



6 August 2019

Nicola Le Couteur
Blue Sky Business Consulting
Suite 6, 12 - 18 Tryon Road
LINDFIELD NSW 2070

Dear Nicola,

LEGAL OVERSIGHT OF THE BINDING DEATH BENEFIT NOMINATION DOCUMENTATION RELATING TO THE B M BEVAN & R J WHITESIDE SUPERANNUATION FUND

Topdocs Legal Pty Ltd, an incorporated Legal Practice, has been engaged to conduct limited legal review of the Binding Death Benefit Nomination for Richard John Whiteside (**Member**), a member of the B M Bevan & R J Whiteside Superannuation Fund.

Documents reviewed by Topdocs Legal Pty Ltd

We have reviewed the following documents:

1. Current Trust Deed of the Fund, unexecuted (**Trust Deed**);
2. Binding Death Benefit Nomination for the Member (**BDBN**).

In conducting legal review of the above documents, Topdocs Legal Pty Ltd has examined the Trust Deed and relied upon your instructions to confirm the names of the Trustee/s and Member/s of the Fund, and the details of any other parties required to effect the BDBN.

Important Note – Guardian

Please note that the enclosed documentation has been prepared on the basis that a *Guardian* has not been appointed under rule 37 of the Trust Deed. If a Guardian has been appointed, please contact our office as soon as possible as it may affect the validity of the documents.

Important Note – Death Benefit Rule

Please note that the enclosed documentation has been prepared on the basis that a *Death Benefit Rule* has not been established under rule 34 of the Trust Deed. If a Death Benefit Rule has been established, please contact our office as soon as possible as it may affect validity of the documents.

Important Note – Revocation of existing Binding Death Benefit Nominations

While the BDBN purports to revoke any existing nominations executed by the Member, please note that a prior deed governing the existing nominations may have specific procedures that have to be followed in order for the revocation to be effective.

Therefore, if any nominations executed previously by the Member remain in effect, please ensure the trust deed governing them is examined to determine if any further procedures are required to revoke the existing nominations.

Should you have any queries, please don't hesitate to contact our office.

Subject to the above, we confirm as follows:

1. that the form of the BDBN complies with the requirements of the Trust Deed;
2. that, subject to the witnesses who have signed the BDBN being:
 - a. 18 years of age or over; and
 - b. neither the dependants specified in the BDBN nor the legal personal representatives of the Member;

the BDBN appears to have been executed correctly in accordance with the requirements of the *Superannuation Industry (Supervision) Act 1993* and the Trust Deed.

However, we are not aware of the Member's particular financial and other circumstances and make no warranties regarding the following:

1. that the Trust Deed, any prior variations and any changes of trustee (if relevant) have been effected correctly;
2. the complying status and existence of the Fund;
3. the appropriateness of the use of the Fund as an investment vehicle; or
4. the appropriateness of the BDBN for the Member.

Yours faithfully,



IAN WATERS
Special Counsel
Topdocs Legal Pty Ltd