

## DEED OF CHANGE OF FUND NAME

Khaliffa Superannuation Fund (formerly known as  
"Eagle Rock Superannuation Fund")

ABN 44 192 951 818

Document provided by

**TOWNSENDS BUSINESS & CORPORATE LAWYERS**

Tel 02 8296 6222 [www.townsendslaw.com.au](http://www.townsendslaw.com.au)

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**THIS DEED** is made on the Date set out in the Reference Schedule

**BY** the Company or Individuals named in the Reference Schedule as the Trustee or Trustees ("Trustee")

**BY** the Individual named in the Reference Schedule as the Member ("Member")

## **RECITALS**

- A. The superannuation fund known as "Eagle Rock Superannuation Fund" ABN 44 192 951 818 ("the Fund") was established by a deed dated 22 October 2012.
- B. The Trustee is currently the trustee of the Fund and the Member is currently the sole member of the Fund.
- C. The Trustee and the Member wish to change the name of the Fund to "Khaliffa Superannuation Fund".
- D. The Trustee is authorised by the governing rules of the Fund to change the name of the Fund.

## **OPERATIVE PART**

### **1. Change of fund name**

- 1.1. With effect on and from the date of this Deed the name of the Fund will be "Khaliffa Superannuation Fund".
- 1.2. The parties agree the change of Fund name in accordance with this Deed will not:
  - (a) constitute a capital gain tax event in respect of the Fund;
  - (b) constitute a resettlement of the Fund;
  - (c) create a new superannuation entity; or
  - (d) affect a member or beneficiary's interest in the Fund.

### **2. Notification of changes and updating of documents**

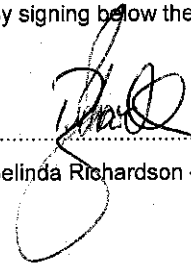
- 2.1. The Trustee agrees to take all steps to notify those third parties requiring notification of the change of the name of the Fund within any time frame prescribed by those third parties for notification of a change of a name of a superannuation fund.
- 2.2. The Trustee agrees that as and from the date of this Deed, any documents issued by the Fund to third parties, or to members of the Fund will be issued in the name of Khaliffa Superannuation Fund.

### **3. Consent of member**

- 3.1. By signing this Deed, the Member acknowledges their consent to the change of the name of the Fund and confirms they understand the nature and effect of the change of the name of the Fund.

**Consent of Current Member**

By signing below the Member consents to the change of name of Fund effected by this Deed.

  
.....  
Belinda Richardson – Sole Member

**REFERENCE SCHEDULE – Khaliffa Superannuation Fund**

**Date of Deed**

24 / 5 / 13  
.....

**Name of Trustee or Trustees**

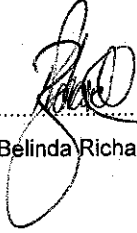
Khaliffa Pty Ltd ACN 163 848 762 whose registered office is situated at 32 Clay Pit Road, Bumbaldry NSW 2794

**Name of Member or Members**

Belinda Richardson of 31 Peter Whitty Road, Darbys Falls NSW 2793

**EXECUTED AS A DEED**

Executed by **Khaliffa Pty Ltd ACN 163 848 762**  
pursuant to s 127 of the *Corporations Act 2001* (Cth):



.....  
Belinda Richardson - Sole Director/Secretary

**CHANGE OF FUND NAME  
WRITTEN RESOLUTION**

**Khaliffa Superannuation Fund (formerly known as  
"Eagle Rock Superannuation Fund")  
ABN 44 192 951 818**

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**Written Resolution of the Sole Director of Khaliffa Pty Ltd ACN 163 848 762 as Trustee of Eagle Rock Superannuation Fund ABN 44 192 951 818 ("the Fund")**

These resolutions are dated on the date that the sole director signs (s 248B Corporations Act 2001 (Cth))

**1. Purpose of written resolution**

The purpose of this written resolution is to authorise the change of name of the Fund from "Eagle Rock Superannuation Fund" to the "Khaliffa Superannuation Fund".

**2. Authority to change name**

The Governing Rules of the Fund permit the Trustee to change the name of the Fund.

**3. Effect of change of name**

Changing the name of the Fund will not constitute a capital gains tax event in respect of the Fund and will not constitute a resettlement of the Fund or the creation of a new superannuation entity.

**4. Change of name: authority to execute deed**

**Resolved** that a deed be signed to formally effect and record the change of name of the Fund.

As the Fund is a self managed superannuation fund, the sole member will, by reason of being the sole Director of the Corporate Trustee of the Fund, have notice of the change of name and the effect of the change of name.

**5. Matters/Actions consequential to the change of name**

The ATO is required to be advised of the change of name within 28 days of the change being effected (SIS Regulation 11.07AA).

**Resolved** the Trustee or the fund administrator is authorised to complete and submit to the ATO a completed form "Change of Details" NAT 3036 to notify the ATO of the change of name.

**Resolved** the Trustee or fund administrator be authorised to alter the asset title records of the fund (including bank accounts, managed fund holdings, share holdings and other asset holdings) to reflect the change of name.

Signed by the sole director of Khaliffa Pty Ltd ACN 163 848 762 as Trustee of Eagle Rock Superannuation Fund

  
.....  
Belinda Richardson – Sole Director

Date: 24, 05, 13

**CHANGE OF TRUSTEE**

**WRITTEN RESOLUTION AND CONSENT – NEW  
TRUSTEE**

**Eagle Rock Superannuation Fund**

**ABN 44 192 951 818**

**Written Resolution of the Sole Director of Khaliffa Pty Ltd ACN 163 848 762 as Trustee of Eagle Rock Superannuation Fund ABN 44 192 951 818 ("the Fund")**

These resolutions are dated on the date that the sole director signs (s 248B *Corporations Act 2001* (Cth))

**1. Invitation to become a SMSF Trustee**

**Noted** that the Company has been invited to become the Trustee of Eagle Rock Superannuation Fund ABN 44 192 951 818 in the place of David Sowter and Belinda Richardson.

**2. Qualifications of sole director**

**Noted** that the sole director named below has confirmed that she is not a disqualified person and therefore can be appointed as and act as a director of a corporate Trustee of a regulated superannuation fund under the *Superannuation Industry (Supervision) Act 1993* (Cth) ("SIS Act").

**3. Consent of sole director**

By signing below, the sole director consents to act as a director of a company which is to act as a corporate Trustee of a regulated superannuation fund under the SIS Act.

**4. Acceptance of invitation**

**Resolved** that the Company accepts the appointment as the sole Trustee of Eagle Rock Superannuation Fund ABN 44 192 951 818, the powers, duties, rights and obligations that entails and that the Company indemnify the retiring Trustees, David Sowter and Belinda Richardson accordingly.

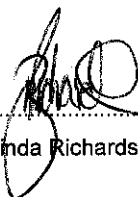
**5. Exit of member**

**Noted** that David Sowter, intends to apply to exit the Fund as a member prior to signing the Deed of Change of Trustee and consequently, the Fund will continue to satisfy the definition of "self managed superannuation fund".

**6. Deed**

**Resolved** that the Company execute a Deed accordingly.

Signed by the sole director of Khaliffa Pty Ltd ACN 163 848 762 as Trustee of Eagle Rock Superannuation Fund ABN 44 192 951 818

  
.....  
Belinda Richardson – Sole Director

Date: 24 / 5 / 13



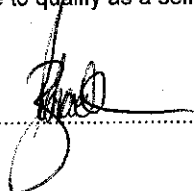
**Self Managed Superannuation Fund – Trustee Consent**

I consent to act as a director of the company which is or will be appointed as the Trustee ("Corporate Trustee") of Eagle Rock Superannuation Fund ABN 44 192 951 818 ("the Fund"). By signing below, I make the following declaration:

- (a) I have attained the age of 18 years;
- (b) I am not an insolvent under administration;
- (c) I have not been convicted of any offence involving unlawful or dishonest conduct, whether in Australia or elsewhere;
- (d) No notice of disqualification has been given to me pursuant to s 126A of the *Superannuation Industry (Supervision) Act 1993 (Cth)* ("SIS Act");
- (e) No civil penalty order under the SIS Act has been made against me; and
- (f) I am not disqualified from managing corporations under Part 2D.6 or any other provisions of the *Corporations Act 2001 (Cth)*. Alternatively, if I am so disqualified, I have obtained leave from the appropriate Regulator or the Court to manage corporations and can act as a director of the Corporate Trustee in accordance with s206F(5) or s206G of the *Corporations Act*.

I understand that should any of the statements listed in (b) to (f) of the above declaration cease to apply to me, I will cease to be eligible to act as director of the Corporate Trustee. If such an event occurs, I undertake to immediately inform the other director(s) of the Corporate Trustee and take any action that may be required in order for the Fund to continue to qualify as a self managed superannuation fund under s 17A of the SIS Act.

Signature: .....



Name of Director: Belinda Richardson

Name of Corporate Trustee: Khaliffa Pty Ltd ACN 163 848 762

Name of Fund: Eagle Rock Superannuation Fund ABN 44 192 951 818

Date: .....

24 / 5 / 13

**CHANGE OF TRUSTEE  
RECORD OF DECISION – RETIRING TRUSTEES**

**Eagle Rock Superannuation Fund  
ABN 44 192 951 818**

**Record of Decision of the Trustees of Eagle Rock Superannuation Fund ABN 44 192 951 818 ("the Fund")**

**1. Change of Trustee**

Noted that Khaliffa Pty Ltd ACN 163 848 762 is willing to act as Trustee of Eagle Rock Superannuation Fund ABN 44 192 951 818 in the place of the Trustees.

Noted that Khaliffa Pty Ltd ACN 163 848 762 and its sole director are not disqualified from acting as Trustee (or as a director of such a company) of a superannuation fund which has elected under s 19 of the *Superannuation Industry (Supervision) Act 1993 (Cth)* to be a regulated superannuation fund.

Noted that the appointment of Khaliffa Pty Ltd ACN 163 848 762 will not cause the superannuation fund to cease to satisfy the definition of "self managed superannuation fund" as defined in the *Superannuation Industry (Supervision) Act 1993 (Cth)*.

**2. Appointment of Trustee**

Resolved that the Trustees appoint Khaliffa Pty Ltd ACN 163 848 762 as the Trustee of Eagle Rock Superannuation Fund ABN 44 192 951 818.

**7. Exit of member**

Noted that David Sowter intends to apply to exit the Fund as a member before signing the Deed of Change of Trustee and consequently, the Fund will continue to satisfy the definition of "self managed superannuation fund".

**3. Resignation of Trustees**

Resolved that the Trustees resign as the Trustees of Eagle Rock Superannuation Fund ABN 44 192 951 818.

**4. Deed**

Resolved that the Trustees execute a Deed to effect the appointment and resignation accordingly.

Signed as a Record of Decision by all of the Trustees of Eagle Rock Superannuation Fund ABN 44 192 951 818



David Sowter - Trustee

Date: 30 / 5 / 13



Belinda Richardson - Trustee

Date: 24 / 5 / 13

**DEED OF CHANGE OF TRUSTEE**

**Eagle Rock Superannuation Fund**

**ABN 44 192 951 818**

THIS DEED is made on the Date set out in the Reference Schedule

BY the Company or Individuals named in the Reference Schedule as the Retiring Trustee or Trustees ("Retiring Trustee")

AND BY the Company or Individuals named in the Reference Schedule as the New Trustee or Trustees ("New Trustee")

#### RECITALS

- A. The Retiring Trustee are the current Trustees of Eagle Rock Superannuation Fund ABN 44 192 951 818 ("the Fund") which was established by Deed dated 22 October 2012 ("the Trust Deed").
- B. The Trust Deed was amended by a Deed of amendment which adopted the SUPERCentral Governing Rules as the Governing Rules of the Fund.
- C. Rule 4 of the Governing Rules permits the change of Trustee of the Fund.
- D. The Retiring Trustee seeks to appoint the New Trustee as the new Trustee of the Fund pursuant to the said Rule 4.
- E. The New Trustee wishes to signify that it and its sole director are not disqualified under the *Superannuation Industry (Supervision) Act 1993* (Cth) ("SIS Act"), that the New Trustee consents to its appointment as the Trustee of the Fund and to the powers, duties, rights and obligations that entails by execution of this Deed.
- F. The Retiring Trustee wishes to resign as the Trustees of the Fund after the appointment in this Deed takes effect.
- G. David Sowter has applied to exit the Fund prior to the execution of this Deed and consequently, the Fund will continue to satisfy the definition of "self managed superannuation fund".

#### OPERATIVE PART

##### 1. Interpretation

- 1.1 In this Deed, unless there is something in the subject or context inconsistent with it:
  - (a) words importing any one gender shall include the other genders;
  - (b) words importing persons shall be deemed to include all bodies and associations, whether corporate or unincorporated and vice versa;
  - (c) words (including defined terms) importing the singular shall include the plural and vice versa;
  - (d) a reference to a clause can be a reference to a distinct clause, sub-clause, paragraph, sub-paragraph or the like to simplify references throughout this Deed;
  - (e) the first letters of words and expressions defined in this Deed are indicated by capital letters for convenience and the absence of a capital letter shall not alone imply that the word or phrase is used with a meaning different from that given by its definition;

- (f) a reference to a statute or regulation, or to a provision of a statute or regulation, includes a reference to that statute, regulation or provision as amended, consolidated, replaced or re-enacted from time to time;
- (g) where the New Trustee are Individuals, a reference to the New Trustee being appointed, consenting to being appointed or not being a disqualified person shall be read as a reference to each individual being appointed, each individual consenting and each individual not being a disqualified person;
- (h) where the Retiring Trustee are Individuals, a reference to the Retiring Trustee resigning shall be read as a reference to each individual resigning; and
- (i) where the Retiring Trustee are Individuals, a reference to the Retiring Trustee being released and indemnified shall be read as a reference to each individual being released and indemnified.

## **2. Changes**

- 2.1 The Retiring Trustee appoints the New Trustee as the Trustee of the Fund in the place of the Retiring Trustee effective as and from the date of this Deed.
- 2.2 The Retiring Trustee resigns as the Trustee of the Fund effective as and from the date of this Deed.
- 2.3 David Sowter has applied to exit the Fund as a member and requested for his benefits to be rolled out of the Fund within 6 months of the date of this Deed.

## **3. Consent and acknowledgements**

- 3.1 The New Trustee consents to its appointment as Trustee of the Fund.
- 3.2 The New Trustee acknowledges to the Retiring Trustee that neither it nor its sole director are disqualified persons under the SIS Act.
- 3.3 The sole director of the New Trustee will be the sole member of the Fund and as a result, the Fund will continue to satisfy the definition of "self managed superannuation fund".
- 3.4 The parties acknowledge that the New Trustee:
  - (a) is to have all of the powers and rights arising from; and
  - (b) will be subject to all of the duties and obligations of a Trustee under; the Governing Rules in relation to the Fund as fully as if the New Trustee had been the original Trustee of the Fund.
- 3.5 The parties must do all things necessary to transfer legal title to the property of the Fund to the New Trustee, including all necessary notifications, registrations and other procedures and formalities.

## **4. Indemnify**

- 4.1 The New Trustee releases and indemnifies the Retiring Trustee from their obligations as Trustees of the Fund under the Trust Deed and from any claims or liabilities arising on or after the date of this Deed. These are claims or liabilities arising in respect of conduct of the Retiring Trustee occurring before the date of this Deed other than conduct which amounts to dishonesty or wilful or gross negligence.

**5. Governing law**

- 5.1 This Deed shall be governed and construed in accordance with the laws of the State or Territory in which the Fund is located and parties submit to the jurisdiction of the courts of that State or Territory and of the Commonwealth of Australia.**

**REFERENCE SCHEDULE – Eagle Rock Superannuation Fund ABN 44 192 951 818**

**Date of Deed**

24, 05, 2013

**Name of Retiring Trustee or Trustees**

David Sower of 31 Peter Whitty Road, Darbys Falls NSW

Belinda Richardson of 31 Peter Whitty Road, Darbys Falls NSW

**Name of New Trustee or Trustees**

Khalifa Pty Ltd ACN.163 848 762 whose registered office is situated at 32 Clay Pit Road, Bumbaldry NSW

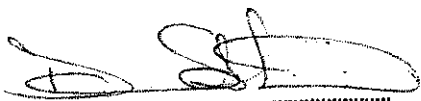
**Name and Current Deed of Superannuation Fund**


Eagle Rock Superannuation Fund ABN 44-192 951 818 established by a Deed dated 22 October 2012 as subsequently amended.



**EXECUTED AS A DEED**

Signed by  
David Sowter  
as Trustee in the presence of:


)   
) .....  
) David Sowter  
)  
)  
)

  
.....  
Signature of Witness

Damon Fleming  
.....  
Name of Witness in Full

4 SCHUKW CT, WARWICK QLD 4500  
.....  
Address of Witness in Full

Signed by  
Belinda Richardson  
as Trustee in the presence of:

)   
) .....  
) Belinda Richardson  
)  
)  
)


  
.....  
Signature of Witness

Matthew John Pullen  
.....  
Name of Witness in Full

376 Newcombe Street, Cooma  
.....  
Address of Witness in Full

**EXECUTED AS A DEED**

Executed by Khaliffa Pty Ltd ACN 163 848 782  
pursuant to s 127 of the Corporations Act 2001 (Cth):

  
.....  
Belinda Richardson – Sole Director/Secretary