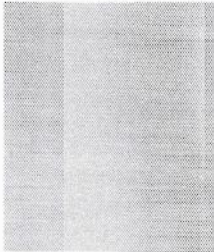
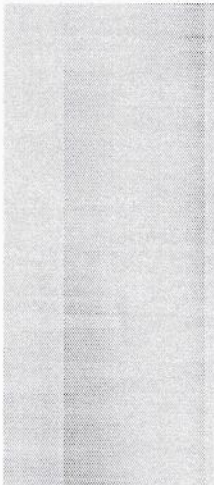




# **NICKYS SKYHIGH FUND**



## **DEED OF AMENDMENT & CONSOLIDATION AND CHANGE OF TRUSTEES**



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Liability limited by a scheme approved under Professional Standards Legislation

Rules Ver 10.0 12 June 2018

THIS DEED is made on

18th October 2018

BY: NICOLA JOANNE COUSINS  
of 362B Fulham Street  
CLOVERDALE WA 6105

and

FRANCESCO GRIGOLETTO  
of 362B Fulham Street  
CLOVERDALE WA 6105

hereby known as the "**Resigning Trustees**" and the "**Members**"

AND: NICKYS SKYHIGH SUPER PTY LTD  
ACN 629 363 695  
of Suite 4  
328 Albany Highway  
VICTORIA PARK WA 6100

hereby known as the "**New Trustee**"

WHEREAS:

- A. By previous deed, dated 8 October 2018, to be now referred to as the "**Original Deed**" an indefinitely continuing superannuation scheme was established to provide superannuation benefits for the members.
- B. The **Original Deed** may have been amended from time to time so that the **Original Deed** and any duly authorised amendments shall be referred to as the "**Original Deed (as amended)**".
- C. The superannuation scheme referred to in Recital A is named as **NICKYS SKYHIGH FUND** and for the purposes of this deed shall be referred to as "**the Fund**".
- D. The operative provisions of the **Original Deed (as amended)** and any Rules attached to the **Original Deed (as amended)** shall for the purposes of this deed be known as the "**Governing Provisions**" of **the Fund**.
- E. "**The Rules**" shall mean the Rules as attached to this Deed.
- F. The **Resigning Trustees** are desirous of resigning as Trustees and the **Members** are desirous of appointing the **New Trustee** as Trustee. The **New Trustee** consents to act as Trustee.


- G. All of the parties who execute this Deed hereby resolve and confirm that:
1. all of the members of **the Fund** have executed this Deed and
  2. notwithstanding any prior event or contrary term, condition, rule or requirements contained within the **Original Deed (as amended)**, the **Original Deed (as amended)** is now substituted and replaced by deleting all of the recitals, definitions, operative terms and schedules contained within the **Original Deed (as amended)** and replacing same with the recitals, definitions, operative terms and schedules contained within this Deed and
  3. the amendments made by this Deed are binding and effective notwithstanding any prior event or contrary term, condition, rule or requirement contained within the **Original Deed (as amended)**, including without limitation any requirement for consent. The Trustees and members now wish to replace the **Governing Provisions** of **the Fund** by the adoption of the operative provisions and rules as contained in this Deed and in **the Rules** annexed to this Deed.

NOW THIS DEED WITNESSES as follows:

1. The **Governing Provisions** of **the Fund** are, without termination of **the Fund**, now governed by the provisions of this Deed and **the Rules** attached which incorporate the **Original Deed (as amended)**.
2. The assets of **the Fund** will continue to be vested in the Trustee upon trust to apply the same in the manner set out in **the Rules**.
3. **The Fund** shall be managed and administered in all respects according to **the Rules**.
4. The power of appointing and removing Trustees shall be as provided in **the Rules**.
5. The provisions of this Deed may be amended in the manner set out in **the Rules**.
6. The primary purpose of **the Fund** is to provide old age pensions to the members.
7. Operations of **the Fund**, conflicts and issues of law or practice between the **Original Deed (as amended)** and this Deed that may arise with this Deed are to be settled by reference to **the Rules**.
8. The Trustees hereby declare that the amendment of the provisions of the Trust Deed and Rules effected by virtue of this Deed does not prejudicially vary or affect the benefits already accrued to any member of **the Fund**.
9. The **Resigning Trustees** hereby resign as Trustees. The **New Trustee** is hereby appointed by the **Members** as Trustee of **the Fund** in lieu of the **Resigning Trustees**.
10. This Deed and **the Rules** shall be governed by the law of Western Australia.

IN WITNESS the parties have duly executed this Deed on the date first above written.

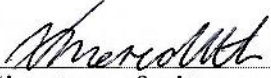
EXECUTED by  
NICOLA JOANNE COUSINS  
In the presence of:

  
\_\_\_\_\_  
Signature of witness

VINCA MEREDITH  
\_\_\_\_\_  
Name of witness (BLOCK LETTERS)

  
\_\_\_\_\_  
NICOLA JOANNE COUSINS

EXECUTED by  
FRANCESCO GRIGOLETTO  
In the presence of:

  
\_\_\_\_\_  
Signature of witness

VINCA MEREDITH  
\_\_\_\_\_  
Name of witness (BLOCK LETTERS)

  
\_\_\_\_\_  
FRANCESCO GRIGOLETTO

EXECUTED by  
NICKYS SKYHIGH SUPER PTY LTD  
ACN 629 363 695  
in accordance with section 127  
of the *Corporations Act 2001*:

  
\_\_\_\_\_  
NICOLA JOANNE COUSINS  
Sole Director & Sole Secretary



DECLARATION BY TRUSTEE  
UNDER SECTION 118 OF THE  
SUPERANNUATION INDUSTRY (SUPERVISION) ACT 1993

I, NICOLA JOANNE COUSINS  
of 362B Fulham Street  
CLOVERDALE WA 6105

**HEREBY DECLARE** that I am not a disqualified person as defined by SIS and am therefore not disqualified from acting as a director of a trustee company of a superannuation fund under SIS

**HEREBY DECLARE** that I am aware of my responsibilities under the trust deed having read and fully understood its contents, and also my responsibilities under SIS.

**AND HEREBY CONSENT** to act as a Trustee of NICKYS SKYHIGH FUND (in my capacity as Director of NICKYS SKYHIGH SUPER PTY LTD ACN 629 363 695) constituted on 8 October 2018.

**AND I AGREE** to execute the Trust Deed and to administer the Fund in accordance with the terms and conditions set out in the Trust Deed and other legislative requirements.

**I UNDERTAKE** to notify any other directors of the trustee of the Fund and the Australian Prudential Regulation Authority in writing if I am for any reason disqualified from continuing to act as a trustee.

dated: 18th October 2018

signed: 

\* Note re Disqualified Person (SIS Section 120):

The following are defined by SIS as being disqualified persons:

1. persons who have at any time been convicted of an offence in respect of dishonest conduct;
2. a civil penalty order was made against the person; or
3. a person is an insolvent under administration.

A body corporate trustee is a disqualified person where:

1. a receiver and manager has been appointed in respect of property beneficially owned by the body;
2. an official manager or deputy official manager has been appointed in respect of the body;
3. a provisional liquidator has been appointed in respect of the body; or
4. the body has begun to be wound up.

N.B. A director of a Corporate trustee must not be a disqualified person as described above.

MINUTES

MINUTES OF A MEETING OF THE TRUSTEES FOR NICKY SKYHIGH FUND HELD AT

ON 18th October 2018 AT 2-30 ~~AM~~ PM  
Date of Meeting Time of Meeting

**PRESENT:** NICOLA JOANNE COUSINS (in the chair)  
FRANCESCO GRIGOLETTO

**DEED OF AMENDMENT:** The Chairperson tabled a Deed of Amendment and Rules for the Fund.

IT WAS NOTED that the Deed of Amendment removed NICOLA JOANNE COUSINS and FRANCESCO GRIGOLETTO as Trustees of the Fund and appointed NICKYS SKYHIGH SUPER PTY LTD ACN 629 363 695 as the new Trustee.

IT WAS RESOLVED that the Deed of Amendment be executed by the parties thereby effecting the change of Trustees and also changing the Rules of the Fund to those Rules attached to the Deed of Amendment.

**REMOVAL OF MEMBER:** IT WAS RESOLVED that the Trustees should ensure that all necessary documentation be prepared and entitlements paid to FRANCESCO GRIGOLETTO to effect his removal as a member of the Fund.

**CLOSURE:** There being no further business, the meeting was declared closed.

Signed as a true and correct record of the proceedings of the meeting.

18/10/18 N. Cousins  
Chairperson

Date: