



**DEED OF VARIATION OF DECLARATION OF TRUST**

**279 PINJARRA ROAD, MANDURAH**

Dated **30<sup>th</sup> SEPTEMBER** 2012

**Adriaan Van Der Giezen**

and

**Delys Arna Van Der Giezen**

(together "Trustee")

**Adriaan Van Der Giezen**

and

**Delys Arna Van Der Giezen**

("Members")

**Accountant's  
Copy**

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Ref: BRL: NLS: VAN 3174

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THIS DEED OF VARIATION is made on

2012

**PARTIES**      **ADRIAAN VAN DER GIEZEN and DELYS ARNA VAN DER GIEZEN**  
both of 4 Serena Street, Falcon, Western Australia  
(together "**Trustee**")

**AND**            **ADRIAAN VAN DER GIEZEN and DELYS ARNA VAN DER GIEZEN**  
both of 4 Serena Street, Falcon, Western Australia  
(**Members**)

### RECITALS

- A.      The A & D van der Giezen Superannuation Fund ("the Fund") was created by deed dated 19 June 1995 ("the Superannuation Deed") for the benefit of the Members described in the Superannuation Deed and whereunder the Trustee is named as trustee.
- B.      Pursuant to a Declaration of Trust dated 16 February 2007, the Trustee of the Fund evidenced in writing that the property specified in Item 3 of the Particulars ("the Property") was held by the Trustee in trust according to the provisions of the Superannuation Deed and for the benefit of the Members.
- C.      Due to a change in the boundary alignment of the Property, the Certificate of Title ("the Title") details for the Property have now changed.
- D.      The Trustee now wishes to vary the terms of the Declaration of Trust to reflect the change in the Title details for the Property on the terms and conditions of this Deed.

### PARTICULARS

Item 1            **The Fund**

The A & D van der Giezen Superannuation Fund

Item 2            **Declaration of Trust**

Declaration of Trust dated 16 February 2007

Item 3            **The Property**

Lot 570 on Deposited Plan 59011 and being the whole of the land comprised in Certificate of Title Volume 2772 Folio 956 and being more particularly described as 279 Pinjarra Road, Mandurah.

Item 4            **The Amendments**

The first item in the Schedule to the Declaration of Trust ("The Trust Property") shall be deleted and replaced with the following:

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*"Lot 570 on Deposited Plan 59011 and being the whole of the land comprised in Certificate of Title Volume 2772 Folio 956 and being more particularly described as 279 Pinjarra Road, Mandurah."*

Item 5

**The Effective Date of Variation**

The <sup>30<sup>th</sup></sup> day of <sup>Sept.</sup> 2012

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**IT IS AGREED**

**1. USE OF DEFINITIONS**

1.1 In this document expressions which are capitalized have defined meanings and these definitions are contained in the Glossary which appears in the last clause of this document.

**2. VARIATIONS TO THE PROVISIONS OF THE DECLARATION OF TRUST**

2.1 The parties hereby make the amendments to the Declaration of Trust set out in Item 2 of the Particulars.

2.2 Each deletion, addition or alteration of a provision of the Declaration of Trust effected by a separate sub-paragraph of Item 4 of the Particulars shall be treated as a separate and distinct amendment.

2.3 The amendments of the Declaration of Trust referred to in clause 2.1 shall take effect as from the date specified in Item 5 of the Particulars.

**3. AFFIRMATION**

3.1 To the extent that the provisions of the Declaration of Trust have not been amended under clause 2.1, they are affirmed.

**4. TRUSTEE AND MEMBERS CONSENT**

4.1 The Trustee and Members, by their execution of this document, consent to the amendment of the Declaration of Trust as specified in this document.

**5. INTERPRETATION**

5.1 In this document unless the context otherwise requires:

- (1) the singular shall include the plural and vice versa;
- (2) the use of one gender shall include all other genders;
- (3) representations agreements covenants obligations or warranties, express or implied, by more than one person shall include those persons jointly and each of them severally;
- (4) every provision, express or implied, which applies to more than one person shall apply to those persons jointly and each of them severally; and,
- (5) person means and includes a natural person, firm or corporation.

5.2 The recitals shall be incorporated in and shall form part of this document.

5.3 No party to this document shall be taken to have waived any breach of this document by any other party unless such waiver shall be in writing and signed by the party

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granting the waiver. Such waiver shall only apply to the breach specified therein and shall not constitute a general waiver unless it is expressly defined as a general waiver.

- 5.4 This document shall bind each of the parties hereto and their respective personal representatives, successors and permitted assigns and any reference to any party to this document shall mean and include that party and its personal representatives, successors and permitted assigns.
- 5.5 Each of the parties to this document covenant and agree to execute complete deliver make and do all such other assurances documents notices acts and things as may be necessary or required for effectually carrying out the terms of this document.
- 5.6 Any term, phrase or word used in this document which is not defined in the Glossary, but which is defined in the Declaration of Trust or the Superannuation Deed, shall unless the context otherwise requires have the same meaning or definition as that contained in the Declaration of Trust or the Superannuation Deed (where applicable).


## 6. GLOSSARY

6.1 In this document the following definitions shall apply:

- (1) "**Particulars**" means the Particulars set out at the forefront of this document;
- (2) "**Fund**" means the superannuation fund described in Item 1 of the Particulars;  
and
- (3) "**Declaration of Trust**" means the Declaration of Trust described in Item 2 of the Particulars.

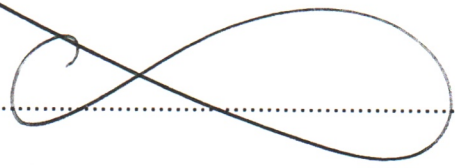
EXECUTED AS A DEED.

SIGNED by  
**ADRIAAN VAN DER GIEZEN** as Trustee )  
and Member in the presence of: )

  
..... )  
Witness )

**MAXINE DAWSON**  
..... )  
Name of Witness (BLOCK LETTERS) )

**U3/279 PINJARRA RD**  
..... )  
**MANDURAH - W.A. - 6210**  
..... )  
Address of Witness )

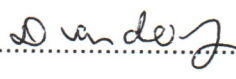
  
..... )

SIGNED by  
**DELYS ARNA VAN DER GIEZEN** as )  
Trustee and Member in the presence of: )

  
..... )  
Witness )

**MAXINE DAWSON**  
..... )  
Name of Witness (BLOCK LETTERS) )

**U3/279 PINJARRA RD.**  
..... )  
**MANDURAH - W.A. - 6210**  
..... )  
Address of Witness )

  
..... )

*Note: Witnesses must be at least 18 years old. A signatory to this document, including a director or attorney signing on behalf of a party, may not witness another party's signature. An independent person may witness the signature of more than one party.*