

**FORRESTER PROP 1**

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**Property Custodian  
Trust Deed**

**Limited recourse  
borrowing  
arrangement**

## Property Custodian Trust Deed

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**Date of This deed**

05-12-2018

**Trust Name**

FORRESTER PROP 1

**Trustee of Property Custodian Trust - Legal Owner**

Name of Trustee Company: RYSSA PROP PTY LTD

A.C.N.: 628704156

Registered Address: Suite 410/29-31 Lexington Drive BELLA VISTA NSW 2153

**Trustee of Self Managed Superannuation Fund - Beneficial Owner**

Name of Trustee Company: RYSSA SUPERANNUATION PTY LTD

A.C.N: 628703293

Registered Address: Suite 410/29-31 Lexington Drive BELLA VISTA NSW 2153

**Name of Self Managed Superannuation Fund**

SUPER FORRESTER

**Underlying Property**

LOT 809, 14 CAROL AVENUE SPRINGWOOD QLD 4127

Words with an \* are defined in the definitions section of this deed. Generally, defined words only have an \* the first time they appear in this deed. The parties to this deed agree to the terms and conditions set out in the deed. (c) Copyright batallion legal Pty Ltd all rights reserved.

**WARNING**

This Trust Deed is the **copyright** of Batallion Legal. No part of this deed can be copied without the express authority of the proprietor. **If you alter or copy this Trust Deed, you may be sued.** This Trust Deed has certain unique clauses and is created for certain defined purpose and for parties mentioned above. If you copy this Trust Deed for another purpose and for other parties, some of the clauses of this Trust Deed may not be valid in their current form. **VER 10/08**

THIS DEED is made on 05-12-2018

BY: RYSSA PROP PTY LTD (A.C.N.: 628704156) (as trustee of this deed)

**RECITALS:**

- A The Trustee has purchased or intends to purchase the property described in item A of the Schedule to this deed ('Property') as bare trustee for the beneficiary described in item B of the Schedule ('Beneficiary').
- B The Trustee wishes to record the terms of this bare trust accordingly.

**INTERPRETATION AND DEFINITIONS:**

**assets** means the cash, investments and other property of the fund held by the SMSF Trustee.

**beneficial interest** means the beneficial interest of the SMSF or the SMSF Trustee in the Underlying Property in respect of which the PCT Trustee has legal title, consistently with the requirements of section 67A & 67B of the SIS Act.

**beneficial owner** means the SMSF Trustee who owns assets of the superannuation fund for the members of the fund.

**borrowing or loan** means the amount of the principal sum borrowed by the SMSF Trustee under section 67A & 67B of the SIS Act.

**complying superannuation fund** means a complying superannuation fund under superannuation law.

**Corporations Act** means the Corporations Act 2001 (Cth) and the regulations and determinations made under the Act.

**legislation** generally refers to superannuation law or such other legislation as governs superannuation funds.

**Order Of Payment** means payment in the following order:

- (a) first - the Outstanding Loan Amounts, to the Lender;
- (b) second - all costs, charges, liabilities and expenses of the Property Trustee which have been incurred in or are incidental to the exercise or performance of a power or duty under this deed or the Transaction Documents in relation to an Asset, including Taxes and any other amount payable to the Property Trustee from the Property Trust in accordance with this deed and the Transaction Documents; and
- (c) third - any balance, to the Fund Trustees.

**Property** means the property as described in item A of the Schedule to this deed.

EXECUTED as a deed

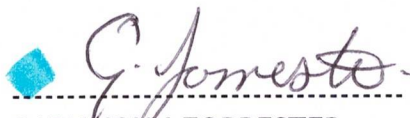
EXECUTED BY

Signed for and on behalf of Trustee

RYSSA PROP PTY LTD

A.C.N. 628704156 (as trustee of this deed)

In accordance with the constitution of the company and Section 127 of the Corporations Act 2001 (Cth)

Handwritten signature of Gary John Forrester in blue ink, written over a horizontal dashed line.

**GARY JOHN FORRESTER**  
Director

Handwritten signature of Nerissa Forrester in pink ink, written over a horizontal dashed line.

**NERISSA FORRESTER**  
Director

Signed for and on behalf of Beneficiary

RYSSA SUPERANNUATION PTY LTD

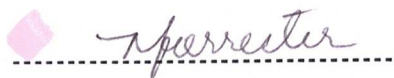
(Trustee for SUPER FORRESTER)

A.C.N. 628703293 (as beneficiary of this deed)

In accordance with the constitution of the company and Section 127 of the Corporations Act 2001 (Cth)

Handwritten signature of Gary John Forrester in blue ink, written over a horizontal dashed line.

**GARY JOHN FORRESTER**  
Director

Handwritten signature of Nerissa Forrester in pink ink, written over a horizontal dashed line.

**NERISSA FORRESTER**  
Director

SCHEDULE

- A           Description of Property:    real property located at LOT 809, 14 CAROL AVENUE SPRINGWOOD QLD 4127
  
- B           Beneficiary:                 RYSSA SUPERANNUATION PTY LTD (A.C.N: 628703293) as Trustee for SUPER FORRESTER

# STATUTORY DECLARATION

## Commonwealth of Australia

I / We, GARY JOHN FORRESTER of 18 22ND AVE WEST HOXTON NSW 2171, NERISSA FORRESTER of 18 22ND AVE WEST HOXTON NSW 2171

Being the only directors and shareholders of RYSSA PROP PTY LTD ACN 628704156 incorporated on 10-09-2018 (trustee of property custodian trust) do solemnly and sincerely declare that:


1. RYSSA PROP PTY LTD ACN 628704156 incorporated on 10-09-2018 ('trustee of property custodian trust') is the trustee of the FORRESTER PROP 1 property custodian trust ("the property custodian trust") and is intending to be the 'apparent purchaser', of a property known and situated at LOT 809, 14 CAROL AVENUE SPRINGWOOD QLD 4127 ('Underlying Property');
2. The intended 'real purchaser', of the Property is the RYSSA SUPERANNUATION PTY LTD incorporated on 10-09-2018 as trustee for SUPER FORRESTER, which is a complying self-managed superannuation fund as defined in section 17A of the Superannuation Industry (Supervision) Act 1993 (Cth) ('the SIS Act');
3. The trustee of the SMSF and the trustee of the property custodian trust have entered into a deed entitled 'Property Custodian Trust Deed' called the FORRESTER PROP 1;
4. The property custodian trust deed evidences the declaration of trust made by the trustee of the property custodian trust as the apparent purchaser and the trustee of the SMSF as the real purchaser of the Underlying Property;
5. The Underlying Property has been purchased by the trustee of the SMSF as 'real purchaser' via the trustee of the property custodian trust as the 'apparent purchaser';
6. The trustee of the property custodian trust and the trustee of the SMSF intend that upon the acquisition of the Underlying Property the beneficial ownership and any other beneficial interest in the Underlying Property is to be acquired will remain at all times, with the trustee of the SMSF.
7. The whole of the deposit and the balance of the purchase moneys, including related costs (eg stamp duty and legal fees) to purchase the property will be paid by the trustee of the SMSF;
8. The intention of all parties at all material times is that the legal title to the Underlying Property will be held by the trustee of the property custodian trust to be held on bare trust for the trustee of the SMSF who will be the beneficial owner of the Underlying Property;

9. All parties agree that the Underlying Property is to be purchased in the name of the trustee of the property custodian trust for the purposes of the trustee of the SMSF acquiring the property under the limited recourse borrowing arrangements under section 67A & 67B of the SIS Act;

and I/we make this solemn declaration by virtue of the Statutory Declarations Act 1959 (Cth) and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.


Declared at [ West Hoxton ] this [ 5th ] day of [ December ] 2018


before me

 J. Watson  
Signature of person before whom the declaration is made

Signature of person making the declaration

MRS Joan Watson  
Title of person before whom the declaration is made

 G. Forrester  
GARY JOHN FORRESTER

 MRS Joan Watson  
Signature of person before whom the declaration is made

Signature of person making the declaration

J. Watson  
MRS Joan Watson  
Title of person before whom the declaration is made


 N. Forrester  
NERISSA FORRESTER



**RYSSA SUPERANNUATION PTY LTD  
A.C.N. 628703293  
SUPER FORRESTER**

**MINUTES OF A MEETING OF THE DIRECTORS HELD AT  
18 22ND AVE WEST HOXTON NSW**

DATE OF MEETING	05-12-2018
TIME OF MEETING	09:00 AM
PRESENT	GARY JOHN FORRESTER NERISSA FORRESTER
INVESTMENT STRATEGY	The Chairman tabled a revised investment strategy for the fund. The revised strategy provides for the trustees to invest in direct property using an limited recourse borrowing arrangement consistently with section 67A & 67B of the SIS Act.  IT WAS RESOLVED to adopt the revised Investment Strategy for the fund
PURCHASE PROPERTY OF	The chairperson noted that the trustees of the superannuation fund have power to borrow under clause number 115 of the trust deed.  IT WAS RESOLVED that the fund purchase an underlying property at LOT 809, 14 CAROL AVENUE SPRINGWOOD QLD 4127 and that the property be held on trust for the fund by RYSSA PROP PTY LTD ACN 628704156 as trustee for FORRESTER PROP 1 under the limited recourse borrowing arrangement that satisfies section 67A & 67B of the SIS Act. IT WAS FURTHER RESOLVED that the trustee/s of the property custodian trust is instructed to execute the necessary documentation to purchase the underlying property.
BORROWINGS	IT WAS RESOLVED that the trustees enter into a limited recourse borrowing arrangement with that satisfies section 67A & 67B of SIS Act.  The Chairman tabled a Loan Agreement prepared by that is required to be signed to establish the borrowing between the trustee of the SMSF and the Lender to satisfy section 67A & 67B of the SIS Act.  IT WAS RESOLVED that the trustees sign the documents as tabled
PROPERTY CUSTODIAN TRUST DEED	The Chairman tabled a property custodian trust deed prepared by Batallion Legal that is required to be signed to establish the bare trust relationship between the trustee of the SMSF and the trustee of the property custodian trust and limited recourse borrowing arrangement to satisfy section 67A & 67B of the SIS Act.  IT WAS RESOLVED that the trustees sign the documents as tabled.
PRODUCT DISCLOSURE STATEMENT	All of the members of the fund are also trustees of the fund and all of them have access to all of the documentation of the fund. Accordingly, the fund is exempt from the requirement to issue a PDS under section 1012D(2A) of the <i>Corporations Act 2001</i> (Cth).

	IT WAS RESOLVED that the fund not issue Product Disclosure Statements as a result of this transaction.
CLOSURE	There being no further business the meeting was declared closed.
	Signed as a true and correct record of the proceedings of the meeting  Chairperson

# Investment Strategy

## SUPER FORRESTER

### Objectives:

The objective of the fund is to:

- Provide superannuation benefits to members and their dependants to meet their retirement needs.
- Ensure that appropriate mixes of investments are held by the fund to support these needs.

The investment objective of the trustee is to aim to achieve real medium to longer-term growth, whilst maintaining a low level of risk.

### Investment Choice:

The trustee has determined the fund's investment may include but not be limited to all or one of the following:

- Direct equities, stocks and derivatives and including the participation in dividend reinvestment program, rights issues and the like:
- Property trusts and associated investments:
- Managed investments and associated products:
- Direct residential, industrial commercial property investment:
- Bank and other financial institution securities including Term Deposits, Debentures, Secured and Unsecured Notes and Bonds:
- Any other investment that the trustees may feel prudent to achieve the objective of the fund.

The trustee may decide to borrow consistently with the terms of limited recourse borrowing arrangements as per section 67A & 67B of the SIS Act to achieve the objective of the fund. The trustee may from time to time decide to seek professional advice from Accountants, Solicitors or Financial Planners in the formulation of any of their future investment strategies.

In formulating this strategy, the trustee has taken into consideration relevant features of the various investments, in accordance with both the fund's objectives and appropriate legislation.

While drafting this investment strategy, the trustee has taken into account all of the circumstances of the fund, including:

- the risks involved in making each investment;
- the likely return from making each investment;
- the range and diversity of investments;
- any risks arising from limited diversification;
- the liquidity of the fund's investments;
- expected cash flow requirements; and
- the ability of the fund to meet its existing and prospective liabilities such as paying benefits to its members.

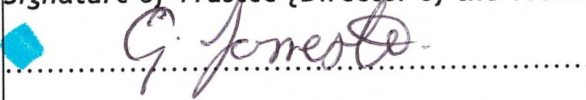
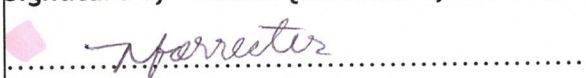
## Policies:

The policies adopted by the Trustee in order to achieve these objectives are:

- Regular monitoring of the performance of the funds investment, to oversee the overall investment mix and the expected cash flow requirements of the fund.
- Reduce the loan of the lender for monies borrowed to purchase property through an instalment warrant arrangement.
- Balancing the fund's investment portfolio due to changes in market conditions, by further sale and purchase of investments.

The trustee's aim will always be to ensure that it follows the investment strategy, however, the trustee will at all times reserve the right to change the investment mix depending on market situations and opportunities available to strengthen its objectives.

A copy of the current investment strategy of the fund will be made available to all members of the fund.

<i>Signature of Trustee {Director of the Trustee Company}</i>  ..... GARY JOHN FORRESTER	Date 5 / 12 / 18
<i>Signature of Trustee {Director of the Trustee Company}</i>  ..... NERISSA FORRESTER	Date 5 / 12 / 18