

NOTICE OF APPOINTMENT AND RETIREMENT OF TRUSTEE

THIS DEED OF APPOINTMENT made the 1ST day of JUNE 2018

PARTIES

DATE HERE

1. **Jason Leo Powning and Margaret Jane Powning** of 21 Rubens Grove Canterbury VIC 3126 ("the Retiring Trustees").
2. **Powning Super Pty Ltd (ACN 626 547 126)** a company having its registered office at 21 Rubens Gr Canterbury VIC 3126 ("New Trustee").

RECITALS

- A. By a Deed dated 28/10/2008 ("the original Deed") the Retiring Trustees established a Self-Managed Superannuation Fund that has continuously been known as Curry Powning Superannuation Trust ("the Fund).
- B. By Clause 8 of the current Deed the Trustee has the power to remove and appoint Trustees.
- C. The Retiring Trustees have continuously held such office up to and including the date hereof.
- D. The Retiring Trustees intend to retire as Trustees of the Fund and the New Trustee is to be appointed Trustee of the Fund.
- E. The New Trustee is not by virtue of the provisions of the Trust Deed or by law precluded from assuming office as Trustee of the Fund.
- F. The New Trustee has agreed to join in these presents to accept appointment as Trustee of the Fund.

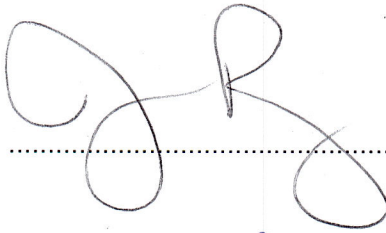
THIS DEED WITNESSES:

Appointment of New Trustee

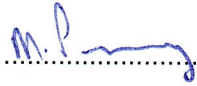
1. The New Trustee as Trustee of the Fund in place of the Retiring Trustees undertakes as and from the execution of this Deed by all the parties, the trust powers duties and obligations conferred by the Trust Deed upon the Trustees as if the New Trustee were a party to the Deed.

EXECUTED AS A DEED

SIGNED by the said Jason Leo Powning)
in their capacity as Retiring Trustee in the)
presence of:)



SIGN HERE

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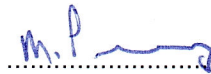
MARGARET POWNING

WITNESS

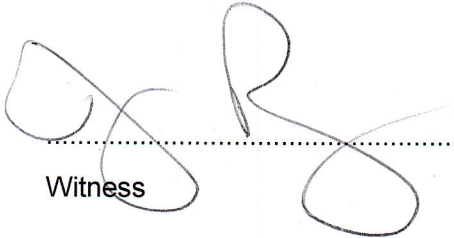
Witness

Witness Full Name

SIGNED by the said Margaret Jane)
Powning in their capacity as Retiring)
Trustee in the presence of:)

.....

SIGN HERE



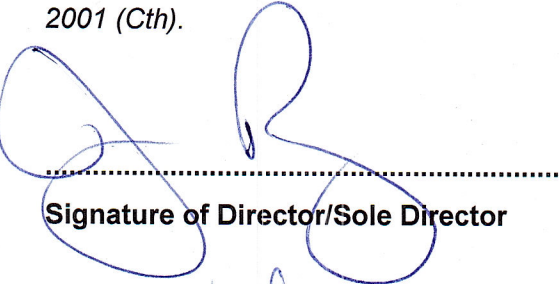
JASON POWNING

WITNESS

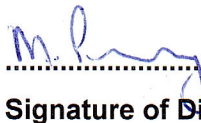
Witness

Witness Full Name

EXECUTED for and on behalf of Powning Super Pty Ltd (ACN 626 547 126), in its capacity as the New Trustee of the Fund in accordance with section 127(1) of the *Corporations Act 2001 (Cth)*.



Signature of Director/Sole Director

.....

Signature of Director/Secretary

SIGN HERE

JASON POWNING

Name of Director/Sole Director

MARGARET POWNING

Name of Director/Secretary

MINUTES OF MEETING

OF

Powning Super Pty Ltd

ACN 626 547 126

AS TRUSTEE FOR

Curry Powning Superannuation Trust

Held at 21 Rubens Gr Canterbury VIC 3126

on the 18th day of JUNE 2018

DATE HERE

PRESENT

Jason Leo Powning and Margaret Jane Powning

CHAIRPERSON:

Jason Leo Powning

PREVIOUS BUSINESS:

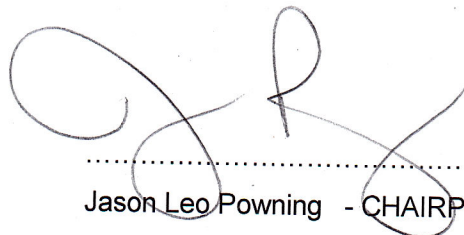
The Chairperson reported that those matters arising from the previous meeting of the Directors had been duly attended to.

BUSINESS:

IT WAS RESOLVED THAT the Company be appointed as Trustee of Curry Powning Superannuation Trust effective immediately.

IT WAS FURTHER RESOLVED THAT the Company execute the Deed of Appointment and Retirement of Trustee whereby the Company be appointed as the Trustee of the Fund

There being no further business the meeting closed



.....

Jason Leo Powning - CHAIRPERSON

SIGN HERE

MINUTES OF MEETING
of
Jason Leo Powning ,Margaret Jane Powning,
and
As Trustees For
Curry Powning Superannuation Trust
Held at 21 Rubens Grove Canterbury VIC 3126

on the 15 day of JUNE 2018

DATE HERE

PRESENT: Jason Leo Powning
Margaret Jane Powning

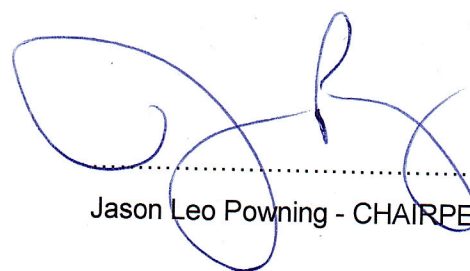
CHAIRPERSON: Jason Leo Powning

PREVIOUS BUSINESS: The Chairperson reported that those matters arising from the previous meeting of the Trustees had been duly attended to.

BUSINESS: IT WAS RESOLVED THAT the Trustees retire as Trustees of the Curry Powning Superannuation Trust effective immediately.

IT WAS FURTHER RESOLVED THAT the Trustees execute the Deed of Appointment and Retirement of Trustees whereby they retire as the Trustees of the Fund.

There being no further business the meeting closed


.....
Jason Leo Powning - CHAIRPERSON

SIGN HERE

Curry Powning Superannuation Trust
(FUND)

CONSENT TO ACT AS A TRUSTEE

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

I, **Jason Leo Powning** of 21 Rubens Grove Canterbury VIC 3126, in my capacity as trustee of the Fund 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 Australian Taxation Office in writing if I am for any reason disqualified from continuing to act as a Trustee; and
- I understand my obligations and responsibilities as Trustee of the Fund.

DATED:

1/6/18

DATE HERE

SIGN HERE

Jason Leo Powning

* 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.

**Curry Powning Superannuation Trust
(FUND)**

CONSENT TO ACT AS A TRUSTEE

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

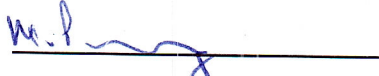
I, **Margaret Jane Powning** of 21 Rubens Grove Canterbury VIC 3126, in my capacity as trustee of the Fund do hereby declare that:

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

DATED:

1/6/18

DATE HERE


Margaret Jane Powning

SIGN HERE

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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.

DEED OF VARIATION

OF

Curry Powning Superannuation Trust

THIS DEED IS DATED the

18

day of

JUNE

20 18

DATE HERE

PARTIES:

Powning Super Pty Ltd (ACN 626 547 126) of 21 Rubens Gr Canterbury VIC 3126 ("the Trustee")

Jason Leo Powning of 21 Rubens Gr, Canterbury VIC 3126 and Margaret Jane Powning of 21 Rubens Gr, Canterbury VIC 3126 ("the Members")

RECITALS:

- a) **Powning Super Pty Ltd** acts as Trustee of Curry Powning Superannuation Trust ("the Fund").
- b) **Jason Leo Powning and Margaret Jane Powning** are the Members of the Fund ("the Members").
- c) The Fund was established by deed dated 28/10/2008 ("the Original Deed").
- d) The Trustee, at the request of the Members, wishes to amend the Deed by substituting in place of the existing Clauses those Rules ("the New Rules") in the form annexed and marked as "Annexure A" to this Deed.
- e) The Trustee wishes to amend the Deed by substituting in place of the existing Clauses those Rules ("the New Rules") in the form annexed and marked as "Annexure A" to this Deed.
- f) Clause 52.1 of the Fund's existing Deed allows the Trustee to vary the Deed so long as no amendment will reduce a Member's Benefit (as defined in those Clauses). The purpose of the amendment is to enable the Trustee and the Members to comply with the new superannuation measures by adopting the governing rules as the governing rules of the Fund.
- g) Notwithstanding anything contained in this Deed to the contrary, this Deed does not and shall not:
 - (i) alter the objects of the Fund;
 - (ii) reduce the benefits and entitlements payable to Members;
 - (iii) alter the rights and benefits of existing Members in a manner such that, on the whole, equity between Members is not maintained; or
 - (iv) offend the provisions of any relevant Act or Regulation as they exist, from time to time, or any amendments or variation of any relevant Act or Regulation made after the date of this Deed.

- h) To the extent that any one or more of the provisions of this Deed are not able, allowed or required to take effect pursuant to a provision of the Superannuation Industry Supervision Act 1993 as amended or regulation made for the purposes of that statutory enactment, the provisions are amended by deletion to the extent that:
- (i) it is necessary to remove that or those restrictions beyond the validity of the amendments, or any part of them made pursuant to this Deed; and;
 - (ii) the deletion of part or all of the provisions does not result in a resettlement of the Fund; and
 - (iii) amendments made by this Deed are deemed to have occurred after the deletion referred to in this clause.
- i) This Deed shall not take effect, to the extent that any one or more of the provisions of this Deed are not able, allowed, or required to take effect pursuant to the provisions of any regulation made for the purpose of that statutory enactment; and the provision is not capable of amendment to enable or allow this Deed to take effect

PROVISIONS:

1. Replacement of Rules:

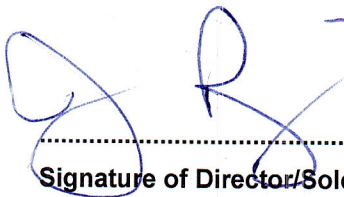
The existing Clauses of the Fund are replaced in their entirety with the New Rules as marked "Annexure A" to this Deed, pursuant to Clause 52.1 of the Fund's governing rules.

2. No Resettlement at Law:

Any amendment to the Clauses of the Fund affected by this Deed does not result in a resettlement of the Fund at law, equity or under any Superannuation Law.

EXECUTED AS A DEED BY:

Executed for and on behalf of Powning Super Pty Ltd (ACN: 626 547 126), in its capacity as Trustee of the Fund in accordance with section 127(1) of the *Corporations Act 2001 (Cth)*.



 Signature of Director/Sole Director



 Signature of Director/Secretary

SIGN HERE

JASON POWNING

 Name of Director/Sole Director

MARGARET POWNING

 Name of Director/Secretary

Executed by Jason Leo Powning in the)
presence of:

[Handwritten signature]

SIGN HERE

[Handwritten signature]

Witness

MARGARET POWNING

Witness Full Name

WITNESS

Executed by Margaret Jane Powning in the)
presence of:

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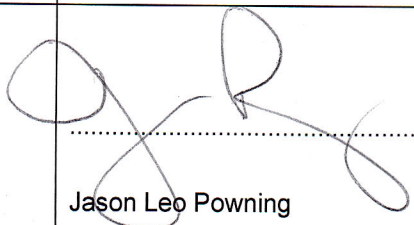
Witness

JASON POWNING

Witness Full Name

WITNESS

**Minutes of Meeting to Upgrade the Rules of
Curry Powning Superannuation Trust**

Date:	1/6/18	DATE HERE
Attended by:	Jason Leo Powning and Margaret Jane Powning	
Held at:	21 Rubens Gr Canterbury VIC 3126	
Chairperson:	Jason Leo Powning was appointed Chairperson of the meeting	
Table a Motion to amend the Rules of the Fund:	The Chairperson tabled a motion to amend the governing rules of Curry Powning Superannuation Trust by deed in accordance with Clause 52.1 of the Rules of the Fund	
Trustee's Resolutions:	IT WAS RESOLVED to adopt the amendments to the governing rules by replacing the existing Rules with those Rules ("the New Rules") in the form annexed and marked as "Annexure A" to the Deed	
Meeting Closed:		
Signed by the Chairperson:	 Jason Leo Powning	SIGN HERE

Members must note that all superannuation death benefits must be paid to either a dependant or their Legal Personal Representative of their Estate.

A member's SMSF Will can deal with the payment in specie of a member's death benefit. It becomes an operative Rule of the Fund and can only be changed by the member. Advice as to the content and drafting of a member's death benefit nomination, particularly of a SMSF Will should be undertaken by a Legal Practitioner suitably experience in the Superannuation jurisdiction.

Rule 25 - Accessing Member Superannuation Benefits

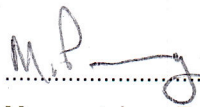
Where a Member has met a cashing condition, they have access to their superannuation benefits in the form of a Lump Sum or Superannuation Income Stream. Rule 25 outlines the various ways in which a Member and/or their beneficiary in the event of the Member's death can access Member Superannuation Benefits. This can incorporate adding specific instructions for the payment of a death benefit superannuation income stream, as long as the Fund remains a Complying SMSF. For example the creation by a Member of a Conditional Pension, which in circumstances of a blended family where a Member dies and wishes their surviving spouse or partner to receive an income stream from their superannuation death benefit. Any commutation of capital and other rules or requirements surrounding the Conditional Pension are formulated during the member's lifetime and must be paid in accordance with the Conditional Pension documentation.

Advice as to the content and drafting of a member's Conditional Pension should be undertaken by a Legal Practitioner suitably experienced in the Superannuation jurisdiction.

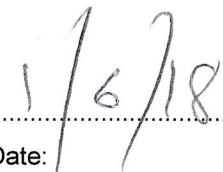
Rule 26 - Guardians for the Fund Members

The appointment of a Fund Member's Guardian is undertaken to allow this party to act as the "Gate Keeper" of the Condition Pension payments. These payments must be approved by the Fund Member's Guardian but such approval cannot be withheld if the payments are in accordance with the terms and conditions of the Conditional Pension.

Advice as to the appointment of a Fund Member's Guardian should be obtained from a Legal Practitioner suitably experienced in the Superannuation jurisdiction.


.....

Margaret Jane Powning


.....
Date:

SIGN HERE

For and on behalf of the Fund Trustee

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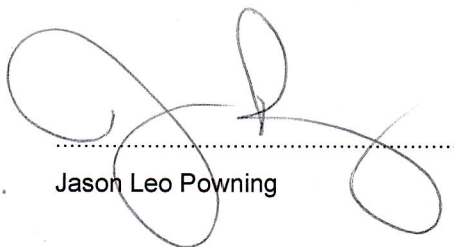
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Jason Leo Powning

For and on behalf of the Fund Trustee

1/2/18
.....
Date:

SIGN HERE

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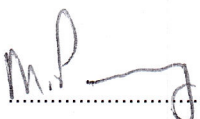
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Margaret Jane Powning

1/5/18
.....
Date:

SIGN HERE

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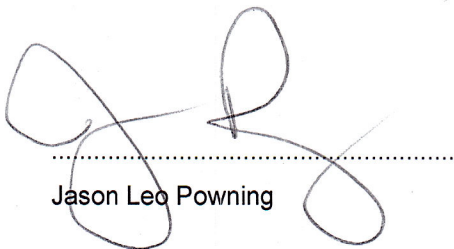
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1/5/18
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Date:

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