

DEED OF VARIATION
OF
AFREEFORM SUPERANNUATION FUND

THIS DEED IS DATED the *15th* day of *September* 20 *17*

PARTIES:

AFREEFORM PTY LTD (ACN 104 897 458) of 15 Seine PI, Miranda NSW 2228 ("the Trustee")

Barry Smith of 15 Seine PI, Miranda NSW 2228, Joy Phyllis Smith of 15 Seine PI, Miranda NSW 2228, Sharon Joy Knight of 15 Seine PI, Miranda NSW 2228 and Rodney Raymond Smith of 36 Holt Rd, Sylvania NSW 2224 ("the Members")

RECITALS:

- a) **AFREEFORM PTY LTD** acts as Trustee of **AFREEFORM SUPERANNUATION FUND** ("the Fund").
- b) **Barry Smith, Joy Phyllis Smith, Sharon Joy Knight and Rodney Raymond Smith** are the Members of the Fund ("the Member/s").
- c) The Fund was established by deed dated 03/06/2003 ("the Original Deed") and subsequently varied on

20/03/2014
- d) The Trustee, at the request of the Members, wishes to amend the Deed by substituting in place of the existing Rules those Rules ("the New Rules") in the form annexed and marked as "Annexure A" to this Deed.
- e) Rule 6.14 of the Fund's existing Deed allows the Trustee to vary the Deed so long as no amendment will reduce a Member's Benefit (as defined in those Rules). The purpose of the amendment is to enable the Trustee and the Members to comply with the new superannuation measures by adopting the governing rules as the governing rules of the Fund.
- f) Notwithstanding anything contained in this Deed to the contrary, this Deed does not and shall not:
 - (i) alter the objects of the Fund;
 - (ii) reduce the benefits and entitlements payable to Members;
 - (iii) alter the rights and benefits of existing Members in a manner such that, on the whole, equity between Members is not maintained; or
 - (iv) offend the provisions of any relevant Act or Regulation as they exist, from time to time, or any amendments or variation of any relevant Act or Regulation made after

the date of this Deed.

- g) To the extent that any one or more of the provisions of this Deed are not able, allowed or required to take effect pursuant to a provision of the Superannuation Industry Supervision Act 1993 as amended or regulation made for the purposes of that statutory enactment, the provisions are amended by deletion to the extent that:
- (v) it is necessary to remove that or those restrictions beyond the validity of the amendments, or any part of them made pursuant to this Deed; and;
 - (vi) the deletion of part or all of the provisions does not result in a resettlement of the Fund; and
 - (vii) amendments made by this Deed are deemed to have occurred after the deletion referred to in this clause.
- h) This Deed shall not take effect, to the extent that any one or more of the provisions of this Deed are not able, allowed, or required to take effect pursuant to the provisions of any regulation made for the purpose of that statutory enactment; and the provision is not capable of amendment to enable or allow this Deed to take effect.

PROVISIONS:

1. Replacement of Rules:

The existing Rules of the Fund are replaced in their entirety with the New Rules as marked "Annexure A" to this Deed, pursuant to Rule 6.14 of the Fund's governing rules.

2. No Resettlement at Law:

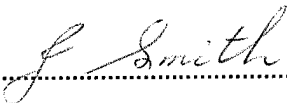
Any amendment to the Rules of the Fund affected by this Deed does not result in a resettlement of the Fund at law, equity or under any Superannuation Law.

EXECUTED AS A DEED BY:

Executed for and on behalf of AFREEFORM PTY LTD (ACN: 104 897 458), in its capacity as Trustee of the Fund in accordance with section 127(1) of the *Corporations Act 2001 (Cth)*.

x 

Signature of Director/Sole Director

x 

Signature of Director/Secretary

BARRY SMITH

Name of Director/Sole Director

JOY SMITH

Name of Director/Secretary

Executed by Barry Smith in the presence of:)

)

)

x

[Handwritten signature]

x *Lisa Smith*

Witness

LISA SMITH

Witness Full Name

Executed by Joy Phyllis Smith in the presence of:)

)

)

x

J Smith

x *Lisa Smith*

Witness

LISA SMITH

Witness Full Name

Executed by Sharon Joy Knight in the presence of:)

)

)

x

S Knight

x *Lisa Smith*

Witness

LISA SMITH

Witness Full Name

Executed by Rodney Raymond Smith in the presence of:)

)

)

x

R. Smith

x *Lisa Smith*

Witness

LISA SMITH

Witness Full Name