached as Appendix A to the most recent deed made by the Company amending those rules.

INTERPRETATION

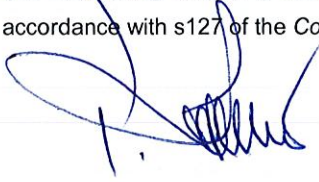
6. In this deed, unless the context otherwise requires:
- (a) words importing the singular include the plural and vice versa;
 - (b) words importing any gender include the other genders;
 - (c) headings are for convenience only and will be ignored in construing the meaning of this deed;
 - (d) a reference to any legislation or legislative provision includes any statutory modification or re-enactment of, or legislative provision substituted for, and any subordinate legislation issued under, that legislation or legislative provision;
 - (e) a reference to this deed includes any amendment, variation, replacement, novation of, supplement to or attachment to this deed;
 - (f) references to parties or to any party include references to their or its respective successors, permitted assigns, executors and administrators; and
 - (g) references to a person include references to any individual, company, body corporate, association, partnership, firm, joint venture, trust and governmental agency.

EXECUTED AS A DEED

Executed by

Super Governing Rules Pty Ltd ACN 117 737 381

in accordance with s127 of the *Corporations Act 2001*



.....
Peter Maxwell Townsend

Sole Director/Sole Company Secretary

Executed by

Pip Squeak Pty Ltd ACN 638 524 231

in accordance with s127 of the *Corporations Act 2001*



.....
Mark Leighton Ritchard

Sole Director/ Sole Company Secretary