

# DEED OF ESTABLISHMENT OF GARCIA SUPER FUND

THIS DEED IS DATED:

PARTIES:

**TRUSTEE:** Garcia Super Fund Pty Ltd - ACN 616560635 of 36 Gielgud Crescent, MCDOWALL, QLD 4053

RECITALS:

- A. The Trustee wishes to establish an indefinitely continuing self-managed superannuation fund ("**Fund**"), for the purpose of providing superannuation benefits to the Members of the Fund, the Member's Dependants (should the Member die during membership) and such other allowable purposes permitted by the *Superannuation Industry (Supervision) Act 1993 (Cth)* ("**SISA**"), *Superannuation Industry (Supervision) Regulations 1994 (Cth)* ("**SISR**") and any other Federal or State legislation determinative on the matter.
- B. The Trustee accepts to act as trustee of the Fund, and agrees to hold the Trust Assets on trust for the Members of the Fund in accordance with the Governing Rules shown at Annexure A.
- C. The following Persons have applied for membership in the Fund: **Ana Rosario Garica and Ricardo Ernesto Garcia**, and such Persons have represented to the Trustee that each has had the opportunity to read this Deed, and have considered and sought advice in respect to the benefits and burdens of membership in the Fund.
- D. The Trustee settles the Fund as a complying self-managed superannuation fund ("**Complying SMSF**"), as the term is interpreted in accordance with the SISA, SISR *Income Tax Assessment Act 1997 (Cth)* ("**ITAA97**") and any other Federal or State legislation determinative on the matter. Notwithstanding the Fund is settled as a Complying SMSF, the Trustee may resolve to change the type of Fund during the course of the Fund's life.

OPERATIVE PARTS:

1. **Establishment of the Fund:** The Trustee establishes the Fund as a trust to be administered in accordance with the Governing Rules shown at Annexure A ("**Governing Rules**") on the date of this Deed.
2. **Name of the Fund:** The Fund shall be known by the name: **Garcia Super Fund**, and such other name or names resolved by the Trustee in accordance with the Governing Rules of the Fund.
3. **Initial Trustee:** The Trustee accepts to act as the initial Trustee of the Fund and covenants to hold the Trust Assets on trust for the Members of the Fund, in accordance with the Governing Rules and the Superannuation Laws.
4. **Governing Rules of the Fund:** The Governing Rules of the Fund include those shown at Annexure A, and any further amendments, changes or additions to the Governing Rules made in accordance with the provisions of this Deed and such further instruments executed by the Trustee from time to time determinative on the matter.
5. **Operations of the Fund:** The Trustee settles the Fund as a Complying SMSF, which Fund shall be administered in accordance with the Governing Rules, including but not limited to processing the application by Members, receipting of Contributions, Rollovers and Transfers on behalf of Members, invest and deal with the Assets of the Fund, attend to the payment of Member's benefits (including the payment of Death Benefits

in respect to deceased Members), and report and account to the Regulator and Members in accordance with the Governing Rules and the Superannuation Laws.

- 6. Interpretation:** This Deed and the Governing Rules are subject to the interpretation and definition provisions shown in the Governing Rules.

**Executed as a Deed.**

**The Trustees**

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Garcia Super Fund Pty Ltd - ACN 616560635 of 36 Gielgud Crescent, MCDOWALL, QLD 4053 by being signed by the persons authorised to sign on behalf of the company pursuant to section 127 of the Corporations Act 2001 (Cth):



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**Ana Rosario Garica**  
Director



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**Ricardo Ernesto Garcia**  
Director

**Dated:** \_\_\_\_\_

**Dated:** \_\_\_\_\_