

Burke Superannuation Fund

DEED OF VARIATION

Pages 1 to 10.
pages 8, 9 & 10 only certified.
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Deed of Variation of SMSF Deed

Date of this deed

22-08-2016

Trust Name

Burke Superannuation Fund

Trustees

Retiring Trustee

Daniel Patrick Burke

Janelle Barbare Burke

Scott Alexander Burke

Jocelyn Maree Burke

New Trustee

Burke Family Pty Ltd

ACN : 614376813

9 Eposm Close Bracken Ridge QLD - 4017 Australia

Members & Other Parties

Daniel Patrick Burke

Janelle Barbare Burke

Scott Alexander Burke

Jocelyn Maree Burke

Words with an * are defined in the definitions section of the original deed. Generally, defined words only have an * the first time they appear in the deed. The parties to this deed agree to the terms and conditions set out in the deed.

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WARNING

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Deed of Variation of Superannuation Deed

Burke Superannuation Fund

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This Deed of Variation to the Superannuation Fund Deed is made on 22-08-2016 for Burke Superannuation Fund between the persons named in item 3 of the schedule to this deed of variation.

RECITALS

- A. A Self Managed Superannuation Fund known as Burke Superannuation Fund as set out in Item 1 of the schedule to this deed of variation (called “the fund” from hereinafter) was established by a deed on the date set out in Item 2 of the schedule to this deed of variation as at the date of the original deed and as amended from time to time by amending deed(s) on the dates set out in Item 5 of the schedule to this deed of variation as at the dates of the amending deed(s). The original deed and amending deed(s) will be referred to hereinafter as “the Deed”.
- B. The fund is currently in existence and is managed, administered and applied in accordance with superannuation law and the provisions of the deed pursuant to the powers contained therein by the trustees, members and other persons as listed in Item 3 of the schedule to this deed of variation.
- C. The deed grants to the trustee, by virtue of clause number 21 the power to amend all or any of the provisions of the deed in the manner and subject to the provisions contained therein provided that no amendment shall adversely affect the benefits of existing members unless the amendment is to keep the fund complying with superannuation law or the member has consented to the amendment in writing.
- D. Trustees, members and other person(s) as listed in Item 3 of the schedule to the this deed of variation desire to effect the following amendments;
 - a. to remove Daniel Patrick Burke, Janelle Barbare Burke, Scott Alexander Burke and Jocelyn Maree Burke from the position of Individual Trustees and to appoint Burke Family Pty Ltd (ACN : 614376813) as new Corporate Trustee of the Burke Superannuation Fund; and
 - b. to vary the original deed by deleting all of its provisions and replacing them with the provisions contained in “Annexure A” to this deed of variation.
- E. Trustees, members and other person(s) as listed in Item 3 of the schedule to this deed of variation have unanimously consented to the amendments to the deed as testified by the execution hereof.

This Deed witnesses:

Variation of Superannuation Fund Deed

1. The person(s) listed in Item 3 of the schedule to this deed of variation consent that requirements of the original deed have been complied with in this deed of variation.
2. Pursuant to clause 21 of the deed, the following changes are being effected;
 - a. to remove Daniel Patrick Burke, Janelle Barbare Burke, Scott Alexander Burke and Jocelyn Maree Burke from the position of Individual Trustees and to appoint Burke Family Pty Ltd (ACN : 614376813) as new Corporate Trustee of the Burke Superannuation Fund; and
 - b. the various clauses, rules and or schedules of the Deed are hereby revoked on the date of this deed of variation, as set out in Item 4 of the schedule to this deed of variation, in their entirety and in lieu, are replaced with the clauses, rules, schedules and provisions contained in Annexure A to this deed of variation with the intent that the clauses and Schedules shall be the governing terms and conditions of the Burke Superannuation Fund.

No resettlement or re-establishment of trust or creation of new trust

3. It is hereby declared that no break or discontinuity shall have occurred in the fund by reason of the execution of this deed of variation and that the amendment shall not operate as a resettlement or re-establishment of the superannuation fund or creates a new trust. If any clause or words in this deed of variation establish a resettlement of the superannuation fund or create a new trust, then that clause or word shall be read down and severed to the extent that such a resettlement will arise.

Reduction in benefits of members

4. Nothing in this deed of variation shall operate in reducing or adversely affecting the rights or benefits of any member that arose before the date of variation as set out in Item 4 of the schedule to this deed of variation.

Date of effect of deed of variation

5. This deed of variation shall take effect on and from the date hereinbefore mentioned in the State of Queensland of Australia.

Costs and Expenses

6. The costs and expenses and any stamp duty associated with the preparation and implementation of this deed of variation are to be paid by the superannuation fund.

Consent to Variation

7. The original deed dated as set out in Item 2 of the schedule to this deed of variation remains effective and unaltered, except as varied by this deed. The trustee declares that as from the date set out in Item 4 of the schedule to this deed of variation, the original deed is varied by this deed of variation. The beneficial interest in the superannuation fund shall remain unchanged by this deed of variation.
8. Each person(s) listed in Item 3 of the schedule to this deed of variation undertakes that it shall upon request, sign, execute and do all the deeds, acts and things as may reasonably be required by any other person to carry out and give full force and legal effect to the terms and intention of this deed of variation.
9. The person(s) listed in Item 3 of the schedule to this deed of variation hereby consent to the variation in this deed in their capacities as trustees, beneficiaries, members, participating employer, employer sponsor or any other person.

Schedule

Item 1. Name of the fund

Burke Superannuation Fund

Item 2. Date of Original Deed

15-12-2006

Item 3. Trustees, Members & Others Parties

Retiring Trustee

Daniel Patrick Burke

9 Epsom Close Bracken Ridge QLD - 4017 Australia

Janelle Barbare Burke

9 Epsom Close Bracken Ridge QLD - 4017 Australia

Scott Alexander Burke

9 Epsom Close Bracken Ridge QLD - 4017 Australia

Jocelyn Maree Burke

9 Epsom Close Bracken Ridge QLD - 4017 Australia

New Trustee

Burke Family Pty Ltd

ACN : 614376813

9 Epsom Close Bracken Ridge QLD - 4017 Australia

Members & Others Parties

Daniel Patrick Burke

9 Epsom Close Bracken Ridge QLD - 4017 Australia

Janelle Barbare Burke

9 Epsom Close Bracken Ridge QLD - 4017 Australia

Scott Alexander Burke

9 Epsom Close Bracken Ridge QLD - 4017 Australia

Jocelyn Maree Burke

9 Epsom Close Bracken Ridge QLD - 4017 Australia

Item 4. Date of this Deed

22-08-2016

Item 5. Date of Previous Amending Deeds

Signed by :
As Member of the Fund

Daniel Patrick Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLMAN

Witnesses' name and title (please print)

Signed by :
As Member of the Fund

Janelle Barbare Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLMAN

Witnesses' name and title (please print)

Signed by :
As Member of the Fund

Scott Alexander Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLMAN

Witnesses' name and title (please print)

Signed by :
As Member of the Fund

Jocelyn Maree Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLMAN

Witnesses' name and title (please print)

This is to certify that this is a true copy
of the original / copy / download which I
have sighted.

Date.....25-08-2016.....

Signed.....

Name.....Barbara Masterman

JP (Qual)



Signed by :
As Retiring Trustee of the Fund

Daniel Patrick Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLIMAN
Witnesses' name and title (please print)

Signed by :
As Retiring Trustee of the Fund

Janelle Barbare Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLIMAN
Witnesses' name and title (please print)

Signed by :
As Retiring Trustee of the Fund

Scott Alexander Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLIMAN
Witnesses' name and title (please print)

Signed by :
As Retiring Trustee of the Fund

Jocelyn Maree Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLIMAN
Witnesses' name and title (please print)

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of the original / copy / download which I
have sighted.

Date..... 25-08-2016

Signed..... [Signature]

Name..... Barbara Masterman

JP (Qual)



Execution

Executed as a deed.

Dated: 22-08-2016

Signed for and on behalf of

Burke Family Pty Ltd

As director of trustee company
under Section 127 of Corporations Act

Daniel Patrick Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLMAN

Witnesses' name and title (please print)

Signed for and on behalf of
Burke Family Pty Ltd
As director of trustee company
under Section 127 of Corporations Act

Janelle Barbare Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLMAN

Witnesses' name and title (please print)

Signed for and on behalf of
Burke Family Pty Ltd
As director of trustee company
under Section 127 of Corporations Act

Scott Alexander Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLMAN

Witnesses' name and title (please print)

Signed for and on behalf of
Burke Family Pty Ltd
As director of trustee company
under Section 127 of Corporations Act

Jocelyn Maree Burke

in the presence of:

Signature of witness

MARYANNE LOUISE HOLLMAN

Witnesses' name and title (please print)

This is to certify that this is a true copy
of the original / copy / download which I
have sighted.

Date..... 25-08-2016

Signed.....

Name..... Barbara Masterman
JP (Qual)

