

Client No: 3573934 Duties Act 2001
Transaction No: 504-651-605
Duty Paid \$ NIL ☒ Exempt
UTI \$ NIL S117
Date: 02/05/2012 Signed: Raven

SELF MANAGED SUPERANNUATION FUND DEED OF RETIREMENT AND APPOINTMENT OF NEW TRUSTEE

D & J PANGRAZIO SUPER FUND



Connor Hunter
Law Firm

Connor Hunter Pty Ltd ACN131 056 169

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1 DATE:

1.1 This Deed of Appointment is made this 3 day of FEBRUARY 2012

2 PARTIES:

2.1 **Janet Alexis Pangrazio** of 21 Lacerta Avenue, Robina, 4226 in the State of Queensland ("the Retiring Trustee")

2.2 **Janpan Pty Ltd ACN 155 485 233**, a registered company under the Corporations Act 2001 having its registered office at c/- Howe, Ford and Boxer, 141 Queen Street, Cleveland, 4163 in the State of Queensland ("the New Trustee")

3 BACKGROUND:

3.1 By Deed dated 10th March 2000 and signed by the Trustees ("the Trust Deed"), the superannuation trust fund known as D & J Pangrazio Super Fund ("the Fund") was established;

3.2 The initial trustees of the Fund were Dante Antonio Pangrazio and the Retiring Trustee (collectively "the Original Trustees"). The members of the Fund were Dante Antonio Pangrazio and Janet Alexis Pangrazio;

3.3 Pursuant to the powers to vary the Trust Deed contained therein, the Original Trustees varied the Trust Deed by Deed of Variation dated 27th June 2007;

3.4 Dante Antonio Pangrazio died between 12th December 2011 and 13th December 2011 thereby creating a vacancy in the office of a trustee of the Fund;

3.5 Pursuant to Clause 4.4 of the Deed of Variation, the power of appointing a new (or replacement) trustee is held by:-

a) The then trustee (or if none, the members); and

b) If for any reason the members are unable to appoint a new or replacement trustee then a new trustee may be appointed by any person who is, or may be, a beneficiary, and if more than one then by majority;

3.6 The Retiring Trustee, has resolved to:

3.6.1 appoint the New Trustee as the sole trustee of the Fund; and

3.6.2 retire as trustee;

3.7 The New Trustee has agreed to accept the appointment as trustee of the Fund.

OPERATIVE PART:

The parties agree:

Vacancy

- 4.1 A vacancy in the office of a trustee of the Fund has occurred due to the death of Dante Antonio Pangrazio;

4.2 ***Appointment of New Trustee.***

The Retiring Trustee appoints the New Trustee as trustee of the Fund to undertake and to assume from the date of this deed the trust powers, duties and obligations conferred by the Trust Deed (as varied) upon the trustee of the Fund as if the New Trustee were a party to the Trust Deed (as varied);

4.3 ***New Trustee***

The New Trustee agrees as from the date of this deed that it will be bound by and observe and administer the trust powers, discretions and obligations conferred by the Trust Deed (as varied) as if it were named in the Trust Deed (as varied) as the original trustee;

4.5 ***Covenants by the New Trustee***

The New Trustee covenants that:

- (a) It will carry out its duties and obligations as trustee as required by the Trust Deed (as varied) and by law and will not knowingly commit a breach of trust; and
- (b) It will do all acts and things and execute all documents as may be necessary to give effect to this deed.
- (c) It will indemnify the Retiring Trustee against all claims, actions, demands, costs and losses arising from or incidental to the position of trustee.

4.6 **Retirement of Retiring Trustee**

The Retiring Trustee resigns as trustee of the Fund;

4.7 **Assets of the Fund**

The New Trustee must do all things necessary to comply with its obligations at law to perfect its title to the assets of the Fund by attending to all necessary notifications, registrations and other procedures and formalities;

4.8 **General**

- a) The parties shall do all acts and sign all documents necessary to give effect to this agreement.
- b) This deed shall be governed by the laws of Queensland.

Executed as a Deed:

SIGNED SEALED AND DELIVERED BY
the said **Janet Alexis Pangrazio** in the presence of:

) J. Pangrazio

DAVID BOXER
Solicitor/ Justice of the Peace

Executed by
Janpan Pty Ltd ACN 155 485 233 in accordance with
the provisions of the Corporations Act in the presence of

) J. Pangrazio
Sole Director
Janet Alexis Pangrazio

DAVID BOXER
Solicitor/ Justice of the Peace

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