

Establishment of ENR Super Fund

THE DEED

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| By ("Trustee") | ENR SUPER PTY LTD (ACN 641-773-355) of Unit 52 50-58 Village Dr, Breakfast Point NSW 2137. |
| Background | <ol style="list-style-type: none"> 1. The Trustee is a Corporation, which executes this Deed. A director of the Corporate Trustee cannot be a Disqualified Person unless authorized by the Regulator. 2. The Trustee wishes to establish an Australian Superannuation Fund ("the Fund"). 3. The Trustee intends that the Fund should be a complying Self-Managed Superannuation Fund ("complying SMSF") for the purposes of the <i>Superannuation Industry Supervision Act 1993</i> ("SIS Act"), the <i>Income Tax Assessment Act 1997</i> ("Tax Act") and other Superannuation Laws. 4. By execution of this Deed the Trustee signifies its consent to be appointed as the initial Trustee of the Fund. The Directors of the Corporate Trustee acknowledge that they have read the Rules of the Fund, the Product Disclosure Statement and agree to be bound by them. |
| Establishment of the Fund | The Trustee hereby agrees to accept applications for Membership of the Fund and ensure all Members meet the Trustee requirements for membership of a SMSF. The Trustee further agrees to receive Contributions, Rollovers and Transfers on behalf of Members, distributions and any other amounts paid to it and will invest those amounts to provide Superannuation Benefits for past, current and future Members according to the Rules of the Fund. |
| Name of the Fund | The Fund will be known by that name determined by the Trustee. Such name may be changed by the Trustee according to the Rules of the Fund. |
| Rules of the Fund | The Rules of the Fund are the Rules attached to this Deed and may include any further amendments, changes or additions to the Rules made in accordance with the provisions of the Deed and the Rules. |
| Purpose of the Fund | The purpose of the Fund is to provide Superannuation Benefits for Members of the Fund, their Dependants and Legal Estate. These benefits include Superannuation Income Streams and Lump Sums where allowed under the Superannuation Laws subject to and conditional upon the Fund remaining and continuing to remain a complying SMSF. |

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| Successor Acts | A reference to an Act includes a reference to any successor act to that Act. |
| Executed as a Deed on | 22/06/2020 |

Executed for and on behalf of ENR SUPER PTY LTD (ACN: 641-773-355), in its capacity as Trustee of the Fund in accordance with section 127(1) of the *Corporations Act 2001 (Cth)*.



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Ju Hyung Hong
Director/Secretary



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Gina Hong
Director

**Minutes of Meeting to establish the operation of
ENR Super Fund**

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| Date: | 22/06/2020 |
| Attended by: | The Directors of ENR SUPER PTY LTD (ACN 641-773-355) of Unit 52 50-58 Village Dr, Breakfast Point NSW 2137. |
| Present: | Ju Hyung Hong and Gina Hong |
| Held at: | Unit 52 50-58 Village Dr, Breakfast Point NSW 2137 |
| Chairperson: | Ju Hyung Hong was appointed Chairperson of the meeting. |
| Table a Motion to Establish the Operation of the Fund: | <p>The Chairperson tabled a motion to establish the operations of ENR Super Fund under the Fund's Simpler Super Rules. This means, amongst other things, that the Trustee should undertake the following steps:</p> <ol style="list-style-type: none"> 1. Become a regulated and complying self-managed superannuation fund; 2. Apply for an Australian Business Number and a Tax File Number for the fund; 3. Establish a cash account (such as a cash management trust) or cheque account for the fund as a clearing account for contributions and monies received and benefits and monies paid. Monies need to be deposited into this account as soon as practicable to cater for the running expenses of the fund; 4. Appoint an Administrator and/or Accountant to the Fund. The Administrator and/or Accountant's role is to provide information and reports as required under any administration agreement between the Trustee of the Fund and the Administrator; 5. Appoint an Auditor to the Fund. The superannuation laws provide that an Auditor must be appointed to the Fund on a yearly basis to provide an assessment of the Fund's compliance with the superannuation laws. The appointment should be in writing and evidenced by a Trustee minute to appoint an Auditor. |
| Trustee Resolutions: | <p>IT WAS RESOLVED by the Trustee to complete the following:</p> <ol style="list-style-type: none"> 1. Establish a cash account and deposit funds in the account to be held in the name of the Trustee; |
| | <ol style="list-style-type: none"> 2. Notify the Australian Taxation Office (the "ATO") of the Fund's intent to become a regulated Self-Managed Superannuation Fund as well as completing ABN and TFN forms to be filed with the ATO; |

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| | <ol style="list-style-type: none">3. Formulate and implement an investment strategy of the Fund in accordance with section 52(2)(f) of the SIS Act 1993;4. Seek consent to act and appoint relevant professionals including, where required, an Accountant, Administrator, Auditor, and any other SMSF Professional. |
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Signed by the Chairperson:



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Ju Hyung Hong

**Application of Membership to
ENR Super Fund**

I, **Ju Hyung Hong** of Unit 52 50-58 Village Dr, Breakfast Point NSW 2137, hereby apply for membership of the fund. I agree, upon acceptance of my membership to:

1. be bound by all of the rules of the fund, a copy of which is at the office of the Trustee;
2. be bound by all decisions of the Trustee of the fund including decisions that may impact upon my membership benefits provided those decisions are made in accordance with the rules of the fund, the superannuation laws, the Trustee laws and that they do not detrimentally impact my benefits;
3. be a director of ENR SUPER PTY LTD (ACN 641-773-355) of Unit 52 50-58 Village Dr, Breakfast Point NSW 2137 ("the Trustee") at all times to ensure the fund remains a complying self-managed superannuation fund unless there is a specific Trustee exemption in place in respect of my membership under the superannuation laws;
4. provide information to the Trustee where required including medical information enabling the Trustee to facilitate any death or incapacity insurance on my behalf;
5. provide my tax file number to the Trustee provided the Trustee abides by the laws relating to the collection and dissemination of my tax file number;
6. consent to the Trustee to hold that information despite anything to the contrary in the privacy legislation;
7. consider my estate plan and/or Death Benefit Nomination;
8. ensure that at the time of making any super contributions that those contributions are made in accordance with the superannuation laws;
9. notify the Trustee where I become incapacitated, retired, meet some other condition of release of my benefits from the preservation rules or if I become divorced.

Signed:



Date: 22/06/2020


| Date of Birth | Tax File Number |
|---------------|-----------------|
| 21/10/1963 | 833-200-629 |

**Application of Membership to
ENR Super Fund**

I, **Gina Hong** of Unit 52 50-58 Village Dr, Breakfast Point NSW 2137, hereby apply for membership of the fund. I agree, upon acceptance of my membership to:

1. be bound by all of the rules of the fund, a copy of which is at the office of the Trustee;
2. be bound by all decisions of the Trustee of the fund including decisions that may impact upon my membership benefits provided those decisions are made in accordance with the rules of the fund, the superannuation laws, the Trustee laws and that they do not detrimentally impact my benefits;
3. be a director of ENR SUPER PTY LTD (ACN 641-773-355) of Unit 52 50-58 Village Dr, Breakfast Point NSW 2137 ("the Trustee") at all times to ensure the fund remains a complying self-managed superannuation fund unless there is a specific Trustee exemption in place in respect of my membership under the superannuation laws;
4. provide information to the Trustee where required including medical information enabling the Trustee to facilitate any death or incapacity insurance on my behalf;
5. provide my tax file number to the Trustee provided the Trustee abides by the laws relating to the collection and dissemination of my tax file number;
6. consent to the Trustee to hold that information despite anything to the contrary in the privacy legislation;
7. consider my estate plan and/or Death Benefit Nomination;
8. ensure that at the time of making any super contributions that those contributions are made in accordance with the superannuation laws;
9. notify the Trustee where I become incapacitated, retired, meet some other condition of release of my benefits from the preservation rules or if I become divorced.

Signed:



Date:

22/06/2020

| Date of Birth | Tax File Number |
|---------------|-----------------|
| 27/01/1964 | 833-201-476 |

**Minutes of a Meeting of
ENR SUPER PTY LTD (A.C.N. 641-773-355)
as Trustee for the ENR Super Fund**

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| Date of Meeting: | 22 / 06 / 2020 |
| Time of Meeting: | |
| Address of Meeting: | Unit 52 50-58 Village Dr, Breakfast Point NSW 2137 |
| Attendees (and Role): | Ju Hyung Hong Gina Hong |
| Chairperson: | Ju Hyung Hong |

Business

The meeting **noted** that the requirements for notice of the meeting has been satisfied and that the directors had approved the holding of the meeting at the place, on the date and time specified.

The meeting **resolved** that:

- the Company be appointed as Trustee of **ENR Super Fund** ("the Fund") effective immediately;
- the Company execute the Deed establishing the Fund whereby the Company is appointed as the Trustee;
- the Company in its capacity as Trustee of the Fund admit **Ju Hyung Hong and Gina Hong** as Fund Members in accordance with their respective Applications of Membership to the Fund.

This concluded the business of the meeting.

Signed as a true and correct record.



Signed by Chairperson

Ju Hyung Hong

ENR Super Fund

(FUND)

CONSENT TO ACT AS DIRECTOR OF TRUSTEE COMPANY

Under section 118 of the Superannuation Industry (Supervision) Act 1993

I, **Ju Hyung Hong** being a director of ENR SUPER PTY LTD (ACN 641-773-355) in its capacity as trustee of the Fund (Corporate Trustee), do hereby declare that:

- I am not disqualified* from acting as a director of the Corporate Trustee under the Superannuation Industry (Supervision) Act 1993;
- I will notify the Corporate Trustee and the Australian Taxation Office in writing if I am for any reason disqualified from continuing to act as a director of the Corporate Trustee; and
- I understand my obligations and responsibilities as a director of the Corporate Trustee of the Fund.

DATED:

22/06/2020



Ju Hyung Hong

* The Superannuation Industry (Supervision) Act 1993 provides that the following persons are disqualified from acting as a director of a Corporate Trustee:

1. Persons who have prior convictions involving dishonest conduct, wherever or whenever such conviction may have occurred.
2. Persons who are insolvent, bankrupt or have entered into arrangements, assignments or compositions with creditors under Part X of the *Bankruptcy Act 1966* (Cth) or a similar foreign law.
3. Persons in relation to whom a civil penalty order has been made under the Superannuation Industry (Supervision) Act 1993.
4. Persons expressly declared not to be "fit and proper" persons under sections 126A(3) OR 126h(5) OF THE Superannuation Industry (Supervision) Act 1993.

ENR Super Fund

(FUND)

CONSENT TO ACT AS DIRECTOR OF TRUSTEE COMPANY

Under section 118 of the Superannuation Industry (Supervision) Act 1993

I, **Gina Hong** being a director of ENR SUPER PTY LTD (ACN 641-773-355), in its capacity as trustee of the Fund (Corporate Trustee), do hereby declare that:

- I am not disqualified* from acting as a director of the Corporate Trustee under the Superannuation Industry (Supervision) Act 1993;
- I will notify the Corporate Trustee and the Australian Taxation Office in writing if I am for any reason disqualified from continuing to act as a director of the Corporate Trustee; and
- I understand my obligations and responsibilities as a director of the Corporate Trustee of the Fund.

DATED: 22/06/2020



Gina Hong

* The Superannuation Industry (Supervision) Act 1993 provides that the following persons are disqualified from acting as a director of a Corporate Trustee:

1. Persons who have prior convictions involving dishonest conduct, wherever or whenever such conviction may have occurred.
2. Persons who are insolvent, bankrupt or have entered into arrangements, assignments or compositions with creditors under Part X of the *Bankruptcy Act 1966* (Cth) or a similar foreign law.
3. Persons in relation to whom a civil penalty order has been made under the Superannuation Industry (Supervision) Act 1993.
4. Persons expressly declared not to be "fit and proper" persons under sections 126A(3) OR 126h(5) OF THE Superannuation Industry (Supervision) Act 1993.