

**DEED OF APPOINTMENT AND REMOVAL  
OF TRUSTEE**

**- for the -**

**B M BEVAN & R J WHITESIDE  
SUPERANNUATION FUND**

# DEED OF APPOINTMENT AND REMOVAL OF TRUSTEE

**THIS DEED OF APPOINTMENT AND REMOVAL OF TRUSTEE** is made on the date specified in the Schedule attached to this deed as the 'Date of Deed'.

**PARTIES:** The persons named and described in the Schedule as the Outgoing Trustee

**(Outgoing Trustee)**

The persons named and described in the Schedule as the Members

**(Members)**

The persons named and described in the Schedule as the New Trustee

**(New Trustee)**

## RECITALS:

- A. A superannuation fund known by the name set out in the Schedule as the 'Name of Fund' (**Fund**) was established for the benefit of certain present and future persons as would become members of the Fund and their dependants, on the date set out in the Schedule as the 'Date of Establishment of Fund'.
- B. The Outgoing Trustee is, under the trust deed for the Fund (**Trust Deed**), given the power of appointment of trustees of the Fund.
- C. The Outgoing Trustee wishes to appoint the New Trustee to act as trustee of the Fund as from the 'Date of Appointment' set out in the Schedule (**Date of Appointment**).
- D. The New Trustee wishes to confirm that it has consented in writing to its appointment as trustee of the Fund.
- E. The New Trustee wishes to confirm that the directors of the New Trustee have consented in writing to their respective appointments as directors of a corporate trustee of a superannuation fund.
- F. The Members wish to accept this deed as the required notice of the appointment of the New Trustee as trustee of the Fund as from the Date of Appointment.
- G. The Members wish to remove the Outgoing Trustee as trustee of the Fund as from the Date of Appointment.
- H. The Outgoing Trustee wishes to accept this deed as the required notice of their removal as trustee of the Fund as from the Date of Appointment.
- I. The parties by their execution of this deed agree that the removal of the Outgoing Trustee and the appointment of the New Trustee will take effect on the Date of Appointment.

## **OPERATIVE PROVISIONS:**

### **1. Appointment of New Trustee**

- (a) Under the powers conferred on the Outgoing Trustee by the Trust Deed, the New Trustee is hereby appointed trustee of the Fund in place of the Outgoing Trustee to act for all purposes as trustee of the Fund on the powers contained in the Trust Deed which appointment commences on the Date of Appointment.
- (b) The Members hereby accept this deed as the required notice of the appointment of the New Trustee as trustee of the Fund as from the Date of Appointment.

### **2. Consent**

- (a) The New Trustee hereby confirms that it has consented in writing to its appointment as trustee of the Fund as from the Date of Appointment and agrees to administer the Fund in accordance with the trusts and powers contained in the Trust Deed.
- (b) The New Trustee hereby confirms that the directors of the New Trustee have consented in writing to their respective appointments as directors of a corporate trustee of a superannuation fund.

### **3. Removal of Outgoing Trustee**

- (a) Under the powers conferred on the Members by the trust deed of the Fund, the Outgoing Trustee is hereby removed as trustee of the Fund as from the Date of Appointment.
- (b) The Outgoing Trustee accepts this deed as the required notice of their removal as trustee of the Fund as from the Date of Appointment.

### **4. Declaration and Undertaking**

The New Trustee hereby declares that it is not disqualified from acting as trustee under the *Superannuation Industry (Supervision) Act 1993* and undertakes to resign its office on becoming disqualified from so acting.

### **5. Transfer**

The Outgoing Trustee hereby agrees to arrange for the transfer of all assets of the Fund in their possession or under their control to the New Trustee with all practicable speed and to do all such further acts, matters and things as are required to vest the assets of the Fund in the New Trustee.

### **6. Release**

The Outgoing Trustee is hereby released from their obligations as trustee under the Trust Deed and from all claims and liabilities which may arise in respect of the trusteeship for the Fund relating to the period after the Date of Appointment.

### **7. Interpretation**

In this deed:

- (a) a reference to a gender includes the other genders;

- (b) a reference to persons shall include corporations and other entities recognised by law; and
- (c) the singular includes the plural and vice versa.

**EXECUTED** as a deed on the date set out in the attached Schedule.

**SIGNED SEALED AND DELIVERED** by )  
the said **BRONWYN MARGARET** )  
**BEVAN** as Outgoing Trustee in the )  
presence of:



**BRONWYN MARGARET BEVAN**



Witness

EDWINA GEORGIA WHITESIDE

Witness full name

**SIGNED SEALED AND DELIVERED** by )  
the said **RICHARD JOHN WHITESIDE** as )  
Outgoing Trustee in the presence of: )



**RICHARD JOHN WHITESIDE**



Witness

EDWINA GEORGIA WHITESIDE

Witness full name

**SIGNED SEALED AND DELIVERED** by )  
the said **BRONWYN MARGARET** )  
**BEVAN** as Member in the presence of: )



**BRONWYN MARGARET BEVAN**




Witness

EDWINA GEORGIA WHITESIDE

Witness full name

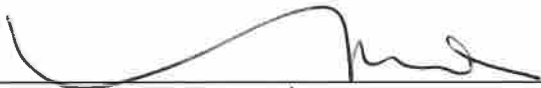
SIGNED SEALED AND DELIVERED by )  
the said RICHARD JOHN WHITESIDE as )  
Member in the presence of: )

  
\_\_\_\_\_  
RICHARD JOHN WHITESIDE

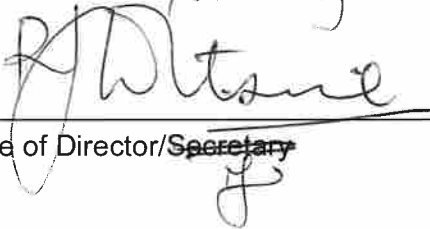
  
\_\_\_\_\_  
Witness

EDWINA GEORGIA WHITESIDE  
\_\_\_\_\_  
Witness full name

EXECUTED BY BMBRJW SUPER FUND )  
PTY LTD (ACN 634 190 097) as New )  
Trustee in accordance with the )  
Corporations Act 2001: )

  
\_\_\_\_\_  
Signature of Director/Secretary

BROWN MARGARET BEVAN  
\_\_\_\_\_  
Name of Director/SECRETARY

  
\_\_\_\_\_  
Signature of Director/Secretary

RICHARD JOHN WHITESIDE  
\_\_\_\_\_  
Name of Director/Secretary

## SCHEDULE

<b>DATE OF DEED:</b>	28th July, 2019
<b>OUTGOING TRUSTEE:</b>	BRONWYN MARGARET BEVAN RICHARD JOHN WHITESIDE
<b>MEMBERS:</b>	BRONWYN MARGARET BEVAN RICHARD JOHN WHITESIDE
<b>NEW TRUSTEE:</b>	BMBRJW SUPER FUND PTY LTD (ACN 634 190 097)
<b>NAME OF FUND:</b>	B M BEVAN & R J WHITESIDE SUPERANNUATION FUND
<b>DATE OF ESTABLISHMENT OF FUND:</b>	5 JUNE 2007
<b>DATE OF APPOINTMENT:</b>	28th July, 2019