



Our ref: HMH:DGT:10192112

31 August 2017

St George Bank  
Level 2, 316 George Street  
SYDNEY NSW 2000

**SOLICITOR'S CERTIFICATE**

**REVIEW OF TRUST DOCUMENTS IN CONNECTION WITH PROPOSED LOAN TO TRUSTEE OF A SUPERANNUATION FUND**

To: St George Bank – A Division of Westpac Banking Corporation  
Proposed borrower: Dube Investments Super Fund Pty Ltd ACN 160 134 734 as trustee of The Dube Investments Superannuation Fund  
Proposed asset trustee: Edna Dube as trustee for the Lot 73 Majestic Palms Estate Trust

Level 21, 400 George Street  
Brisbane 4000 Australia  
GPO Box 834, Brisbane 4001

T 61 7 3231 2444  
F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

<b>SMSF trust deed</b>	
<b>Requirement</b>	<b>Compliant (Y/N) and clause</b>
The trustee of the Fund has the power to borrow money to acquire assets in accordance with s67A of the <i>Superannuation Industry (Supervision) Act 1993 (Cth) (SIS Act)</i> .	Y Part Six of the Schedule to the SMSF deed Clause 3.3
The trustee of the Fund has power to charge, or to authorise the charging of, assets of the Fund (eg, mortgage).	Y Part Six of the Schedule to the SMSF deed Clause 3.3
The trustee of the Fund has the power to deal with assets (eg, acquire, lease, dispose of real property).	Y Part Six of the Schedule to the SMSF deed Clause 1.6
The trustee of the Fund has the power to appoint a nominee or custodian to hold legal title to assets of the Fund.	Y Part Six of the Schedule to the SMSF deed Clause 3.12
The trustee of the Fund has the power to grant indemnities.	Y Part Six of the Schedule to the SMSF deed Clause 3.11
The trustee of the Fund is a limited liability company.	Y
The parties to the SMSF trust deed appear to be correctly described (including correct ACN).	Y
The SMSF trust deed has been appropriately dated.	Y established on 31/08/2012
The SMSF trust deed appears to have been correctly executed by the parties.	Y

The current trustee of the Fund appears to have been validly appointed as trustee (where the trustee has been changed since the deed containing the most recent set of rules was executed).	Y
<b>Custodian trust deed</b>	
<b>Requirement</b>	<b>Compliant (Y/N) and clause</b>
The relevant asset (the <b>Property</b> ) is held on trust so that: <ul style="list-style-type: none"> <li>the trustee of the Fund acquires a beneficial interest in the Property; and</li> <li>the custodian holds the legal title to the Property.</li> </ul>	Y Clauses 3.1, 3.2 and 3.3
The trustee of the custodian trust must act in accordance with the directions of the trustee of the Fund.	Y Clause 3.7
The trustee of the Fund has the right to acquire legal ownership of the Property by making one or more payments after acquiring a beneficial interest in the Property.	Y Clause 7
The trustee of the custodian trust is a limited liability company.	No - Edna Dube acts as trustee for the Lot 73 Majestic Palms Estate Trust
If the custodian trust is declared over the Property, the description of the Property in the custodian trust deed is clear and correct.	Yes - The deed has been varied to amend the name and property description of the asset held
If the custodian trust is settled with cash ( <b>Settled Sum</b> ), the custodian deed either specifies that the Settled Sum will be held on sub-trust for the trustee of the Fund or that the Settled Sum will be applied towards the acquisition of the Property.	Not Applicable
The parties to custodian trust deed appear to be correctly described.	Y
The custodian trust deed has been appropriately dated.	Y established on 13/08/2012
The custodian trust deed appears to have been correctly executed by the parties.	Y

Yours faithfully  
**COOPER GRACE WARD**



Kim Manning  
Partner  
T 61 7 3231 2459  
F 61 7 3231 8459  
E kim.manning@cgw.com.au

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