

SuperShift Legal

PMS TRADING SUPER FUND
SECURITY TRUST RULES

PARTIES

PMS Trading Property LR Pty Ltd
(Trustee)

AND

Property PMS Trading Pty Ltd
(Beneficiary)

DATED: 3rd May 2013

101 Beaumont Street
Hamilton NSW 2303
T 02 4910 2500 F 02 4910 2510
(2020 Legal Solutions Pty Ltd ACN 145 797 968)

THESE RULES ARE dated 3rd May 2013

PARTIES

1. **PMS Trading Property LR Pty Ltd ACN 163 569 060** of 101 Beaumont Street, Hamilton NSW 2303 (“Trustee”).
2. **Property PMS Trading Pty Ltd ACN 163 568 198** as trustee for **PMS Trading Super Fund** of 101 Beaumont Street, Hamilton NSW 2303 (“Beneficiary”).

INTRODUCTION

- A. These Rules identify the Trustee and Beneficiaries of any future Declaration of Trust made pursuant to these Rules.
- B. The Trustee may enter into agreements for the purchase of freehold property or other assets (the Trust property), at the direction of the Beneficiary.
- C. The Beneficiary will provide to the Trustee the consideration for purchase of the freehold property or other assets and the Trustee will agree to hold the freehold property and other assets subject to the rules set out in this agreement.

IT IS AGREED

1. That this Document sets out the rules which will apply to any declarations of Trust that may be made by the trustee in favour of the Beneficiary.

2. **INTERPRETATION**

In these Rules, unless otherwise indicated by the context:

Beneficiary includes the Beneficiary’s executors, administrators and assigns.

Trustee includes any Trustee for the time being of the future Trusts declared in accordance with these rules.

Trust Property means any freehold properties and other assets that are acquired by the Trustee on behalf of the Beneficiary under the terms of this Deed.

3. **FUTURE DECLARATIONS OF TRUST**

Each freehold property or other asset acquired by the Trustee on behalf of the Beneficiary shall comprise a separate trust and be held under a separate trust arrangement pursuant to s67A and s67B of the Superannuation Industry (Supervision) Act 1993. The Trustee will make a separate declaration of trust for each property or other asset acquired by the Trustee to hold the trust property upon trust for the Beneficiary absolutely. This declaration shall be made in the form set out in clause 11 of these Rules, or other suitable form.

4. IDENTIFICATION OF TRUST PROPERTY

Each freehold property or other asset held under the trusts created in accordance with these rules is to be identified by completion of the details as set out in Clause 11 of these Rules under the signatures of the Trustee for the time being of the trusts and the Beneficiary.

5. FUNDS FOR PURCHASE OF THE TRUST PROPERTY

5.1 The parties acknowledge that the funds provided by the Beneficiary for the purchase of each freehold property or other asset under the trusts created in accordance with these rules will include funds which the Beneficiary has borrowed from a financier.

5.2 The Beneficiary must comply with all statutory requirements, including s67A of the Superannuation Industry (Supervision) Act 1993, prior to requiring transfer of legal ownership of the Trust Property from the Trustee.

6. INCOME FROM AND LIABILITIES OF THE PROPERTY

6.1 The Beneficiary is entitled to all income derived from Trust Property and is responsible for all expenses related to Trust Property during the term of each trust created in accordance with these rules including, but not limited to any expenses incurred by the Trustee relating to the performance of its duties pursuant to this Deed.

6.2 The Trustee will deal with any income derived from Trust Property of each trust created in accordance with these rules as directed by the Beneficiary.

7. APPOINTMENT OF NEW TRUSTEE

The Beneficiary may at any time by written notice delivered to the Trustee remove the Trustee as trustee and appoint a new trustee in lieu of the Trustee or in addition to the Trustee.

8. HEADINGS

Headings to clauses are included for the sake of convenience only and will not affect the meaning of the clauses to which they relate.

9. REQUIREMENT FOR WRITING

Notwithstanding any other provision in these Rules, the Trustee may only act or exercise any rights it has under these Rules in relation to the Property, on written instructions from the Beneficiary.

10. IDENTIFICATION OF DOCUMENT

These Rules shall be known as PMS Trading Super Fund Security Trust Rules.

11. **FORM OF DECLARATION OF PMS TRADING SUPER FUND TRUST TO BE PROVIDED FOR CLAUSE 3 & 4**

11.1 **FORM TO BE PROVIDED FOR PROPERTY AQUISITION IN ALL STATES AND TERRITORIES EXCEPT QUEENSLAND**

TRUST DECLARATION NO. (A)

PMS TRADING SUPER FUND SECURITY TRUST NO. (A)

Declaration of Trust, Direction to Purchase and Schedule of Trust Property

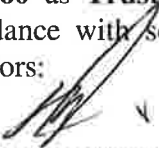
(Refers to clauses 3 & 4 of the Rules Deed)


By this instrument the parties to PMS Trading Super Fund Security Trust Rules executed on 3rd May 2013 establish the PMS Trading Super Fund Security Trust No. (A). The Trustee is directed to purchase the asset listed below:

Freehold Property or asset Description:


The parties acknowledge that a separate trust is created by this instrument for this asset which is identified as Trust Property under rules set out in PMS Trading Super Fund Security Trust Rules dated 3rd May 2013 and the Trustee declares that the Trustee holds the property upon trust for the beneficiary absolutely.

EXECUTED for and on behalf of **PMS Trading Property LR Pty Ltd ACN 163 569 060** as **Trustee** under **PMS Trading Super Fund Security Trust No. (A)** in accordance with section 127(1) of the *Corporations Act 2001* by authority of the Directors:


.....
Mark Anthony Carrier
Director


.....
Pamela Eva Carrier
Director

EXECUTED for and on behalf of **Property PMS Trading Pty Ltd ACN 163 568 198** as **Beneficiary** under **PMS Trading Super Fund Security Trust No. (A)** in accordance with Section 127(1) of the *Corporations Act 2001* by authority of the Directors:


.....
Mark Anthony Carrier
Director


.....
Pamela Eva Carrier
Director

This instrument is dated

11/05/2013

11.2 **FORM TO BE PROVIDED FOR PROPERTY ACQUISITION IN THE STATE OF QUEENSLAND**

TRUST DECLARATION NO. (.)

PMS TRADING SUPER FUND SECURITY TRUST NO. (.)

Declaration of Trust, Direction to Purchase and Schedule of Trust Property

(Refers to clauses 3 & 4 of the Rules Deed)

By this instrument the parties to PMS Trading Super Fund Security Trust Rules executed on 3rd May 2013 establish the PMS Trading Super Fund Security Trust No.

(.) The Trustee is directed to purchase the asset listed below:


Freehold Property or asset Description:


The parties acknowledge that a separate trust is created by this instrument for this asset which is identified as Trust Property under rules set out in PMS Trading Super Fund Security Trust Rules dated 3rd May 2013 and the Trustee declares that the Trustee holds the property upon trust for the beneficiary absolutely.

Both the Trustee and the Beneficiary declare and acknowledge that subsection 22(3) of the *Duties Act 2001 (QLD)* applies to the relationship as between the Trustee and the Beneficiary with respect to the Trust Property. Specifically;


- (a) The Trustee acknowledges that it is an agent, as contemplated by subsection 22(3) of the *Duties Act 2001 (QLD)* with respect of the Trust Property
- (b) The Trust Property is to be held upon bare trust by the Trustee for The Beneficiary, with the Beneficiary the "principal", as contemplated by subsection 22(3) for the *Duties Act 2001 (QLD)* with respect to the Trust Property; and
- (c) All of the money for the acquisition of the Trust Property (including transfer duty) has been or will be provided by the Beneficiary.


EXECUTED for and on behalf **PMS Trading Property LR Pty Ltd ACN 163 569 060** as **Trustee** under **PMS Trading Super Fund Security Trust No.(.)** in accordance with section 127(1) of the *Corporations Act 2001* by authority of the Directors:


.....
Mark Anthony Carrier
Director


.....
Pamela Eva Carrier
Director

EXECUTED for and on behalf of **Property PMS Trading Pty Ltd ACN 163 568 198** as **Beneficiary** under **PMS Trading Super Fund Security Trust No. (.)** in accordance with Section 127(1) of the *Corporations Act 2001* by authority of the Directors:


.....
Mark Anthony Carrier
Director


.....
Pamela Eva Carrier
Director

This instrument is dated 11/05/2013

12. **EXECUTION**

EXECUTED BY THE PARTIES.

EXECUTED for and on behalf of **PMS Trading Property LR Pty Ltd ACN 163 569 060** as **Trustee** under **PMS Trading Super Fund Security Trust Rules** in accordance with section 127(1) of the *Corporations Act 2001* by authority of the Directors:

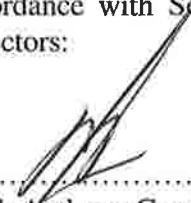


.....
Mark Anthony Carrier
Director



.....
Pamela Eva Carrier
Director

EXECUTED for and on behalf of **Property PMS Trading Pty Ltd ACN 163 568 198** as **Beneficiary** under **PMS Trading Super Fund Security Trust Rules** in accordance with Section 127(1) of the *Corporations Act 2001* by authority of the Directors:



.....
Mark Anthony Carrier
Director



.....
Pamela Eva Carrier
Director