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Your Reference: Unit Trust – Change Trust Name
Enquiries: Adj Professor, Dr Brett Davies
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Friday, 5 March 2021

Anthony Russo
72 South Street
Brighton VIC 3186
Australia

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Adj Professor, Dr Brett Davies – Partner

Dear Trustee,

Updating the Caolon Unit Trust

Thank you for instructing us to prepare the attached Deed of Variation of your Unit Trust to change the name of the Unit Trust.

How to print your document

When you are satisfied that the document is according to your instructions please:

1. Download the PDF (Don't print directly from the browser.)
2. Print the PDF Printer settings: A4 paper
100% scale (turn off 'fit to page')
3. Print single sided (NOT duplex).
4. Once signed keep this covering letter with the document
(However, do not staple the covering letter to the document.)

We confirm that we act for:

Anthony Russo
72 South Street, Brighton VIC 3186, Australia

Trustee of the CWA Unit Trust (Trust).

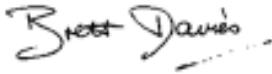
The Deed of Variation updates the name of your Unit Trust. The name of the Unit Trust is usually just a 'nick-name'. Unlike, say a Company Name, business name (that is registered) or a human name (that has a birth certificate) the Unit Trust name is not usually registered anywhere. It is just used by you and your accountant to help identify your Unit Trust.

We make special mention of the enclosed Minute regarding you needing to hold and retain, forever, original deeds. If you do not retain original signed deeds, you will not be able to open bank accounts or borrow money. Copies are not good enough. Insure that

both you and your accountant retain original deeds. They are precious and usually impossible to replace.

This now concludes the matter. Thank you for your instructions.

Yours sincerely,



Adj Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD
National Taxation Partner
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Depending how you answer the questions the document and our letter may be different.

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*Dr Brett Davies
Partner
Legal Consolidated Barristers & Solicitors*

Resolution by the Trustees to change the Trust Name

Held At Dated this day of

Present:

Anthony Russo
72 South Street, Brighton VIC 3186, Australia

Quorum: It was noted that a quorum was present at the meeting.

Notice of Meeting: It was noted that all Trustees received notice of this meeting and that all consent to the meeting being held and waive any requirement for any specified period of the notice of the meeting. It was resolved unanimously that the meeting is validly constituted regardless of any failure to give notice as required under any rules, constitutions or the *Corporations Act*.

Chairperson: It was resolved that the person signing these minutes be the chairperson (Chairperson).

Upon tabling the fully executed Deed of Variation (in triplicate) that varies the CWA Unit Trust

IT WAS RESOLVED that:

1. the Trustee adopts the duly executed Deed of Variation to amend the CWA Unit Trust and this on the date to which the Deed of Variation is signed unless this Resolution states another date.
2. authority is given to allow the Deed of Variation to be provided to any relevant lending institutions, as required
3. the Deed of Variation be lodged for stamp duty, if required
4. because of its value and that banks will generally not open bank accounts or provide loans if the bank does not cite original Deeds, the three duly executed Deeds of Variation were protected and stored as follows:
 - a. one Deed of Variation to the accountant
 - b. one Deed of Variation to be kept in the bank vault
 - c. and the final Deed of Variation to be kept by the Trustee of the CWA Unit Trust in the secretary folder
5. the Trustee conducts an audit to ensure that it has original Deeds of the following
 - a. the Trust Deed that established the Trust
 - b. any subsequent deeds of variation

Closure: There being no further business the meeting was declared closed.

Signed as a true and correct record of the meeting immediately after the meeting.

..... Chairperson



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Adj Professor, Dr Brett Davies – Partner

Deed of Variation to Update the CWA Unit Trust

(formerly known as the Caolon Unit Trust)

The Caolon Unit Trust is between:

Anthony Russo
72 South Street, Brighton VIC 3186, Australia

There are many reasons why you may want to update or change your Unit Trust Name:

1. Correct spelling errors in the Unit Trust name (e.g. Smitth Unit Trust)

1 Background

- 1.1 The Caolon Unit Trust was created by a deed dated 16 March 2009, together with amending deeds (Trust Deed).
- 1.2 The Trustee has examined the Trust Deed (or sought legal advice) and is satisfied that there is power to revoke, add to and vary the terms of the trust under the Trust Deed.
- 1.3 The funds in the Caolon Unit Trust are not vested.
- 1.4 The Trustee seeks to vary the Trust Deed from the date of this Deed of Variation as otherwise stated by minute.

2 Change of Name

- 2.1 The Trust Deed is currently called the Caolon Unit Trust.
- 2.2 The Trust Deed has now changed its name to the CWA Unit Trust. This is on the date that this Deed is signed or some other date as set out in the Resolution by the Trustees to change the Trust Name
- 2.3 In all other respects, the Trust Deed remains unchanged.

3 Severing to reduce tax and stamp duty

- 3.1 The Trust Deed and this Deed of Variation is interpreted to reduce taxes, imposts, duties and stamp duty (including State and federal) (Taxes) and avoid any illegality. If any clause nonetheless fails to reduce Taxes or is illegal, it is severed, read down or fettered, as required, from the Trust Deed or Deed of Variation to the extent of the illegality or in the furtherance of the reduction of the Taxes.
- 3.2 The Trust Deed and this Deed of Variation is read down so that no mandatory taxation law or Taxes, from time to time, is contravened that would lead to an unfavourable taxation position.
- 3.3 For land ownership registration requirements, including where there is a change of Trustee then all powers in the Trust Deed and this Deed of Variation are severed, read down or fettered, as required, and vesting restricted, as required to allow for minimal duty or stamp duty in the relevant jurisdiction.

4 What isn't varied?

All the other terms contained and implied in the Trust Deed remain in full force and effect.

5 Do we use the definitions in the Trust Deed?

Unless the context otherwise requires, the expressions and expressions of similar meaning in this Deed of Variation have the same meanings as in the Trust Deed. This Deed does not alter the rights or entitlements of any classes of the Beneficiaries.

2. Unit Trust business partner, Tim Crowe, has died (e.g. Tan & Crowe Unit Trust)
3. You got rid of your Unit Trust business partner Fred Tan (e.g. Lee and Tan Unit Trust)

6 Deed of Variation versus the Trust Deed

This Deed of Variation is supplemental to the Trust Deed within the meaning of the applicable Property Law Act. If any of the terms of the Trust Deed are inconsistent with the terms of this Deed of Variation, then the terms of this Deed of Variation prevail.

HOWEVER, this Deed of Variation in no way constitutes a resettlement of the Trust Deed or any part of the Trust Fund. If anything in this Deed of Variation would otherwise establish a resettlement of the CWA Unit Trust then the applicable words are read down so as not to constitute a resettlement.

7 When does this Deed of Variation take effect?

Unless otherwise stated in any minutes, this Deed of Variation takes effect on the date of this Deed of Variation.

8 Decision making in more than one place and Notices

- 8.1 This Deed of Variation may be executed in different locations by signing identical copies and all counterparts together constitute the Deed of Variation.
- 8.2 Meetings and decision making can be conducted in more than one place via video conference, Internet or other means.
- 8.3 Notices may be provided via the post or email.

4. *The Unit Trust name is not as clever as you first thought (e.g. Scrooge McDuck Unit Trust)*

9 Interpreting the Deed of Variation

In this Deed of Variation unless the context indicates a contrary intention:

- 9.1 headings are for convenience only and do not affect interpretation
- 9.2 a reference to a 'person' includes a reference to: individual; body corporate (whether incorporated or unincorporated); body politic; association of persons (whether incorporated or unincorporated); partnership; trust; person in the capacity as a trustee; person in the capacity as a beneficiary; Representative of a deceased estate and superannuation fund
- 9.3 the plural includes the singular and vice versa and a reference to any gender includes the other gender
- 9.4 a reference to the Deed of Variation includes a reference to any amendment, novation, variation, supplemental deed or replacement from time to time
- 9.5 a reference to any party to this Deed of Variation includes successors or permitted assigns
- 9.6 a reference to laws in this Deed of Variation refers to those laws as amended or replaced as consistent with the overall purpose of the Deed of Variation and does not lead to an anomaly
- 9.7 a reference to any statute, or any subordinate legislation or instrument includes all statutes, subordinate legislation or instruments amending, modifying, consolidating, re-writing, re-enacting or replacing them and a reference to a statute includes all subordinate legislation and instruments made under that statute

5. *Unit Trust name may upset the ATO or other regulators (e.g. Get out of Tax Unit Trust)*

6. *You may not want to be so obvious that the Unit Trust is also a 'Service Trust' for your main business (e.g. Williams Service Trust)*

EXECUTED as a Deed on20.....

SIGNED, SEALED AND DELIVERED by
Anthony Russo

Anthony Russo

(Signature of witness)

(Name of witness)

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