



## **DECLARATION OF TRUST**

## **SUNSHINE FAMILY SUPER**

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# DEED OF DECLARATION OF TRUST

**This Deed is dated:**

## **PARTIES:**

The Trustee: James Sunshine and Susan Sunshine of 132 Balcombe Rd, MENTONE,  
VIC 3194

## **RECITALS:**

- A. James Sunshine and Susan Sunshine ("**Trustee**") is the trustee of SUNSHINE FAMILY SUPER ("**Trust**"), which was established by Deed dated 1 January 2015 ("**Governing Rules**").
- B. The Trustee is desirous of acquiring the asset shown in **Item 1 of the Schedule** ("**Asset**"), to hold in accordance with the Governing Rules of the Trust.
- C. The Trustee declares the acquisition of the Asset, for the amount shown in **Item 2 of the Schedule** ("**Acquisition Cost**"), is to be held on trust and in accordance with the Governing Rules of the Trust for the Trust objects.

## **OPERATIVE PARTS:**

### **1. Acquisition**

- 1.1. The Trustee shall hold Asset from acquisition, in its legal and equitable capacity as trustee of the Trust, for the enjoyment and benefit of the Trust objects.
- 1.2. The Trustee shall apply such of the Trust resources as shall be necessary to fund the acquisition, holding and maintenance thereof.
- 1.3. The Trustee does not, in its own right, offer any funding or financial assistance to the Trust, as a consequence of the acquisition or declaration of trust over the Asset and records the application of the Acquisition Cost for the purpose shown in the Recitals.
- 1.4. The Trustee is authorised, as a consequence of the Governing Rules, to acquire and hold the Asset on behalf of the Trust, and the Trustee has complied with all standards arising under the Governing Rules, as are relevant to the acquisition of the Asset as an asset of the Trust.

### **2. Declaration**

- 2.1 The Trustee declares the Asset as an asset of the Trust, subject to the terms of the Governing Rules of the Trust
- 2.2 The Asset shall be held, dealt with and disposed of in accordance with the Governing Rules of the Trust.

**3. Interpretation**

- 3.1 This Deed is governed by and is to be construed in accordance with the laws of Victoria.
- 3.2 Any provision in this Deed that is held to be illegal, invalid, void, voidable or unenforceable must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable and if it is not possible to read down the provision, that provision is severable without affecting the validity or enforceability of the remaining part of that provision or the other provisions in this Deed.
- 3.3 The terms of this Deed bind the Trustee, and any all successor and additional trustees as shall be appointed from time to time in such capacity over the Trust.

**4. Costs**

- 4.1 The Trustee’s costs in the drawing and execution of this Deed are borne from the Trust assets.

**EXECUTED AS A DEED.**

**The Trustees**

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James Sunshine and Susan Sunshine of 132 Balcombe Rd, MENTONE, VIC 3194:

\_\_\_\_\_  
**James Sunshine**  
Trustee

\_\_\_\_\_  
Witness Name / Signature

**Dated:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**Susan Sunshine**  
Trustee

\_\_\_\_\_  
Witness Name / Signature

**Dated:** \_\_\_\_\_

**Dated:** \_\_\_\_\_



## SCHEDULE

Item	Description
1	Overseas Property Address
2	\$300000

## MINUTES OF MEETING OF THE TRUSTEE OF SUNSHINE FAMILY SUPER

- ON:** 01 July 2016
- LOCATION:** 132 Balcombe Rd, MENTONE, VIC 3194
- CHAIRPERSON** The Chairperson resolved to chair the meeting was: James Sunshine.
- PRESENT:** James Sunshine and Susan Sunshine
- BUSINESS:** At a meeting of the Trustee convened on this date, with the agenda accepted and notice waived, a quorum was noted and the following matters were resolved.
- RESOLUTION:** It is **RESOLVED UNANIMOUSLY** to acquire the Asset (Overseas Property Address) and to execute the Deed of Declaration of Trust marked as **Annexure A**.
- DISCUSSION:** The Chairperson, tabled Annexure A and discussed the Asset acquisition.
- The Chairperson recommended the execution of the Deed of Declaration of Trust, as well as the legal instruments necessary to acquire the Asset.
- The Chairperson is to do all things necessary to execute the legal instruments necessary to effect the matters shown in the Deed of Declaration of Trust, including stamping of the Deed (if required).
- Annexure A is the proposed Deed of Declaration of Trust.**
- CLOSURE** There being no further business the meeting is closed.

This record is made in accordance with section 251 of the *Corporations Act 2001 (Cth)* by:

### **The Chairperson**

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James Sunshine:

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**James Sunshine**  
Chairperson

**Dated:** \_\_\_\_\_

