

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

I, _____ (Declarant)

(SMSF Trustee or SMSF Trustee Director's name)

of, _____

(Address)

(Occupation)

make the following declaration under the *Statutory Declarations Act 1959*:

1. I am a director of How Heavenly Pty Ltd ACN 169 433 587 ("Super Trustee") the trustee of The HB and AP Superannuation Fund ("Super Fund").
2. In its capacity as trustee of the Super Fund, the Super Trustee is the borrower named in certain loan and security documents in favour of Westpac Banking Corporation ABN 33 007 457 141 relating to a commercial investment property located at The Mews 8/11-13 Bundaroo Street, Bowral NSW 2576 (the "Property").
3. I have received independent legal and financial advice (including tax advice) regarding:
 - a. the investment and the risks associated with the investment and gearing;
 - b. related tax issues;
 - c. the financial effects of the transactions;
 - d. the loan and security documents referred to in paragraph 2 and the documents associated with the investment and borrowing transaction and I declare that the Super Trustee is legally entitled and authorised to execute them as trustee of the Super Fund;
 - e. my duties as director of the Super Trustee as trustee of the Super Fund which is regulated under the *Superannuation Industry (Supervision) Act 1993* (Cth) and related legislation ("the SIS Act"); and
 - f. the duties of the Super Trustee;
 - g. the requirements of the SIS Act and related laws, and of the documents constituting the Super Fund;
 - h. compliance with those requirements generally, (and in particular in respect of the investment and transactions the Super Trustee is now entering into) and the risks of non-compliance;
 - i. compliance of the investment with the Super Fund's investment guidelines.

4. I know that Westpac and its representatives and employees are not providing advice or assurance concerning the transactions and investments, including the things referred to in paragraph 2, and are not responsible for them. The Super Fund and I should rely on our own advice and I will not rely on Westpac or any employee or representative of Westpac.
5. I know it is my responsibility to ensure the transactions and investments comply with all relevant legal requirements.
6. I have taken whatever advice I think appropriate.
7. After receiving the advice referred to in 3. above I believe that the transaction the Super Trustee is entering into complies with the SIS Act and the documents setting up the Super Fund and I have freely and voluntarily signed the following documents: (Specify the documents produced for signature)
- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
8. I have signed the documents referred to in paragraph 7 on behalf of the Super Trustee in accordance with section 127 of the Corporations Act.
9. The Super Fund is a regulated superannuation fund within the meaning of the SIS Act.
10. The acquisition of the Property is not a prohibited “related party transaction” within the meaning of the SIS Act nor does it breach the in-house assets rule.
11. The acquisition of the Property and the entering into a loan agreement between Westpac and the Super Trustee is within the investment strategy of the Super Fund.

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*, and I believe that the statements in this declaration are true in every particular.

Declared at

on the day of 2015

before me:

Justice of the peace/solicitor

Print address

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