



COOPER GRACE WARD
LAWYERS

**VARIATION AND CHANGE OF
TRUSTEE DEED**

**N DEFTEROS DENTAL PTY LTD
SUPERANNUATION FUND**

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VARIATION AND CHANGE OF TRUSTEE DEED

PARTIES

Retiring Trustee	N. DEFTEROS DENTAL PTY. LTD. ACN 010 658 527
New Trustee	META ZOE PTY LTD ACN 601 897 714
Members	NICHOLAS CONSTANTINE DEFTEROS KATRINA PATRICIA DEFTEROS
Principal Employer	N. DEFTEROS DENTAL PTY. LTD. ACN 010 658 527

BACKGROUND

- A. The Retiring Trustee is the trustee of the superannuation fund set out in Schedule A to Annexure A (Schedule A) (**Fund**) that was constituted by the deed referred to in Schedule A (**Trust Deed**).
- B. The Retiring Trustee wishes to vary the Trust Deed of the Fund so it complies with the requirements in the *Superannuation Industry (Supervision) Act 1993* (Cth) (**SIS**) including those for account based pensions, transition to retirement options, binding death benefit nominations and other amendments to SIS since the last update of the Trust Deed.
- C. Clause 184 of the Trust Deed of the Fund allows the trustee to vary the Trust Deed with the consent of the Principal Employer.
- D. The Principal Employer wishes to consent to the variation.
- E. The Members (who are all the members of the Fund) wish to approve the variation.
- F. The Retiring Trustee wishes to resign as the trustee of the Fund after variation of the Trust Deed by this deed.
- G. Clause 14.3 of the Trust Deed as varied by this deed allows the Members to appoint a new trustee of the Fund.
- H. • The Members want to appoint the New Trustee.

OPERATIVE PART

1. VARIATION OF TRUST DEED

- 1.1 The Retiring Trustee declares that as at and from the date of execution of this deed the provisions of the Trust Deed be varied by deleting all the provisions of the existing Trust Deed and replacing them with the clauses and schedules contained in the Annexure A attached to this deed.



- 1.2 This deed is not intended to and does not change the terms of any pension being paid from the Fund that commenced before the date of this deed.
- 1.3 Any binding death benefit nomination made prior to the date of this deed is still valid as though it was made using the terms of this deed.
- 1.4 The Principal Employer consents to the variation of the Trust Deed as set out in this deed.
- 1.5 The Members approve the variation of the Trust Deed as set out in this deed.
- 1.6 The New Trustee acknowledges the variation of the Trust Deed as set out in this deed.

2. RETIREMENT AND APPOINTMENT

- 2.1 The Retiring Trustee resigns as the trustee of the Fund to take effect from the date of this deed.
- 2.2 The Members:
 - (a) accept the retirement of the Retiring Trustee;
 - (b) acknowledge that the signing of this deed by the Retiring Trustee is sufficient notice in writing of the resignation under clause 14.4(a) of the Trust Deed as varied by this deed; and
 - (c) appoint the New Trustee as the trustee of the Fund under the Trust Deed as varied by this deed to take effect from the date of this deed.
- 2.3 The New Trustee agrees to act as the trustee of the Fund and acknowledges that the Fund is a regulated superannuation fund under SIS.

3. DISCHARGE OF RETIRING TRUSTEE

The Retiring Trustee is discharged from further performing its obligations as the trustee from the date of this deed.

4. COVENANT BY NEW TRUSTEE

Subject to the Trust Deed, the New Trustee agrees to discharge any liability incurred by the Retiring Trustee in its capacity as the trustee from the assets of the Fund.

5. COVENANT BY RETIRING TRUSTEE

The Retiring Trustee agrees to do anything necessary to transfer legal title of the Fund assets to the New Trustee and to enable the New Trustee to carry out its duties as the trustee.



SIGNED AS A DEED on the date the last party signs this document.

SIGNED SEALED AND DELIVERED by)
N. DEFTEROS DENTAL PTY. LTD.)
ACN 010 658 527 as Retiring Trustee and Principal)
Employer in accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by two directors:)

x N. Deferos
Director
NICHOLAS CONSTANTINE DEFTEROS

x 21/8/2015
Date

y K. Deferos
Director
KATRINA PATRICIA DEFTEROS

y
Date



SIGNED SEALED AND DELIVERED by)
NICHOLAS CONSTANTINE DEFTEROS as)
Member in the presence of:

y Nicole Bryant
Witness (not a party to this deed)

y NICOLE BRYANT
Name of witness

y 21/8/2015
Date

x N. Deferos
NICHOLAS CONSTANTINE DEFTEROS



SIGNED SEALED AND DELIVERED by)
KATRINA PATRICIA DEFTEROS as Member in)
the presence of:

y
Witness (not a party to this deed)

y
Name of witness

x
Date

y K. Deferos
KATRINA PATRICIA DEFTEROS



SIGNED SEALED AND DELIVERED by
META ZOE PTY LTD ACN 601 897 714 as New
Trustee and Principal Employer in accordance with
section 127(1) of the *Corporations Act 2001* (Cth)
by two directors:

)
)
)
)
)
)

x *N Deferos*
.....
Director
NICHOLAS CONSTANTINE DEFTEROS

21/8/2015
.....
Date

y *K Deferos*
.....
Director
KATRINA PATRICIA DEFTEROS

x
.....
Date



ANNEXURE A

1. ESTABLISHMENT

The Fund was established on the Date of Establishment of the Fund specified in Schedule A.

2. DIVISIONS

This Deed is divided into Division A and Division B. Division A shall govern the management and administration of the Fund and Division B shall govern the Benefits payable from the Fund.

3. COVENANTS

The Trustee covenants that it will perform and observe the covenants, trusts and conditions of this Deed.



SCHEDULE A

THE FUND

- (a) Name of the Fund: N Defteros Dental Pty Ltd Superannuation Fund
- (b) Particulars of Trust Deed:
- Original Trustee: N. Defteros Dental Pty. Ltd. ACN 010 658 527
- Date of Trust Deed: 20 June 1990
- Variations and Related Trust Documents:
- Deed of Variation dated 24 November 1994
Deed of Variation dated 18 March 2003
Deed of Variation dated 8 October 2006
Deed of Variation dated 21 April 2009
- (c) Date of Establishment: 20 June 1990



SCHEDULE B

**APPLICATION FOR MEMBERSHIP
CONFIDENTIAL**

To: **The Trustee, N Deferos Dental Pty Ltd Superannuation Fund**

- I, _____, apply for membership of the Fund.
1. I will be bound by the Trust Deed governing the Fund as varied from time to time.
 2. I will notify the Trustee if I am, or if at any time I cease to be, Gainfully Employed as defined in the Trust Deed.
 3. I consent to the Trustee acting as Trustee of the Fund.
 4. I declare that the information in this Application is accurate in every respect.

APPLICATION DETAILS

Name:

Address:

Occupation:

Date of Birth:

Membership Class:

Tax File Number:

Note: Your Tax File Number (TFN) is confidential. Before you provide it, you must be told:

1. Your TFN can be collected under the *Superannuation Industry (Supervision) Act 1993*.
2. If you provide your TFN, it will only be used for legal purposes, which currently include:
 - (a) finding or identifying your superannuation benefits;
 - (b) calculating tax on benefit payments and contributions; and
 - (c) providing information to the Commissioner of Taxation.
 These purposes may change in the future as a result of legislative change.
3. It is not an offence not to provide your TFN. If you do not:
 - (a) you may pay unnecessary tax on your benefits and contributions, which you will need to reclaim later through the income tax assessment process; and
 - (b) it may be more difficult to find unclaimed benefits that you have, or to locate and amalgamate other benefits you have.
 The consequences of not providing your TFN may change in the future as a result of legislative change.
4. If you provide your TFN, the trustee may provide it to:
 - (a) the trustee of another superannuation fund when you transfer your benefits to it, unless you instruct the trustee not to; and
 - (b) the Commissioner of Taxation, but otherwise it will be treated as confidential.

NOMINATED DEPENDANT(S)

I nominate the following persons as my Nominated Dependants:

SURNAME(S)	GIVEN NAME(S)	RELATIONSHIP	% OF BENEFIT
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DATED

201

Signature



SCHEDULE C

**PARTICIPATING EMPLOYERS ADMITTED TO FUND
PURSUANT TO CLAUSE 35**

NAMES OF PARTICIPATING EMPLOYERS	DATE OF ADMISSION	EXECUTION OF PARTICIPATING EMPLOYERS
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