

THIS DEED OF TRUST was made the 16<sup>th</sup> day of August, 1990

WHEREAS the AUCKLAND PARAPLEGIC & PHYSICALLY DISABLED ASSOCIATION INCORPORATED (in this Deed called "the Association") has resolved to appropriate and set aside from its funds the sum of \$200,399.01 (this said sum together with all other moneys or property transferred to the Trustees after the date of this Deed upon the trusts set forth in this Deed, all investments representing those moneys or property and all accumulations of income arising therefrom being called in this Deed "the Trust Fund") and has appointed the persons named and described in the Schedule to this Deed (called "the Trustees") to administer the Trust Fund for the benefit of members of the Association.

NOW THIS DEED WITNESSES THAT:-

1. THE name of the Trust shall be THE AUCKLAND PARAPLEGIC & PHYSICALLY DISABLED TRUST FUND.
2. THE Trustees shall hold the Trust Fund and administer it for the benefit of members of the Association with the aim of distributing the Trust Fund or such part thereof as the Trustees shall in their absolute and unfettered discretion decide for the maintenance education benefit or advancement in life of such members of the Association as the Trustees shall from time to time select with the object of improving or enhancing the quality and enjoyment of life of such members and of as many of the members of the Association as possible.
3. THE Trustees shall from time to time (but not less often than quarterly) invite applications from members for grants from the Trust Fund, such applications to be in a form prescribed by the Trustees AND the Trustees shall consider

all such applications and deal with the same in all respects as they in their discretion think fit.

4. THE Trustees shall meet not less often than quarterly and shall adopt such procedures at and conduct such meetings as they think fit PROVIDED THAT:-

- (a) The first chairperson shall be VALMA COURTNEY who shall preside at all meetings of the Trustees while she personally remains a Trustee unless in any particular case she is not present or is unable by incapacity or otherwise or is unwilling to act, in which case the Trustees present shall elect their own chairperson for that particular meeting.
- (b) The quorum for all meetings of the Trustees shall be one more than 50% of the number of the then subsisting Trustees.
- (c) Each Trustee shall have one vote on all resolutions and the chairperson shall have a casting as well as a deliberative vote.
- (d) The Trustees shall appoint one of their number as secretary whose principal duty shall be to keep proper minutes of all meetings of the Trustees and to deal with all correspondence intended for or from the Trustees.

5. THE Trustees shall keep and maintain proper accounts of all financial transactions and shall operate such bank accounts as they see fit for the purpose of receiving and disbursing funds payable to or by the Trustees. The first treasurer shall be CRAIG STILWELL and the signatories to such bank accounts and any other documentation needing execution for the purposes of the Trust Fund shall be the chairperson and the treasurer.

6. THE office of Trustee shall become vacant if any Trustee:-

- (a) By writing under his or her own hand addressed to the secretary of the Association, resigns office.
- (b) Becomes bankrupt or insolvent.
- (c) Becomes insane or of unsound mind.
- (d) Is convicted of an indictable offence.
- (e) Is absent from three consecutive meetings of the Trustees without leave.
- (f) Dies.
- (g) Is relieved from office by a unanimous resolution of all the other Trustees.

The Association shall be entitled to fill as it thinks fit any such vacancy as shall occur.

7. THE Trustees shall present to the Association annually at the Association's Annual General Meeting a report of their activities during the previous year together with a statement of account and balance sheet showing the financial state of the Trust Fund as at the annual balance day of the Association.

8. THE Trustees shall have the following powers:-

- (a) To receive moneys and deposits and other assets and property of whatever nature and description, collect funds and raise money by all lawful means and receive accept and enlist financial and other aid, subscriptions, donations and

bequests from any source and conduct fundraising campaigns.

- (b) To invest the assets of the Trust Fund or any part of them in the spirit and intent of Part II of the Trustee Amendment Act 1988, that is to say, exercising "the care diligence and skill that a prudent person of business would exercise in managing the affairs of others".
- (c) To borrow, or to raise money, to secure the payment of money or the satisfaction or performance of any obligation or liability incurred or undertaken by the Trustees in such manner as the Trustees may think fit and in particular by the mortgage or charge or lien upon the whole or any part of the assets of the Trust Fund (whether present or future) and to redeem or pay off any such security.
- (d) To advance moneys to members of the Association on such terms and conditions as the Trustees think fit.
- (e) To do all such other things as in the opinion of the Trustees are incidental or conducive to the attainment of the aims and powers of the Association or the exercise of any of the powers herein contained.

9. NO Trustee acting or purporting to act in the execution of the trusts of this Deed shall be liable for any loss not attributable to his or her own dishonesty or to the wilful commission or omission by him or her of any act known to him or her to be a breach of trust and in particular no Trustee shall be bound to take or be liable for failure

to take any proceedings against a co-trustee for any breach or alleged breach of trust committed by such co-trustee.

10. ALL acts done by any meeting of Trustees or by any person acting as a Trustee shall, notwithstanding that it may be afterwards discovered that there was some defect in the appointment of any such Trustee or person acting as aforesaid or that they or any of them were for any reason disqualified be as valid as if such person had been duly appointed and was qualified to be a Trustee.

11. SHOULD the Trustees decide to wind up the Trust then all the surplus assets of the Trust Fund after payment of all costs debts and liabilities shall revert to the Association.

THE SCHEDULE

Valma Courtney

Colleen Hall

Craig Stilwell

Russell Jones

The chairperson for the time being of the Auckland  
Paraplegic & Physically Disabled Association Incorporated

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

SIGNED by VALMA COURTNEY in  
the presence of:-

*U. L. Courtney*

*C. P. Baulch* 1/66 KENDERDINE RD,  
DRAUGHTSMAN PAPATOETOE,  
AUCKLAND

SIGNED by COLLEEN HALL in  
the presence of:-

*C. F. Hall*

*C. P. Baulch of AUCKLAND*

SIGNED by CRAIG STILWELL in  
the presence of:-

*Craig Stilwell*

*C. P. Baulch of AUCKLAND*

SIGNED by RUSSELL JONES in  
the presence of:-

*Russell Jones*

*C. P. Baulch*  
OF AUCKLAND

SIGNED by  
in the presence of:-

*Chairperson APP.D.A.*

*C. P. Baulch of AUCKLAND*