

4 June, 2021

Alisten Joseph  
AJ Financial Solutions Pty Ltd  
63 Wigram Street  
HARRIS PARK NSW 2150

Attention: Alisten Joseph

## **INSTALMENT WARRANT ARRANGEMENT**

Thank you for forwarding the details relating to the proposed acquisition of a beneficial interest in the property described as Shop1, 47 Ryde Street, Epping NSW 2121 and being all of the land in folio identifier 19/SP91974 ('Property') by ARK ENGINEERING PTY LTD ACN 002 762 487 as trustee of the AZAYED SUPERANNUATION FUND ('Fund') using an instalment arrangement.

**Prior to proceeding with the Instalment Warrant Arrangement please satisfy yourself in relation to the legal and accounting implications of the transaction as we do not provide any advice in relation to these matters. In particular please ensure that you have satisfied yourself in relation to implications arising from the relevant stamp duty legislation, land tax, GST and capital gains tax.**

Stamp duty requirements on Custodian Deeds vary from State to State. If the Property is in New South Wales the Custodian Deed is to be executed after the date the Custodian enters into the contract for the purchase of the Property. Duty of \$500.00 is payable on Custodian Deed within 3 months of its date of execution. The solicitor or conveyancer acting for the Fund in relation to the acquisition of the Property will be able to further advise the Fund in this regard. Due to the complex requirements of assessing and stamping these Deeds we are not able to assist you in relating to the stamping of the Deed.

If the Property is located outside of New South Wales different rules may apply as to the timing of the execution of the Custodian Deed and its stamping. We strongly advise that legal advice be sought before signing the Deed irrespective of where the Property is located.

Notwithstanding that the Custodian Deeds supplied by Vale Legal for National Australia Bank, Westpac and St George Bank have been vetted and approved by their panel lawyers we have noted that they sometimes do not accept the terms of the Custodian Deed and require changes. Provided that you have ordered the correct Deed for the relevant bank we will arrange for the changes to be made by deed of amendment without further charge.

We enclose the following:

1. A guide to the Instalment Warrant Arrangement prepared by Vale Legal for your information. We recommend that you read this guide prior to entry into any of the documents, particularly the Custodian Deed.
2. Custodian Deed between V ARKELIAN PTY LTD ('Custodian') and ARK ENGINEERING PTY LTD ACN 002 762 487 ('Trustee') of the Fund.
3. Minutes of the Custodian resolving to act as the Custodian in relation to the purchase of the Property.
4. Minutes of the trustee of the Fund resolving to enter into an instalment warrant arrangement in relation to the purchase by the Fund of the Property.

The enclosed Minutes are generic Minutes based on the information you have provided to us, some of the obligations of the Trustee and Custodian under the rules of the Fund, the Superannuation Industry

(Supervision) Act 1993, the Superannuation Industry (Supervision) Regulations 1994 and the terms of the Custodian Deed. They do not purport to include all of the matters that the Trustee and the Custodian are required to consider prior to entering into this arrangement. If necessary, the Minutes should be amended to reflect the actual and other matters raised and discussed at the meetings before being signed by the respective Chairman as a true record.

When all the above documents have been signed and dated they should be filed in the Superannuation Fund Register of the Trustee.

We also enclose our invoice and receipt.

Kind Regards,

**Judi White**