

# DEED OF APPOINTMENT AND RETIREMENT OF TRUSTEE

**McLeary Superannuation Fund**

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**Brisbane**  
Maroochydore  
Southport

Affiliated office  
Sydney

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# DEED OF APPOINTMENT AND RETIREMENT OF TRUSTEE

## DATE

## DETAILS OF PARTIES

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Name	Shirley Margaret McLeary ( <b>Continuing Trustee</b> and <b>Member</b> )
Address	54 Currong Street Kenmore Qld 4069

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Name	Shirley Margaret McLeary as Legal Personal Representative for Ian Alfred McLeary ( <b>Retiring Trustee</b> and <b>Member</b> )
Address	54 Currong Street Kenmore Qld 4069

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Name	Bruce Ronald McLeary ( <b>New Trustee</b> )
Address	70 Camelia Street Cannon Hill Qld 4170

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## BACKGROUND

- A. The McLeary Superannuation Fund (**Fund**) was established pursuant to a Deed of Trust dated 31 January 2013 which contained the rules for the Fund (**Trust Deed**).
- B. Pursuant to clause 3.2(b)(ii) of the Trust Deed a trustee ceases to be a trustee of the Fund when the trustee dies.
- C. Pursuant to clause 3.2(a) of the Trust Deed the Members may appoint a new trustee of the Fund.
- D. The parties wish to record the cessation of the Retiring Trustee being a trustee of the fund and the appointment of the New Trustee.

## OPERATIVE PROVISIONS

### 1. CESSATION

The Retiring Trustee, in accordance with clause 3.2(b)(ii) of the Trust Deed, retires as trustee of the Fund with effect from the date of the Retiring Trustee's death.

### 2. APPOINTMENT AND ACCEPTANCE

#### 2.1 Appointment of New Trustee

The New Trustee is, in accordance with clause 3.2(a) of the Trust Deed, appointed to act as trustee of the Fund with effect from the date of this deed.

## **2.2 Acceptance by New Trustee**

The New Trustee accepts the appointment as trustee of the Fund from the date of this deed and agrees to be bound by the restrictions and obligations placed on that position by the provisions of the Trust Deed.

## **3. SECRETARIAL**

The Retiring Trustee, Continuing Trustee and New Trustee will promptly do all things necessary to:

- (a) give effect to the provisions of this deed; and
- (b) transfer and deliver the property of the Fund to the New Trustee jointly with the Continuing Trustee.

## **4. RELEASE AND INDEMNITIES**

### **4.1 Release of Retiring Trustees**

From the date of this deed, the Retiring Trustee is released from all further obligations under the Trust Deed except:

- (a) in relation to any antecedent neglect or default of the Retiring Trustee; and
- (b) the obligations of the Retiring Trustee under clause 3.

### **4.2 Indemnity of Retiring Trustee**

The New Trustee and Continuing Trustee indemnify, to the extent it can be satisfied out of property of the Fund, the Retiring Trustee for all claims, costs (including legal costs on a full indemnity basis), damages, expenses and liabilities of the Retiring Trustee in respect of which the Retiring Trustee would have had a right of indemnity out of the assets of the Fund prior to the date of this deed.

### **4.3 Indemnity by Retiring Trustee**

The Retiring Trustee indemnifies the Continuing Trustee and New Trustee with respect to any successful actions, claims or demands against the Continuing Trustee or New Trustee which may arise from any breach of trust by the Retiring Trustee during the period of conduct of the Fund by the Retiring Trustee where the assets of the Fund are insufficient to satisfy the liability.

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## Execution

**Executed** as a deed.

**SIGNED SEALED AND DELIVERED** by  
**SHIRLEY MARGARET MCLEARY**, in the  
presence of:

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Signature of party

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Signature of witness

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Name of witness (BLOCK LETTERS)

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Date signed

**SIGNED SEALED AND DELIVERED** by  
**SHIRLEY MARGARET MCLEARY AS**  
**LEGAL PERSONAL REPRESENTATIVE**  
**OF IAN ALFRED MCLEARY**, in the  
presence of:

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Signature of party

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Signature of witness

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Name of witness (BLOCK LETTERS)

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Date signed

**SIGNED SEALED AND DELIVERED** by  
**BRUCE RONALD MCLEARY**, in the  
presence of:

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Signature of party

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Signature of witness

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Name of witness (BLOCK LETTERS)

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Date signed