

Malibu Superannuation Fund

DEED OF VARIATION

Supplied By

Blue Chip Super

ABN: 23 108 645 110

Shop 8/22-32 Gladstone Avenue

WOLLONGONG NSW 2500

Phone No: 02 4284 5212

Deed of Variation of SMSF Deed

Date of this deed

19 - 08 - 2015

Trust Name

Malibu Superannuation Fund

Trustees

Retiring Trustees

Louise McClafferty

Remaing Trustees

Gillian Patrick

Benjamin Patrick

Members

Retiring Members

Louise McLafferty

Remaining Members

Gillian Patrick

Benjamin Patrick

Deed of Variation of Superannuation Deed

Malibu Superannuation Fund

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This Deed of Variation to the Superannuation Fund Deed is made on 19/08/2015 for Malibu Superannuation Fund between the persons named in item 3 of the schedule to this deed of variation.

RECITALS

- A. A Self-Managed Superannuation Fund known as Malibu Superannuation Fund as set out in Item 1 of the schedule to this deed of variation (called “the fund” from hereinafter) was established by a deed on the date set out in Item 2 of the schedule to this deed of variation as at the date of the original deed and as amended from time to time by amending deed(s) on the dates set out in Item 5 of the schedule to this deed of variation as at the dates of the amending deed(s). The original deed and amending deed(s) will be referred to hereinafter as “the Deed”.
- B. The fund is currently in existence and is managed, administered and applied in accordance with superannuation law and the provisions of the deed pursuant to the powers contained therein by the trustees, members and other persons as listed in Item 3 of the schedule to this deed of variation.
- C. The deed grants to the trustee, by virtue of clause number 9.8a, the power to accept the resignation and appointment of a new trustee, provided this amendment does not adversely affect the benefits of existing members unless the amendment is to keep the fund complying with superannuation law or the member has consented to the amendment in writing.
- D. Trustees, members and other person(s) as listed in Item 3 of the schedule to the this deed of variation desire to effect the amendments to the deed by varying the original deed by replacing them with the provisions contained in the schedule to this deed of variation.
- E. Trustees, members and other person(s) as listed in Item 3 of the schedule to this deed of variation have unanimously consented to the amendments to the deed as testified by the execution hereof.

This Deed witnesses:

Variation of Superannuation Fund Deed

1. The person(s) listed in Item 3 of the schedule to this deed of variation consent that requirements of the original deed have been complied with in this deed of variation.
2. Pursuant to clause 9.10a of the deed, the trustee of the fund is replaced in accordance with Item 3 as laid out in the Schedule of this Deed of Variation to the Malibu Superannuation Fund.

No resettlement or re-establishment of trust or creation of new trust

3. It is hereby declared that no break or discontinuity shall have occurred in the fund by reason of the execution of this deed of variation and that the amendment shall not operate as a resettlement or re-establishment of the superannuation fund or creates a new trust. If any clause or words in this deed of variation establish a resettlement of the superannuation fund or create a new trust, then that clause or word shall be read down and severed to the extent that such a resettlement will arise.

Reduction in benefits of members

4. Nothing in this deed of variation shall operate in reducing or adversely affecting the rights or benefits of any member that arose before the date of variation as set out in Item 4 of the schedule to this deed of variation.

Date of effect of deed of variation

5. This deed of variation shall take effect on and from the date hereinbefore mentioned in the State of New South Wales.

Costs and Expenses

6. The costs and expenses and any stamp duty associated with the preparation and implementation of this deed of variation are to be paid by the superannuation fund.

Consent to Variation

7. The original deed dated as set out in Item 2 of the schedule to this deed of variation remains effective and unaltered, except as varied by this deed and previous amending deeds. The trustee declares that as from the date set out in Item 4 of the schedule to this deed of variation, the original deed is varied by this deed of variation. The beneficial interest in the superannuation fund shall remain unchanged by this deed of variation.
8. Each person(s) listed in Item 3 of the schedule to this deed of variation undertakes that it shall upon request, sign, execute and do all the deeds, acts and things as may reasonably be required by any other person to carry out and give full force and legal effect to the terms and intention of this deed of variation.
9. The person(s) listed in Item 3 of the schedule to this deed of variation hereby consent to the variation in this deed in their capacities as trustees, beneficiaries, members, participating employer, employer sponsor or any other person.

Schedule

Item 1. Name of the fund

Malibu Superannuation Fund

Item 2. Date of Original Deed

30/10/2008

Item 3. Trustees, Members & Others Parties

Retiring Trustee

Louise McClafferty

Remaining Trustees

Gillian Patrick

Benjamin Patrick

Members & Others Parties

Retiring Members

Louise McClafferty

Remaining Members

Gillian Patrick

Benjamin Patrick

Item 4. Date of this Deed

19/08/2015

Item 5. Date of Previous Amending Deeds


Nil

Execution

Executed as a deed.

Dated: 19/08/2015

Signed as trustees of the fund



Gillian Patrick

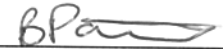
In the presence of:



Signature of witness


Katelyn Head.

Witnesses' name and title (please print)



Benjamin Patrick

In the presence of:



Signature of witness

Katelyn Head.

Witnesses' name and title (please print)