
**Deed of Appointment and Retirement of Trustee
For
Curry Powning Superannuation Trust**

Prepared under license from:
Glenister & Co
4/26-28 Aberdeen Street, Macleod VIC 3085

Smarter SMSF Pty Ltd
Phone: 1300 95 94 76
Email: team@smartersmsf.com
Website: <http://smartersmsf.com>

NOTICE OF APPOINTMENT AND RETIREMENT OF TRUSTEE

THIS DEED OF APPOINTMENT made the _____ day of _____ 20____

PARTIES

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.

2. The Retiring Trustees declare and confirm their retirement as Trustees of the Fund which retirement is to take effect as and from the execution of this Deed.
3. The New Trustee covenants and agrees that as and from the execution of this Deed it will be bound by and observe and administer the trust powers, discretions and obligations conferred by the Trust Deed as if it were named as Trustee.
4. This Deed shall for all purposes be deemed to have been executed by all parties on the date which it bears.

Release of Retiring Trustees

5. It is agreed that subject to the provisions of Clause 8 of this Deed the Retiring Trustees, as and from the execution hereof, are discharged from further performance of their obligations and duties as Trustees of the Fund.

Covenant by New Trustee

6. The New Trustee covenants that it has not received a benefit of any kind whatsoever out of or in connection with the Fund.
7. The New Trustee indemnifies the Retiring Trustees against all debts which the Retiring Trustees have incurred and which are unpaid at the time of execution of this Deed by all parties, whilst acting under and in terms of the Trust Deed and undertakes and agrees that the New Trustee will pay and discharge all such debts out of the Assets of the Fund in accordance with the terms of credit or otherwise under which such debts were incurred.

Covenant by Retiring Trustees

8. The Retiring Trustees covenant that they will do all things necessary to transfer legal title to the assets of the Fund to the New Trustee and to sign all documents and do all things reasonably required to enable the New Trustee to assume and carry out its duties as Trustee of the Fund.

EXECUTED AS A DEED

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

.....
Witness Witness Full Name

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

.....
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**

.....
Name of Director/Sole Director **Name of Director/Secretary**

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:

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:

Margaret Jane 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.

