

EIGHTH SCHEDULE

TRUST DEED FOR THE CHRISTCHURCH RSA TRUST BOARD

(Reference DEC Minutes 5.12.78: Item 50)

THIS TRUST DEED made the 15th day of September 2007 BETWEEN THE CHRISTCHURCH RETURNED AND SERVICES ASSOCIATION INCORPORATED a duly Incorporated Society having its registered office at 74 Armagh Street, Christchurch (hereinafter referred to as "the founder") of the one part AND Russell Ian Barron President and Peter Michael Dawson Vice President and Raymond John Collins Treasurer and the Executive Committee being Gail Lovelle Pritchard and Frederick Bernard Charles Watts and Edwin Douglas Lord and Taungarangi Sheehan and Peter Anthony Dunell and Scott Stephen and Gregory Roose for the time being of the founder and the Trustees for the time being hereof thereafter together with their and each of their successors hereinafter referred to as "the Trustees") of the other part WHEREAS the parties hereto deem it desirable to establish a special trust fund for charitable purposes

AND WHEREAS the founder has paid to the Trustees the sum of \$10.00 as an initial capital sum for the purposes of the trust NOW THIS DEED WITNESSETH AS FOLLOWS:-

1. INTERPRETATION

- (a) The term "trust fund" shall include the said capital sum and other the real and personal property from time to time belonging to or vested in or under the control or management of the Trustee or which shall be vested in them and including the capital and the income thereof and sums of money and property from time to time paid or transferred or donated to the Trustees for the purposes hereof either by the founder or by an RSA Club Inc or by any person or persons or Corporation or Body or Society whether incorporated or unincorporated or by any Company or other donor.
- (b) The terms "Returned Serviceman" and "Ex-Serviceman" however used herein shall have the same meaning as is set forth in respect of those terms in the Rules of the Royal New Zealand Returned And Services' Association (Incorporated).
- (c) The singular shall include the plural.
- (c) The trust hereby created may be called and referred to as "The Christchurch RSA Trust Board".

2. THE PURPOSES OF THE TRUST FUND WHICH SHALL BE LIMITED TO NEW ZEALAND SHALL BE AS FOLLOWS:-

- (a) To assist indigent, aged, sick, disabled or infirm Returned Servicemen and Ex-Servicemen and their wives and dependants.
- (b) To assist indigent, aged, sick or infirm widows of Returned Servicemen and Ex-Servicemen.
- (c) To assist aged or infirm or disabled indigent persons.
- (d) To assist any public charity or any organisation dispensing charity or relieving or caring for the aged or sick or infirm.

- (e) To contribute to any medical research fund or to any school fund or to the education of any person or persons.
- (f) For other charitable purposes as defined in Part IV of the Charitable Trusts Act 1957 and Section 61 (a) thereof or in any Act passed in substitution for the said Act.
- (g) The purposes of the Trust Fund shall in all cases be limited to within New Zealand

3. **CAPITAL AND INCOME**

The Trustees may pay or apply the whole or any part of the trust fund including both the capital and the income thereof in towards all or any of the purposes herein expressed as they may in their absolute discretion decide or they may accumulate any income until the same can in their opinion be usefully applied for all or any of such objects.

4. **SPECIAL TRUSTS**

When property real or personal is accepted by the Trustees upon special trusts declared by the donor thereof all the powers and provisions of these presents shall be deemed to be incorporated in the instrument declaring such special trusts except in so far as the same shall be expressly excluded or modified by or be inconsistent with such special trusts.

5. **The Trustees** may invest the trust fund or any part thereof (with full power to the Trustees from time to time to vary such investments and to substitute and replace the same with others of a different or like nature) in manner following that is to say:-

- (a) Upon such investments as may from time to time be permitted to Trustees by the law for the time being in force in New Zealand relating to the investment of trust funds and in contributory mortgages.
- (b) In the purchase of freehold or leasehold property or personal property of all descriptions in New Zealand.
- (c) In or towards the erection or acquisition of flats or other buildings or the construction or additions or modifications of or to buildings.
- (d) In shares or debentures in any company or companies public or private or on deposit with or through any person firm or company or companies or bank.

6. **The Trustees** shall have full power at their absolute discretion to sell any part or parts of the assets for the time being comprising the trust fund and to invest the proceeds of such sale or any accumulated income in such investments as are hereinbefore authorised and in such manner as they may from time to time determine without being responsible for any loss resulting from such investment.

7. **POWERS OF TRUSTEES**

The Trustees shall (subject to the provisions hereof herein-before contained) have the following general powers that is to say:-

- (a) To sell, exchange, partition, invest, mortgage or otherwise dispose of or deal with any real or personal property or any interest therein as fully and effectively as if they were the absolute owners thereof.

- (b) To borrow money on the security of any property real or personal or any part thereof or without security upon such terms or conditions as to the Trustees shall deem proper.
- (c) To pay all expenses and outgoings incurred in relation to the trusts from time to time repaid in them.
- (d) To let any property for such term or terms at such rent and subject to such conditions as to the Trustees shall appear desirable.
- (e) To accept surrenders of leases upon such terms and subject to such conditions as to the Trustees shall appear desirable.
- (f) To appoint or remove or suspend and to pay or remunerate officers, clerks or servants for services rendered by them as the Trustees may from time to time deem appropriate and to determine the duties and powers and fix the salaries or remuneration of any such persons.
- (g) To repair and maintain or otherwise improve and to insure against loss or damage by fire or otherwise real or personal property held by the Trustees including power to insure for replacement and to discharge out of income or capital all outgoings properly payable in respect of such property without prejudice to the right of the Trustees to make it a condition of letting any person into the possession of any of the property (whether as tenant at will or otherwise) that such person shall pay and discharge all or any part of such outgoings.
- (h) To seek incorporation in accordance with the provisions of the Charitable Trusts Act 1957.
- (i) To do all such other lawful acts and things as are incidental to or conducive to the attainment of the general purposes of the trusts hereby created.
- (j) No benefit or advantage, whether or not convertible into money or any income of any kind shall be afforded to, or received, gained, achieved or derived by any of the persons as provided for by the Income Tax Act 1994, or therefore, where that person is able, by virtue of that capacity as such person specified therein, in any way (whether directly or indirectly) to determine, or to materially influence in any way the determination of, the nature or the amount of that benefit or advantage or that income or the circumstances in which it is or is to be so received, gained, achieved, afforded, or derived, except as specifically exempted by that section.

8. MEETINGS

A meeting of the Trustees may be held at such time or place as may from time to time be determined. It shall not be necessary for the Trustees to act unanimously, and all power and discretions vested in them may accordingly be exercised by a majority of the Trustees present and voting at any meeting, provided however that at least three Trustees present and voting at any meeting shall be necessary to form a quorum. It shall not be necessary to hold a formal meeting of Trustees, and any resolution in writing signed by all the Trustees shall be effectual to record their decision.

9. MINUTES

Minutes of the proceedings of all meetings of the Trustees shall be recorded in a book to be kept for that purpose by the Secretary be signed by the Chairman of the meeting or of the meeting at which the minutes are read and confirmed and every such minute purporting to be so signed shall be prima facie evidence of the facts therein stated.

10. ACCOUNTS

The Trustees shall keep an account or accounts at such bank or banks (including a savings bank or banks) as they shall from time to time determine and cheques and withdrawals and authorities shall be drawn signed or endorsed as the case may be by such person or persons (including in all instances at least one Trustee) as the Trustees shall from time to time in writing direct.

11. AUDIT

The Trustees shall cause true accounts to be kept in such manner as they think fit of all their receipts, credits, payments and liabilities and all other matters necessary for showing the true state and condition of the trust and such accounts shall be audited at least once in each year by an accountant appointed in that behalf by the Trustees

12. REVOCATION OR ADDITION

It shall be lawful for the Trustees by unanimous resolution to revoke or vary or add to any of the provisions of these presents so long as such revocation or addition is not inconsistent with the general scope of these presents and does not detract from the charitable nature of the organisation.

13. SECRETARY

The Trustees may from time to time appoint a Secretary for such term as the Trustees consider appropriate and may pay to such Secretary such sum by way of remuneration or reimbursement for expenses incurred as they deem fit.

14. It is hereby declared as follows:-

- (a) That assistance may be granted hereunder by the Trustees from time to time by way of grant of money or gift of goods or chattels or other assets.
- (b) That the Trustees may from time to time assist any person or institution or society by way of a loan of money secured or unsecured upon such terms as the Trustees shall decide.
- (c) That the Trustees may in special circumstances contribute to the funeral expenses of any indigent Returned Serviceman or Ex-serviceman.

15. TRUSTEES

- (a) Each of the Trustees hereof being the President or Vice President or Treasurer of the founder shall cease to be a Trustee upon ceasing to hold such office of President or Vice President or Treasurer as the case may be.
- (b) The other Trustees shall hold office at the pleasure of the Executive for the time being of the founder and such Executive shall have the power to remove a Trustee and another to appoint.
- (c) Except as otherwise herein provided the powers of appointing a new Trustee or Trustees shall be exercisable by the Executive for the time being of the founder.
- (d) The total number of Trustees shall not at any time exceed ten.

16. In the event of this Trust being wound up then the balance of the Trust Fund shall be given or transferred to one or more institutions or societies having charitable objects similar to those of this trust as shall be determined by a majority of the members of the founder present in person at the general meeting of the founder, and in default thereof to such one or more institution or institutions or society or societies as a Judge of the High Court of New Zealand shall determine, and such determination shall be final provided that in no circumstances shall any part of the Trust Fund be transferred to the founder or distributed among the members of the founder.

IN WITNESS WHEREOF this Deed has been executed the day and year firstly hereinbefore written.

Date: 18th Day of January in the year of 2010

Russell Ian Barron

President

[Signature]

Peter Michael Dawson

Vice President

[Signature]

Raymond John Collins

Treasurer

[Signature]

Executive Committee being at the time:

Gail Lovelle Pritchard

[Signature]

Frederick Bernard Charles Watts

[Signature]

Edwin Douglas Lord

[Signature]

Taungarangi Sheehan

[Signature]

Peter Anthony Dunell

[Signature]

Scott Stephen

[Signature]

Gregory Roose

[Signature]

Witness:

Name

Lisa Hopping

Signature:

[Signature]

Address:

74 Armagh Street, Christchurch

Date:

18th

Day of

January

in the year of

2010