

Foundry Road Property Trust

Property
Custodian Trust
Deed

Limited
recourse
borrowing
arrangement

Property Custodian Trust Deed

Date of This deed

18-02-2015

Trust Name

Foundry Road Property Trust

Trustee of Property Custodian Trust - Legal Owner

Name of Trustee Company: SS PATHAK PCT PTY LTD

A.C.N.: 603350036

Registered Address: 15 Marsh Street THE PONDS NSW 2769

Trustee of Self Managed Superannuation Fund - Beneficial Owner

Name of Trustee Company: SS PATHAK SUPER PTY LTD

A.C.N: 603349819

Registered Address: 15 Marsh Street THE PONDS NSW 2769

Name of Self Managed Superannuation Fund

S & S Pathak Super Fund

Underlying Property

13/4a Foundry Road Seven Hills NSW 2147

Words with an * are defined in the definitions section of this deed. Generally, defined words only have an * the first time they appear in this deed. The parties to this deed agree to the terms and conditions set out in the deed. (c)
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WARNING

This Trust Deed is the **copyright** of Batallion Legal. No part of this deed can be copied without the express authority of the proprietor. **If you alter or copy this Trust Deed, you may be sued.** This Trust Deed has certain unique clauses and is created for certain defined purpose and for parties mentioned above. If you copy this Trust Deed for another purpose and for other parties, some of the clauses of this Trust Deed may not be valid in their current form. To create a Trust Deed for another purpose and for different parties you must visit **www.trustdeed.com.au**. VER 10/08

THIS DEED is made on 18-02-2015

BY: SS PATHAK PCT PTY LTD (A.C.N.: 603350036) (as trustee of this deed)

RECITALS:

- A The Trustee has purchased or intends to purchase the property described in item A of the Schedule to this deed ('Property') as bare trustee for the beneficiary described in item B of the Schedule ('Beneficiary').
- B The Trustee wishes to record the terms of this bare trust accordingly.

PROVISIONS:

1. The Trust is hereby declared and established by the Trustee's and the Beneficiary's execution of this deed.
2. The Property will at all times be held by the Trustee upon trust for the Beneficiary who has provided all of the purchase moneys.
3. The Beneficiary is and at all times has been absolutely entitled to the benefit of the Property together with all earnings, profits or gains accrued or to accrue in respect of the Property.
4. The Trustee has not and will not provide any of the purchase moneys and the real purchaser is the Beneficiary.
5. The Trustee or the Trustee's successors or assigns will execute and deliver, when called upon by the Beneficiary, a transfer of the Property to the Beneficiary for nil consideration.
6. The Trustee has been authorised to complete any purchase, sale of land agreement and registration of transfer of the Property as instructed by the Beneficiary.
7. The Trustee undertakes to deal with the Property and exercise and perform all the rights duties and powers relating to the Property only as directed by the Beneficiary.

EXECUTED as a deed

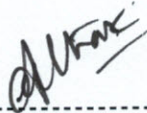
EXECUTED BY

Signed for and on behalf of Trustee

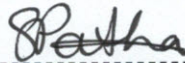
SS PATHAK PCT PTY LTD

A.C.N. 603350036 (as trustee of this deed)

In accordance with the constitution of the company and the Corporations Act 2001
(Cth)



Sandeep Pathak



Sohinee Pathak

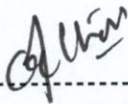
Signed for and on behalf of Beneficiary

SS PATHAK SUPER PTY LTD

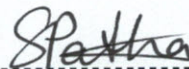
(Trustee for S & S Pathak Super Fund)

A.C.N. 603349819 (as beneficiary of this deed)

In accordance with the constitution of the company and the Corporations Act 2001
(Cth)



Sandeep Pathak



Sohinee Pathak

STATUTORY DECLARATION BY PROPERTY TRUSTEE

I, Sohinee Pathak, of 15 Marsh Street, The Ponds NSW 2769, make the following declaration under the *Statutory Declarations Act 1959* (Cth).

1. I am a director of SS Pathak PCT Pty Ltd (ACN 603 350 036) ("**PCT Trustee**") as trustee for the Foundry Road Property Trust ("**PCT**") referred to in the trust deed dated 18 February 2015 ("**Deed**") between the PCT as trustee for the PCT and SS Pathak Super Pty Ltd as trustee for the S & S Pathak Super Fund (ABN 32 329 188 256) ("**SMSF**") in respect of the property known as Unit 13, 4a Foundry Road, Seven Hills NSW 2147 (Lot 13 in SP 62709) ("**Property**").
2. The Contract for Sale was entered into by the PCT Trustee at the direction of the SMSF Trustee.
3. The whole of the deposit and the whole of the balance of the purchase money was paid by the SMSF.
4. It was the intention of all parties at all material times that the PCT Trustee should hold the Property on trust for the SMSF Trustee absolutely.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959* (Cth), and I believe that the statements in this declaration are true in every particular.

Declared
at THE PONDS
on 19th MAY 2015
before me:

IPSingh

SPathak
Sohinee Pathak

Signature of person before whom the
declaration is made

TEJINDER PAL SINGH GINDRA

NSW JP: 205693

7 SUNFLOWER POE THE PONDS NSW 2769

Full name, qualification and address of
person before whom the declaration is made

STATUTORY DECLARATION BY SMSF TRUSTEE

I, Sohinee Pathak, of 15 Marsh Street, The Ponds NSW 2769, make the following declaration under the *Statutory Declarations Act 1959* (Cth).

1. I am a director of SS Pathak Super Pty Ltd (ACN 603 349 819) ("**SMSF Trustee**") as trustee for the S & S Pathak Super Fund (ABN 32 329 188 256) ("**SMSF**") referred to in the trust deed dated 18 February 2015 ("**Deed**") between the SMSF Trustee as trustee for the SMSF and SS Pathak PCT Pty Ltd (ACN 603 350 036) ("**PCT Trustee**") as trustee for the Foundry Road Property Trust in respect of the property known as Unit 13, 4a Foundry Road, Seven Hills NSW 2147 (Lot 13 in SP 62709) ("**Property**").
2. The Contract for Sale was entered into by the PCT Trustee at the direction of the SMSF Trustee.
3. The whole of the deposit and the whole of the balance of the purchase money was paid by the SMSF.
4. It was the intention of all parties at all material times that the PCT Trustee should hold the Property on trust for the SMSF Trustee absolutely.
5. The SMSF Trustee was incorporated prior to the date of the Deed.
6. Annexed and marked with the letter 'A' is a copy of the bank statement(s) showing the payment of the deposit and all other moneys in connection with the purchase, by the SMSF.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959* (Cth), and I believe that the statements in this declaration are true in every particular.

Declared
at THE PONDS
on 19th May
before me:

2015

T.P. Singh

Sohinee Pathak

Sohinee Pathak

Signature of person before whom the
declaration is made

TEJINDER PAL SINGH GINDRA

NSW JP: 205693

7 SUNFLOWER PDE THE PONDS NSW 2769

Full name, qualification and address of
person before whom the declaration is made

STATUTORY DECLARATION BY PCT TRUSTEE

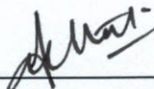
I, Sandeep Pathak, of 15 Marsh Street, The Ponds NSW 2769, make the following declaration under the *Statutory Declarations Act 1959* (Cth).

1. I am a director of SS Pathak PCT Pty Ltd (ACN 603 350 036) ("**PCT Trustee**") as trustee for the Foundry Road Property Trust ("**PCT**") referred to in the trust deed dated 18 February 2015 ("**Deed**") between the PCT Trustee as trustee for the PCT and SS Pathak Super Pty Ltd as trustee for the S & S Pathak Super Fund (ABN 32 329 188 256) ("**SMSF**") in respect of the property known as Unit 13, 4a Foundry Road, Seven Hills NSW 2147 (Lot 13 in SP 62709) ("**Property**").
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Declared
at THE PONDS
on 19th May 2015
before me:

(IP Singh)


Sandeep Pathak

Signature of person before whom the
declaration is made

TEJINDER PAL SINGH GINDRA

NSW JP: 205693

7 SUNFLOWER PDE THE PONDS NSW 2769

Full name, qualification and address of
person before whom the declaration is made


STATUTORY DECLARATION BY SMSF TRUSTEE

I, Sandeep Pathak, of 15 Marsh Street, The Ponds NSW 2769, make the following declaration under the *Statutory Declarations Act 1959* (Cth).

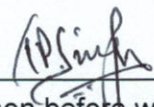
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Declared
at THE PONDS
on 19th May 2015
before me:



Sandeep Pathak



Signature of person before whom the
declaration is made

TEJINDER PAL SINGH GINDRA

NSW JP: 205693

7 SUNFLOWER PDE THE PONDS NSW 2769

Full name, qualification and address of
person before whom the declaration is made