



COOPER GRACE WARD
LAWYERS

CHANGE OF TRUSTEE DEED WHITSON SUPERANNUATION FUND

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YDT10226868 3455-2403-9695v1

CHANGE OF TRUSTEE DEED

PARTIES

| | |
|----------------------------|--|
| Continuing Trustees | SALLY JANE WHITSON ALAN GELDARD |
| New Trustee | COLEEN SHIRLEY WHITSON |
| Members | SALLY JANE WHITSON ALAN GELDARD WILLIAM MAXWELL WHITSON |

BACKGROUND

- A. The Continuing Trustees and William Maxwell Whitson were the trustees of the Fund.
- B. William Maxwell Whitson died 15 May 2019
- C. The New Trustee is the legal personal representative of William Maxwell Whitson
- D. Clause 14.3 of the Trust Deed allows the majority of members of the Fund to appoint a new trustee of the Fund.

OPERATIVE PART

1. INTERPRETATION

Definitions

- 1.1 The meanings of the terms used in this deed are set out below.

| Term | Meaning |
|-------------------|---|
| Fund | Whitson Superannuation Fund, particulars of which are set out in the Schedule |
| Trust Deed | the trust deed for the Fund, particulars of which are set out in the Schedule |

Construction

- 1.2 In this deed:
- (a) words in the singular include the plural and vice versa;
 - (b) words indicating any gender indicate the appropriate gender;



- (c) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (d) references to any document (including this deed) include references to the document as amended, consolidated, supplemented, novated or replaced;
- (e) a reference to a statute includes a reference to all enactments amending or consolidating the statute and to an enactment substituted for the statute and any subordinate legislation, including regulations;
- (f) the Schedule forms part of this deed; and
- (g) headings are included for convenience only and do not affect interpretation of this deed.

2. APPOINTMENT

- 2.1 The majority of Members appoint the New Trustee as an additional trustee of the Fund from the date of this deed.
- 2.2 The New Trustee agrees to act as an additional trustee and acknowledges that the Fund is a regulated superannuation fund under the *Superannuation Industry (Supervision) Act 1993* (Cth).
- 2.3 The Continuing Trustees acknowledge the appointment of the New Trustee.

3. COVENANTS

- 3.1 Subject to the Trust Deed, the New Trustee and the Continuing Trustees agree to discharge any liability incurred by the Continuing Trustees in their capacity as the trustees from the assets of the Fund.
- 3.2 The Continuing Trustees agree to do anything necessary to transfer legal title of the Fund assets to the New Trustee and the Continuing Trustees and to enable the New Trustee and the Continuing Trustees to carry out their duties as the trustees.

4. GENERAL

Governing law

- 4.1 This deed will be governed and construed in accordance with the laws of the state or territory of the Commonwealth of Australia in which the deed is executed.

Severability

- 4.2 If any part of this deed is invalid or unenforceable, that part will (if possible) be read down to the extent necessary to avoid the invalidity or unenforceability, or alternatively will be deemed deleted; and this deed will remain otherwise in full force.

No merger

- 4.3 The rights and obligations of the parties contained in this deed will not be extinguished by or upon completion.



SCHEDULE


THE FUND

- (a) Name of the Fund: Whitson Superannuation Fund
- (b) Original trustee: Norbill No. 4 Pty. Ltd.
- Date of Trust Deed: 1 June 1992
- Date of establishment: 1 June 1992
- Variations and related trust documents: Deed of Variation dated 30 August 1994
- Minutes of Meeting of Directors dated 23 March 2000
(changing trustee)
- Minutes of Meeting of Trustees dated 21 August 2000
(changing trustee)
- Deed of Variation dated 27 June 2007



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

SIGNED SEALED AND DELIVERED by SALLY)
JANE WHITSON as Continuing Trustee and)
Member in the presence of:



.....
Witness (not a party to this deed)


.....
SALLY JANE WHITSON

Robert Lawrence
.....
Name of Witness

21/04/2020
.....
Date

SIGNED SEALED AND DELIVERED by ALAN)
GELDARD as Continuing Trustee and Member in)
the presence of:

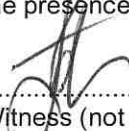

.....
Witness (not a party to this deed)


.....
ALAN GELDARD

ANDREW WHITSON
.....
Name of Witness

31/3/2020
.....
Date

SIGNED SEALED AND DELIVERED by WILLIAM)
MAXWELL WHITSON as Member by his legal)
personal representative Coleen Shirley Whitson in
the presence of:


.....
Witness (not a party to this deed)


.....
COLEEN SHIRLEY WHITSON


Jason Whitmore
.....
Name of Witness

08/04/2020
.....
Date

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SIGNED SEALED AND DELIVERED by **COLEEN**)
SHIRLEY WHITSON as New Trustee in the)
presence of:


.....
Witness (not a party to this deed)

Sharon Whitmore
.....
Name of Witness

08/04/2020
.....
Date


.....
COLEEN SHIRLEY WHITSON

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