

THIS IS THE LAST WILL AND TESTAMENT of me WIESLAW ZIOLKOWSKI of 43 Pile Street, Marrickville in the State of New South Wales, Geologist.

1. I HEREBY REVOKE all former Wills and Testamentary dispositions heretofore made by me and declare this to be my last Will and Testament.

2. I APPOINT my wife MERRILEE ANN ZIOLKOWSKI and THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 4 Bligh Street, Sydney Executors and Trustees of this my Will AND I DECLARE that wherever the expression "my Trustee" is hereinafter used it shall mean extend to and include the trustee or trustees for the time being of this my Will.

3. I GIVE DEVISE AND BEQUEATH the whole of my property whether real or personal present or future in cash or in kind and whether within Australia or elsewhere to my Trustee UPON TRUST to pay all my just debts funeral and testamentary expenses and all Probate Estate Death Succession and other duties payable in respect of my estate or by reason of my death and to hold the balance of my property then remaining (hereinafter referred to as "my Residuary Estate") UPON TRUST.

4. FIRSTLY to hold my Residuary Estate UPON TRUST for a period of one calendar month from the date of my death and in the event of my wife MERRILEE ANN ZIOLKOWSKI being proved to have survived me for such period of one calendar month but not otherwise I DIRECT my Trustee to stand possessed of my Residuary Estate UPON TRUST for my said wife MERRILEE ANN ZIOLKOWSKI for her sole use and benefit absolutely.

5. SECONDLY in the event of my said wife predeceasing me or failing to survive me for the period of one calendar month as aforesaid then I DIRECT my Trustee to hold my Residuary Estate UPON TRUST for such of my children as shall survive me and who shall attain or shall have attained the age of 18 years and if more than one in equal shares as tenants in common absolutely. BUT I DIRECT that in the event of any of my children predeceasing me or having survived me failing to attain the age of 18 years leaving a child or children who shall survive me then and in every such case the said child or children (being a grandchild or grandchildren of mine) shall take by way of substitution and if more than one in equal shares per stirpes the share or shares his her or their deceased parent or parents would have taken had such parent or parents survived me and attained a vested

Testament.

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(a) ONE (1) of such equal parts for such of my father FRANK ZIOLKOWSKI and my mother ELIZABETH ZIOLKOWSKI both of

Warwick, Queensland as shall survive me and if more than one in equal shares as tenants in common absolutely;

- (b) THE REMAINING such one (1) equal part for such of my father-in-law RULON WATSON and my mother-in-law BETTY WATSON both of 76 <sup>TERRINA</sup> ~~Tearina~~ Street, Roche's Beach, Tasmania as shall survive me and if more than one in equal shares as tenants in common absolutely.

6. MY TRUSTEE shall have the following powers:

- (a) TO sell (including in respect of all property vested in my Trustee the powers of a trustee for sale), lease, exchange or otherwise deal with assets in my estate on such terms as my Trustee considers expedient as though my Trustee was absolute beneficial owner;
- (b) TO postpone the realization of and to retain the whole or any part or parts of my estate (including property of a terminable or wearing out nature) for so long as my Trustee thinks fit;
- (c) TO borrow with or without security any such sums as my Trustee in my Trustee's absolute discretion thinks fit for any purpose connected with the administration of my estate;
- (d) TO invest and change investments in such manner as my Trustee may in my Trustee's absolute discretion think fit and whether in authorised Trustee securities or not and in all respects as if my Trustee was the beneficial owner without being responsible for any loss thereby occasioned. This power also includes the right to invest in unsecured interest-free loans or other non-income producing assets including property for occupation or use by a beneficiary;
- (e) TO manage any real property for the time being vested in my Trustee upon the trusts of my Will with all the powers in that behalf of any absolute owner;
- (f) TO appropriate my estate or any part thereof in its then actual state and condition to any person taking a share in my estate in full or part settlement or satisfaction of the share of such beneficiary;

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- (c) TO borrow with or without security any such sums as my Trustee in my Trustee's absolute discretion thinks fit for any purpose connected with the administration of my estate;
- (d) TO invest and change investments in such manner as my Trustee may in my Trustee's absolute discretion think fit and whether in authorised Trustee securities or not and in all respects as if my Trustee was the beneficial owner without being responsible for any loss thereby occasioned. This power also includes the right to invest in unsecured interest-free loans or other non-income producing assets including property for occupation or use by a beneficiary;
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- (f) TO appropriate my estate or any part thereof in its then actual state and condition to any person taking a share in my estate in full or part settlement or satisfaction of the share of such beneficiary;
- (g) TO carry on any business of which I am the proprietor or in which I may be interested as shareholder or otherwise at the time of my death and to employ therein the whole or any part of my estate;
- (h) TO raise any part or parts of the vested or presumptive share either capital or income or capital and income of any beneficiary under my Will being under the age

of 18 years and apply the same for the maintenance benefit education or advancement in life of any such beneficiary and for such purpose to pay the same or any part thereof to the guardian or guardians for the time being of such beneficiary without being bound to see to the application thereof.

7. I DIRECT that there shall be no apportionment at my death or at the death of any person beneficially interested under my Will of any rents dividends or other receipts in the nature of income and that all such receipts (including any such receipts which may cover a period wholly or only partially prior to my death or prior to the death of any such beneficiary) shall be treated as if the same had accrued after the date of my death or the death of such beneficiary as the case may be.

8. THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED ("The Company") and any company for the time being subsidiary to The Company are expressly authorised and empowered in the course of or incidental to administration of the trusts and provisions of this will and of my estate to perform ancillary services and special work not normally within the category of services or work performed by an executor or trustee and to retain in addition to The Company's commission all fees commissions and emoluments received for such services or work.

9. I APPOINT as guardians of my infant children the said RULON WATSON and the said BETTY WATSON or the survivor of them. PROVIDED HOWEVER should the said Rulon Watson and the said Betty Watson or the survivor of them be unable or unwilling to act as guardians/guardian of my infant children then I APPOINT my brother RICHARD ZIOLKOWSKI and his wife JAN ZIOLKOWSKI both of 3 Clowes Crescent, Warwick, Queensland or the survivor of them to be guardians/guardian of my infant children.

IN WITNESS WHEREOF I the Testator WIESLAW ZIOLKOWSKI have hereunto set my hand to this my last Will and Testament this 17<sup>TH</sup> day of MARCH One thousand nine hundred and eighty-two.

SIGNED by the Testator as )  
and for his last Will and )  
Testament in the presence )  
of us both present at the )  
same time who at his )  
request and in his sight )  
and presence and in the )

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Testament in the presence )  
of us both present at the )  
same time who at his )  
request and in his sight )  
and presence and in the )  
sight and presence of )  
each other have hereunto )  
set our hands as )  
attesting witnesses: )