

# Statutory Declaration


Name of fund: **D & M Brake Superannuation Fund** (the "Fund")

I, David North Brake do solemnly and sincerely declare that:

- 1) I am a Trustee or Director of the corporate Trustee of the Fund;
- 2) the sole purpose of the deed accompanying this declaration is to amend the provisions of the Fund deed and to resign and appoint trustee/s;
- 3) the transaction is not part of an arrangement involving a change in the rights or interest of a beneficiary of the Fund, or terminating the Fund;
- 4) transfer duty has been paid on all trust acquisitions of which Transfer Duty is imposed for the Fund before the transaction;
- 5) the transaction is not part of an arrangement to avoid the imposition of duty;
- 6) notwithstanding anything to the contrary contained in the deed of amendment, it is not intended to:
  - (a) alter the objects of the Fund;
  - (b) reduce the benefits and entitlements payable to Members of the Fund;
  - (c) alter the rights and benefits of existing Members in a manner such that, on the whole, equity between Members is not maintained; or
  - (d) offend the provisions of the Superannuation Industry (Supervision) Act 1993 and its corresponding Regulations as they exist, from time to time, or any re-enactments or replacements of the Act and Regulations made after the Deed Date; and
- 7) the Fund is or will be a complying superannuation fund within 1 year after the date of the amendment.

**QLD** And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

Signed:

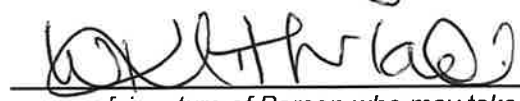
  
\_\_\_\_\_  
[signature of declarant]

Taken and declared before me at

Cleveland, QLD.  
\_\_\_\_\_



this 7 day of July 20 23

  
\_\_\_\_\_  
[signature of Person who may take declarations <sup>1</sup>]

Wendy Litherland

<sup>1</sup> Declarations can be taken by:

- (a) a justice of the peace commissioner for declarations or notary public under the law of the State, the Commonwealth or another state;
- (b) a lawyer;
- (c) a conveyancer, or another person authorized to administer an oath, under the law of the State, the Commonwealth or another state.

## Trustee/s Resolution

### D & M Brake Superannuation Fund

The persons signing below being all of the Trustees or all directors of the corporate Trustee of the Fund resolve as follows:

#### **Considered**

The Trustee considered:

1. a Deed of Ratification and Amendment (the "Deed");
2. a notice of the resignation of the following as Trustee of the Fund:  
David North Brake  
Melissa Gay Curley Brake
3. a notice appointing the following as Trustee of the Fund:  
Brakeland Pty Ltd ACN 668 722 834

#### **Resolved**

That the trust deed and rules of the Fund require amendment in order to better comply with the Superannuation Industry (Supervision) Act 1993 and regulations passed under it.

#### **Resolved**

That the amendment of the Trust Deed would be for the benefit of the members of the Fund and would enable the Fund to better comply with the current legislative provisions applying to regulated superannuation funds.

#### **Resolved**

That the Deed be considered for the purpose of amending the Trust Deed for the Fund by deleting the current Governing Rules and inserting the new Governing Rules which are annexed to the Deed.

#### **Resolved**

To execute the Deed and do all things required under it.

#### **Signature:**



David North Brake  
Director  
Brakeland Pty Ltd ACN 668 722 834

Dated: 07/07/2023



Melissa Gay Curley Brake  
Director  
Brakeland Pty Ltd ACN 668 722 834

Dated: 07/07/23

## Consent to Act as Trustee

### D & M Brake Superannuation Fund

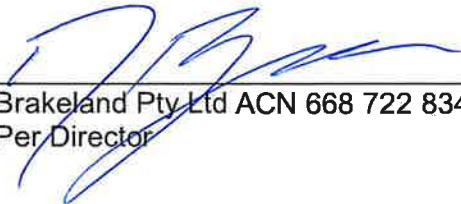
The company named in the Particulars below:

- (a) consents to act as Trustee of the Fund;
- (b) accepts the appointment as Trustee of the Fund;
- (c) agrees to hold the property of the Fund upon the trusts, powers, discretions and obligations contained and conferred under the Trust Deed;
- (d) confirms and acknowledges to have read the terms and conditions in the Trust Deed and fully understands the duties and obligations of a Trustee, under the Trust Deed and the law; and
- (e) is not disqualified, under any provision in the Trust Deed, or otherwise, from being or becoming a Trustee of the Fund.

#### Particulars

Full Name of Trustee                      Brakeland Pty Ltd ACN 668 722 834

#### Signature:



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Brakeland Pty Ltd ACN 668 722 834  
Per Director

Dated: 07/07/2023

## Notice of Appointment as Trustee


D & M Brake Superannuation Fund

To: Brakeland Pty Ltd ACN 668 722 834

Notice is given, in accordance with Clause 9.3(a) of the Trust Deed, that the company is appointed as Trustee of the Fund with all of the powers, discretions and obligations conferred or imposed upon a Trustee by the Trust Deed, from the date of this Notice.

Dated: 07/07/23

**Signature:**



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David North Brake  
Member



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Melissa Gay Curley Brake  
Member

## Notice of Resignation as Trustee

D & M Brake Superannuation Fund

To: The Members

Notice is given that we resign from the position of Trustee of the Fund, in accordance with Clause 9.4(d) of the Trust Deed, from the date of this Notice.

Dated: 07/07/2023

**Signature:**

  
\_\_\_\_\_  
David North Brake

  
\_\_\_\_\_  
Melissa Gay Curley Brake

## Notice To Member/s

### D & M Brake Superannuation Fund

From 1 July 1994, the Superannuation Industry (Supervision) Act 1993 and Regulations have governed the operation of superannuation funds in Australia. This scheme has been substantially amended during this time and is further amended from time to time. In order that the Fund's trust deed and governing rules better reflect the current provisions of the Act and Regulations, the Trustee has decided to amend the Fund's trust deed.

The variations to the trust deed and governing rules of the Fund do not affect the security of benefits or protection of your rights as a member of the Fund.

Please be assured that the changes which have been made are in your best interests and will enable the Fund to both retain its taxation concessions, and provide additional flexibility to the members. The benefits to which you are entitled will not be adversely affected by the changes.

Dated: 07/07/2023

  
\_\_\_\_\_  
For and on behalf of the Trustee

## Member/s Resolution

### D & M Brake Superannuation Fund

The persons signing below being all of the Members of the Fund resolve as follows:

#### **Considered**

The Members considered:

1. a Deed of Ratification and Amendment (the "Deed");
2. a notice of the resignation of the following as Trustee of the Fund:  
David North Brake  
Melissa Gay Curley Brake
3. a notice appointing the following as Trustee of the Fund:  
Brakeland Pty Ltd ACN 668 722 834

#### **Resolved**

That the trust deed and rules of the Fund require amendment in order to better comply with the Superannuation Industry (Supervision) Act 1993 and regulations passed under it.

#### **Resolved**

That the amendment of the Trust Deed would be for the benefit of the members of the Fund and would enable the Fund to better comply with the current legislative provisions applying to regulated superannuation funds.

#### **Resolved**

That the Deed be considered for the purpose of amending the Trust Deed for the Fund by deleting the current Governing Rules and inserting the new Governing Rules which are annexed to the Deed.

#### **Resolved**

To execute the Deed and do all things required under it.

#### **Signature:**

  
\_\_\_\_\_  
David North Brake

Dated 07/07/2023

  
\_\_\_\_\_  
Melissa Gay Curley Brake

Dated 07/07/2023