

# DECLARATION OF TRUST

HARTMAN SUPER PROPERTIES PTY LTD

ACN 143 212 131

("Security Trustee")

AND

DOLCORP PTY LTD ACN 066 459 461

AS TRUSTEE FOR THE

DOLMAN SUPERANNUATION FUND

("Beneficiary")

MORROWS LEGAL PTY LTD

ABN 44 114 947 063

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## DECLARATION OF TRUST

This Declaration of Trust is made on *29/4/2010*

**BY HARTMAN SUPER PROPERTIES PTY LTD ACN 143 212 131** (the Security Trustee)

### WHEREAS

- A. The Beneficiary advanced money to the Security Trustee for the purposes of purchasing the Trust Property; and
- B. The Security Trustee acquired the Trust Property as the apparent purchaser upon trust for the Beneficiary.

### WHEREBY IT IS DECLARED

- 1 The Security Trustee will hold the Trust Property as a trustee on the terms of this Declaration on a separate trust for the Beneficiary solely.
- 2 The Security Trustee undertakes to the Beneficiary that it will:
  - (a) Deal with the Trust Property and exercise and perform all the rights duties and powers relating to the Trust Property only as directed by the Beneficiary; and
  - (b) Enter any mortgage in respect of the Trust Property as the Beneficiary may direct; and
  - (c) Recognise the right of the Beneficiary to any income or other distributions and will account to the Beneficiary for all income or other distributions paid or made from time to time in respect of the Trust Property.
- 3 The Beneficiary is presently entitled to the Income.
- 4 This Declaration is governed by the law in force in Victoria.
- 5 In this Declaration:  
**Beneficiary** means DOLCORP PTY LTD ACN 066 459 461 as trustee for the DOLMAN SUPERANNUATION FUND;  
**Income** means all distributions which may be received in respect of the Trust Property in an income year.

**Property** means land described as Lot 1, Survey Plan 166764, County of Stanley, Parish of Bulimba and known as Unit 1 53 Metroplex Avenue, Murrarie, Queensland 4170.

**Trust Property** means, in relation to the Beneficiary:

- (a) The Property and rights transferred to or held by the Security Trustee in respect of the Beneficiary;
- (b) All income or other property arising from the Property referred to in paragraph (a) of this definition; and
- (c) An accretion conferred on the Security Trustee in respect of the property referred to in paragraphs (a) and (b) of this definition.

8 Any reference in this Declaration, unless the context requires otherwise, to:

- (a) words indicating the singular include the plural and vice versa;
- (b) a thing includes any part of that thing;
- (c) any of the parties by their defined terms includes that party's executors, administrators or permitted assigns, or being a company, its successors or permitted assigns;
- (d) words importing one gender include every gender;
- (e) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (f) a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this Declaration;
- (g) a reference to this Declaration includes any schedules or annexures;
- (h) the recitals to this Declaration are adopted as and form part of this Declaration;
- (i) a reference to any agreement includes a reference to that agreement as amended, novated, supplemented, varied or replaced from time to time;
- (j) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Declaration or any part of it; and
- (k) a reference to any act of a company includes an act performed in general meeting or on the company's behalf by its directors, officers, employees, share registrars, accountants, solicitors or agents.

**EXECUTED AS A DECLARATION**

**EXECUTED** by **HARTMAN SUPER PROPERTIES**  
**PTY LTD ACN 143 212 131** in accordance with section  
127 of the *Corporations Act 2001*:

  
..... Director

  
..... Director/Secretary