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**DECLARATION OF TRUST**

**DATED 30th SEPTEMBER 2012**

**PARTIES**

**ADRIAAN VAN DER GIEZEN**

AND

**DELYS ARNA VAN DER GIEZEN**

(TOGETHER "THE TRUSTEE")

AND

**ADRIAAN VAN DER GIEZEN**

AND

**DELYS ARNA VAN DER GIEZEN**

(TOGETHER "THE MEMBERS")

**THIS DECLARATION OF TRUST** is made on the date specified in Item 1 of the Particulars.

**TRUSTEE:**                   **ADRIAAN VAN DER GIEZEN**  
of 4 Serena Street, Falcon, Western Australia

**AND**                           **DELYS ARNA VAN DER GIEZEN**  
of 4 Serena Street, Falcon, Western Australia

(together "the Trustee")

**AND**                           **ADRIAAN VAN DER GIEZEN**  
of 4 Serena Street, Falcon, Western Australia

**DELYS ARNA VAN DER GIEZEN**  
of 4 Serena Street, Falcon, Western Australia

(together "the 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.     The Trustee acquired a 50% interest in the property specified in Item 2 of the Particulars ("the Property") pursuant to the terms of the Declaration of Trust dated 30 June 2007 attached as Annexure A.
- C.     The Trustee has acquired a further 25% interest in the Property pursuant to the Transfer of Land attached as Annexure B.
- D.     The Trustee wishes to evidence in writing that the interest in the Property specified in Item 3 of the Particulars is held by the Trustee in trust according to the provisions of the Superannuation Deed and for the benefit of the Members.

**PARTICULARS**

Item 1           **Date of Declaration of Trust**

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

Item 2           **Property**

Lot 5 on Diagram 18505 and being the whole of the land comprised in Certificate of Title Volume 1173 Folio 708 and being more particularly described as 7 Davis Road, Barragup.

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Item 3      **Ownership of the Property**

- (a)      75% to be held by the Trustee as trustee for the A & D van der Giezen Superannuation Fund as tenants in common

**IT IS AGREED**

**1.      INTERPRETATION**

1.1      In this Deed 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)      person means and includes a natural person, firm or corporation;
- (4)      representations, agreements, covenants, obligations or warranties, by more than one person shall include those persons jointly and each of them severally; and
- (5)      this Deed shall bind each of the parties hereto and their respective personal representatives, successors and permitted assigns and any reference to any party in this Deed shall mean and include that party and its personal representatives, successors and permitted assigns.

1.2      This Deed shall be governed by and construed by reference to the law of Western Australia.

1.3      The recitals set out in this Deed shall be incorporated in and shall form part of this Deed and the parties to this Deed mutually covenant and warrant that all statements contained in the recitals are true and correct and the parties mutually acknowledge and agree that they have each respectively entered into this Deed in reliance upon the truth and accuracy of the recitals.

**2.      DECLARATION OF TRUST**

2.1      The Trustee acknowledges covenants and declares that the Trustee does not and will not have a beneficial estate or interest in the Property (other than as beneficiary) but that the further interest in the Property has been acquired and is and will be held by the Trustee upon trust pursuant to the provisions of the Superannuation Deed for the benefit of the Members and shall form part of the Trust Fund and the corpus of the Fund.

2.2      The Trustee hereby acknowledges covenants and declares that the Property will only be dealt with by the Trustee in accordance with the provisions of the Superannuation Deed.

**3.      TRUSTEE'S COVENANTS**

3.1      The Trustee hereby covenants that the Trustee shall:

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- (1) transfer, pay and deal with the Property and the Property Benefits in such manner as the Beneficiaries shall from time to time direct; and
  - (2) furnish to the Beneficiaries as soon as practicable on receipt every notice received by the Trustee in respect of the Property and the Property Benefits.

3.2 The Trustee hereby covenants and agrees to execute, complete, deliver, make and do all such other assurances, documents, instruments, notices, acts and things as may be necessary or required for effectually carrying out the terms of this Deed.

EXECUTED AS A DEED.

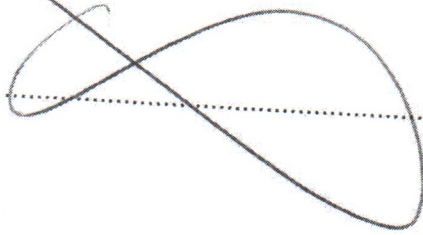
SIGNED by  
**ADRIAAN VAN DER GIEZEN** as Trustee  
and Member in the presence of:

  
.....  
Witness

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

**U31279 PINTARRA RD**

**MANDURAH W.A. 6210**  
Address of Witness



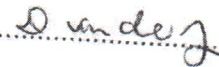
SIGNED by  
**DELYS ARNA VAN DER GIEZEN** as  
Trustee and Member in the presence of:

  
.....  
Witness

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

**U31279 PINTARRA 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.

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**Annexure A**  
**Declaration of Trust**

# DECLARATION OF TRUST

This declaration is made on the 30th of June 2007

by **Adriaan Van Der Giezen and Delys Arna Van Der Giezen of 4 Serena Street, Falcon WA 6210**, in their capacity as Trustees of the **Van Der Giezen Superannuation Fund**

(herein called the "Trustee" which expression shall be deemed to mean and include the Trustee and its successors transferees and permitted for the time being hereunder)

## **WHEREAS:**

The Trustee has acquired the following assets in the name of the above Trustees but in fact said assets have been acquired for the **VAN DER GIEZEN SUPERANNUATION FUND**

The Trustee hereby evidences in writing that such assets have since the date of ownership been, are and will be held in trust to the provision of the Fund.

## **SCHEDULE**

**50% OF 7 DAVIS ROAD, BARRAGUP LOT 5, ON DIAGRAM 18505 AND BEING WHOLE OF THE LAND IN CERTIFICATE OF TITLE VOLUME 1173 FOLIO 708.**

**EXECUTED AS A DEED**

**SIGNED By the said  
ADRIAAN VAN DER GIEZEN**



in the presence of

Full name:

Witness

Address:

*Tom Domanig*

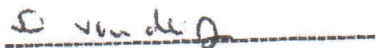
Occupation:

*28 MILLARA ST FALCON  
Electrician*



**SIGNED By the said**

**DELYS ARNA VAN DER GIEZEN**



in the presence of

Full name:

Witness

Address:

*Tom Domanig*

Occupation:

*28 MILLARA ST FALCON  
Electrician*



10/12/09

**DECLARATION OF TRUST**

This Declaration of Trust is made on the *ninth* day of *June* 2009.

We, **Adriaan van der Giezen and Delys Arna van der Giezen** of 4 Serena Street, Falcon in the State of Western Australia in our capacity as trustees ("the Trustees") of the Trust specified in item 1 of the schedule hereto ("**the Van Der Giezen Superannuation Fund**") hereby declare that the property specified in item 2 the schedule hereto has been acquired and is held in the name of the Trustees for the Van Der Giezen Superannuation Fund and is and will be held in trust to the provision of that fund.

**SCHEDULE**

**Item 1 The Van Der Giezen Superannuation Fund**

The Van Der Giezen Superannuation Fund constituted by:

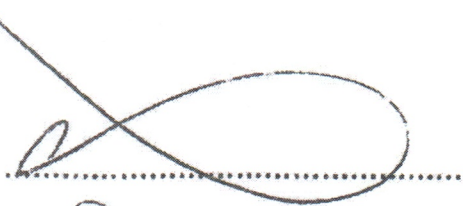
- (i) Original deed dated 19 June 1995; and
- (ii) Amended by subsequent deeds dated:
  - (a) 18 November 1998
  - (b) 31 January 2000;
  - (c) 21 September 2004;
  - (d) 16 February 2007; and
  - (e) 10 October 2008.

**Item 2 The Property**

In fee simple interest only of Jess Patricia Clarke's interest as joint tenant with Brendon van der Giezen of Lot 5 on Diagram 18505 and being whole of the land comprised in Certificate of Title Volume 1173 Folio 708 and acquired pursuant to Transfer of Land form made the same day as this Declaration between Brendon van der Giezen and Jess Patricia Clarke as the "Transferor" and the Trustee as the Transferee. A copy of the said Transfer of Land form is annexed to this Declaration of Trust.

**EXECUTED AS A DEED**

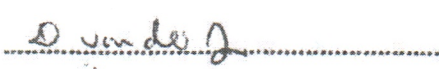
**SIGNED By the said  
ADRIAAN VAN DER GIEZEN**



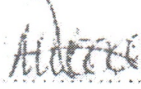
**In the presence of**  
Full name: *Melissa Mee* Witness  
Address: *14 Sullivan Rise Falcon*  
Occupation: *Admin office*



**SIGNED By the said  
DELYS ARNA VAN DER GIEZEN**



**In the presence of**  
Full name: *Melissa Mee* Witness  
Address: *14 Sullivan Rise Falcon*  
Occupation: *Admin office*





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**Annexure B**  
**Transfer of Land**

FORM T 2

FORM APPROVED  
NO. B2603

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

\$ 6460 ✓

TRANSACTION DATED 9/16/09

DUTIABLE VALUE.....

.....VG VALUED

### TRANSFER OF LAND

DESCRIPTION OF LAND (Note 1)

Lot 5 on Diagram 18505

EXTENT	VOLUME	FOLIO
Whole	1173	708
ABN 66 02 878 629 WESTERN AUSTRALIA DUTY TSF 08/07/09 14:51 003 001596-001 VG Y DUTIABLE VALUE \$ *****215,000 DUTY \$ *****6,460 [3] TRANSFER ENDORSED		

ESTATE AND INTEREST (Note 2)

Fee simple in one undivided quarter share

ENCUMBRANCES (Note 3)

Title excludes the land shown on O.P. 7816

TRANSFEROR (Note 4)

BRENDON VAN DER GIEZEN and JESS PATRICIA CLARKE

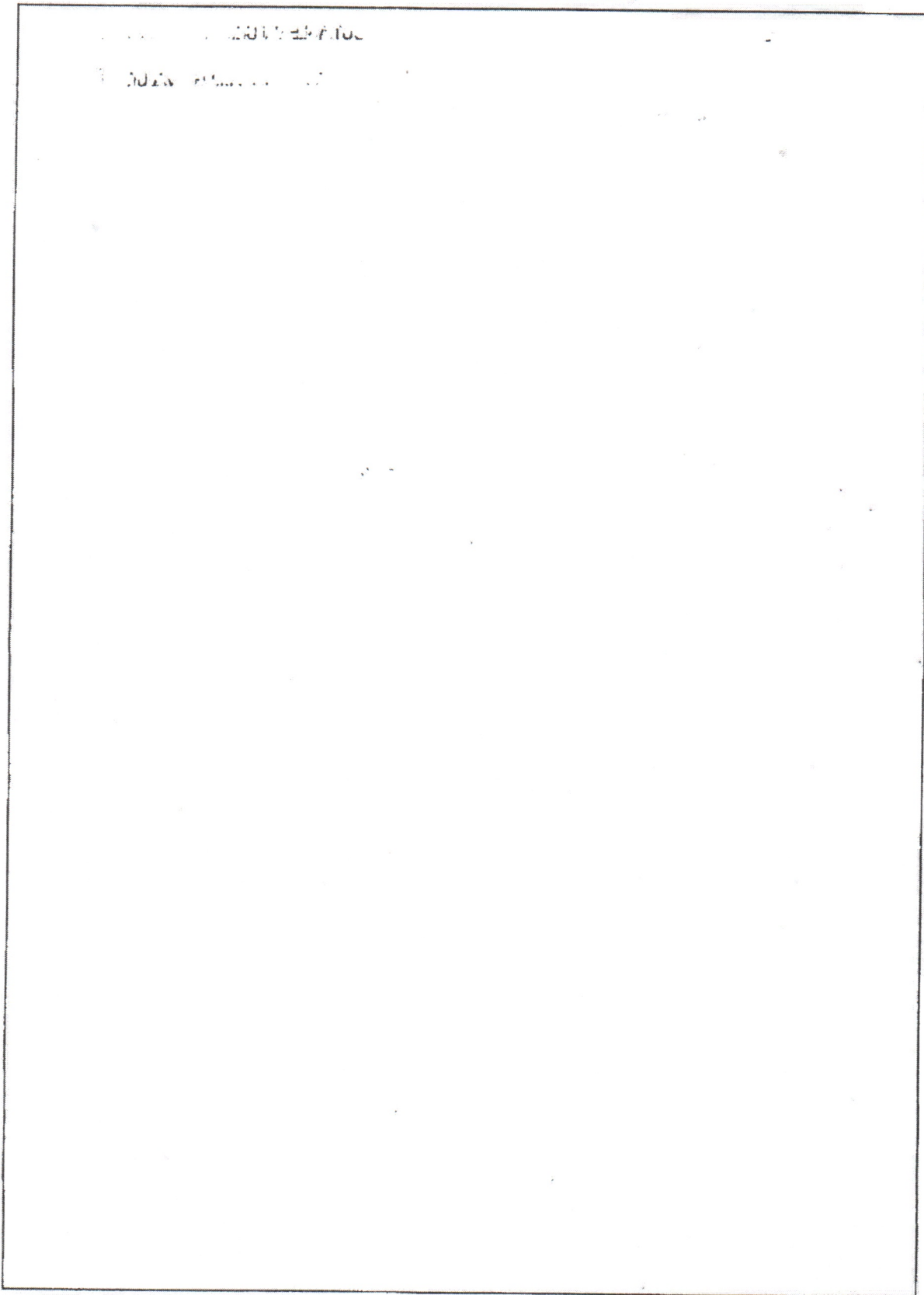
CONSIDERATION (Note 5)

- (1) \$107,500.00 paid to the first named Transferor; and
- (2) \$107,500.00 paid to the second named Transferor.

TRANSFeree (Note 6)

ADRIAAN VAN DER GIEZEN and DELYS ARNA VAN DER GIEZEN both of 4 SERENA STREET FALCON as joint tenants

THE TRANSFEROR for the consideration herein expressed HEREBY TRANSFERS TO THE TRANSFEREE the estate and interest herein specified in the land above described, subject to the encumbrances as shown hereon. (Instruction 2)



ATTESTATION SHEET

Dated this NINTH day of JUNE Year 2009

TRANSFEROR/S SIGN HERE (Note 7)

SIGNED by )  
BRENDON VAN DER GIEZEN )  
in the presence of: )  
Brendon van der Giezen  
BRENDON VAN DER GIEZEN

SIGNED by )  
JESS PATRICIA CLARKE )  
in the presence of: )  
Jess Patricia Clarke  
JESS PATRICIA CLARKE

Witness Signature: Melissa Hood  
Full Name of Witness: Melissa Hood  
Occupation of Witness: Admin officer  
Address of Witness: 14 Sulina Rise  
Falcon  
WA 6210

Witness Signature: Ryan Leitoh  
Full Name of Witness: Ryan Leitoh  
Occupation of Witness: Electrician  
Address of Witness: 51 Harry ST, Gashells

REQUEST FOR ISSUE / NON-ISSUE (Instruction 4)

BY SIGNING THIS PANEL, I / WE THE TRANSFEREE REQUEST THE ISSUE / ~~NON-ISSUE~~ (DELETE AS REQUIRED) OF A DUPLICATE CERTIFICATE(S) OF TITLE FOR THE LAND ABOVE DESCRIBED.

Signed [Signature]

Signed [Signature]

TRANSFEEE/S SIGN HERE (Note 7)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORIZED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.

SIGNED by )  
ADRIAAN VAN DER GIEZEN )  
in the presence of: )  
Adriaan van der Giezen  
ADRIAAN VAN DER GIEZEN

SIGNED by )  
DELYS ARNA VAN DER GIEZEN )  
in the presence of: )  
Delys Arna van der Giezen  
DELYS ARNA VAN DER GIEZEN

Witness Signature: Melissa Hood  
Full Name of Witness: Melissa Hood  
Occupation of Witness: Admin officer  
Address of Witness: 14 Sulina Rise  
Falcon WA

Witness Signature: Melissa Hood  
Full Name of Witness: Melissa Hood  
Occupation of Witness: Admin officer  
Address of Witness: 14 Sulina Rise  
Falcon  
WA

**INSTRUCTIONS**

1. Page 2 of this document may be used:
  - 1.1 If insufficient space in any section hereon: Appropriate headings should be shown. The boxed sections should only contain the words "see page...."
  - 1.2 To set forth Easements created as appurtenant to the land (commencing with the words "together with"). Reservations created encumbering the land (commencing with the words "reserving to") or any Restrictive Covenant hereby created. Any Sketch contained thereon must be initialed by all parties.
2. If further space is required Additional Sheet form B1 should be used with appropriate headings. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialed by the persons signing this document and their witnesses.
4. Duplicate Crown Lease or where issued, the Duplicate Certificate of Title is required to be produced or if held by another party then arrangements must be made for its production. *If a Duplicate Certificate of Title is not required to be re-issued, or if a Duplicate Certificate of Title has not been issued previously but is required to issue subsequent to this document, the written request of the Transferee is required by signing this panel.* Written consent of the First Mortgagee is also required if applicable.


**NOTES**

1. DESCRIPTION OF LAND  
Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.  
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.  
The Volume and Folio or Crown Lease number, to be stated.
2. ESTATE AND INTEREST  
State whether Fee Simple, Leasehold or as the case may be in the land being transferred. If share only, specify..
3. ENCUMBRANCES  
To be identified by nature and number, if none show "nil".
4. TRANSFEROR  
State full name of the Transferor/Transferors (Registered Proprietor) as shown on the Certificate of Title or Crown Lease.
5. CONSIDERATION  
To be expressed in words.
6. TRANSFEREE  
State full name of the Transferee/Transferees (Purchaser) and the address/addresses to which future notices can be sent. If a minor, state date of birth. If two or more state tenancy eg:  
  - Joint Tenants, (on the death of a joint tenant, the survivor(s) become(s) the registered proprietor(s) of the deceased's interest by applying to the Registrar of Titles).
  - Tenants in Common, (on the death of a tenant in common, their share is dealt with according to their Will).
 If Tenants in Common specify shares.
7. TRANSFEREE'S TRANSFEROR'S EXECUTION  
Transferee's and Transferor's must sign their appropriate panel. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an adult person. The address and occupation of the witness must be stated.

OFFICE USE ONLY

L 2442 T

08 Jul 2009 15:34:34 Perth



REG \$ 160.00

**TRANSFER**

LODGED BY *O'Sullivan Law*

ADDRESS *32/18 Stirling Hwy  
Nedlands*

PHONE No. *6389 0305*

FAX No *6389 0306*

REFERENCE No. *VDG*

ISSUING BOX No. *999*

PREPARED BY *O'SULLIVAN LAW*

ADDRESS *LOCKED BAG 2000  
NEDLANDS WA 6909*

PHONE No. *6389 0305*      FAX No. *6389 0306*

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1. <i>1173-708</i>	Received Items
2. _____	No.
3. _____	
4. _____	
5. _____	
6. _____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

