

Deed of variation of trust

The Kind Foundation

Deed of variation of trust

Dated 1 October 2023

Parties

Jonathon Mark Purdue, Edward George Heald, Josie Samantha Ogden Schroeder, Emily Jane Walton, Zhi Jian David Wong and Dominic Stephen Bain (Trustees)

Background

- A. By deed dated 28 March 2002 (**Deed**) the parties named as trustees in the Deed declared certain rules for the creation of the Young Men's Christian Association of Christchurch (Inc) Charitable Trust (**Trust**) for the charitable purposes as set out in the Deed.
- B. By deed of variation of charitable trust entered into in May 2017 (**Variation Deed**) the parties named as trustees in the Variation Deed declared certain updated rules for the Trust.
- C. The Trust is incorporated as a charitable trust board and is registered with the Companies Office with the date of registration being recorded as 08 June 1908 and incorporation number 211188.
- D. The Trust is registered as a charity under the Charities Act 2005 with Charities Services with the date of registration being 30 June 2008 and registration number CC32107.
- E. The Trustees are the present Board of Trustees of the Trust.
- F. Clause 10 of the Deed provides that:
- "10.1 The provisions of this deed may be altered, added to, rescinded or otherwise amended by a unanimous resolution passed at a meeting of the Trustees, provided that no such amendment shall detract from the exclusively charitable nature of the Trust, or result in the distribution of its assets on winding up or dissolution for any purpose that is not exclusively charitable."*
- G. As from 30 September 2023, the Trust is no longer affiliated with YMCA New Zealand.
- H. The Trustees wish to exercise the power given to them under clause 10 of the Variation Deed to vary the terms of the existing Trust by replacing it with the terms of the Deed of Declaration of Charitable Trust attached as a schedule to this deed.
- I. The Trustees declare that all Property currently held and which they receive at any time after the date of this deed (the Trust Fund) will be held upon the trusts and

other provisions set out in the Deed of Declaration of Charitable Trust attached as a schedule to this deed.

- J. The Trustees have agreed to sign this deed for the purpose of clearly recording the departure from YMCA New Zealand and setting out the terms of the Trust going forward.

Operative part

1. Definitions and interpretation

- 1.1. In this deed, unless the context otherwise requires:
- 1.2. **Property** means cash, real and personal property of every type, choses in action and all other rights and interests.
- 1.3. **Trust Fund** means all Property transferred to or acquired by the Trustees by whatever means, including all accumulations of income and additions thereto not appropriated to or applied for any other purpose in accordance with this deed.
- 1.4. **Trustees** means the Trustees hereinbefore mentioned or otherwise the Trustee or Trustees for the time being of this Trust.

2. Variation


- 2.1. The Trustees hereby irrevocably exercise the power given to them under clause 10 of the Variation Deed, to vary the terms of the existing Trust by replacing it with the terms of the Deed of Declaration of Charitable Trust attached as a schedule to this deed.

3. Counterparts

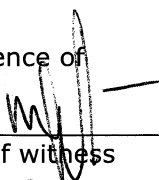
- 3.1. This deed may be executed in any number of counterparts (including email and facsimile copies), all of which, when taken together, will constitute one and the same instrument. A party may enter into this deed by executing any counterpart.
- 3.2. This document will be deemed to be executed by a party if that party has executed an original, a facsimile copy, a photocopy or a PDF or other scanned copy of it.

Signed

Signed by Jonathon Mark Purdue as
Trustee


Trustee

in the presence of


Signature of witness

Mandy Jean Fastier
Full name of witness

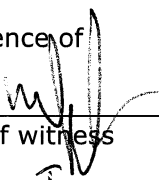
Executive Assistant
Occupation of witness

Christchurch
City/Town of residence of witness

Signed by Edward George Heald as
Trustee


Trustee

in the presence of


Signature of witness

Mandy Jean Fastier
Full name of witness


Executive Assistant
Occupation of witness

Christchurch
City/Town of residence of witness

Signed by Josie Samantha Ogden
Schroeder as Trustee


Trustee

in the presence of

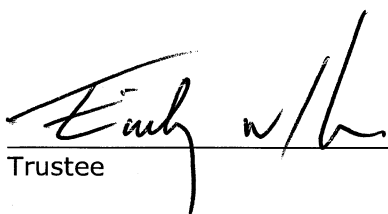

Signature of witness

Mandy Jean Fastier
Full name of witness


Executive Assistant
Occupation of witness

Christchurch
City/Town of residence of witness

Signed by Emily Jane Walton as Trustee


Trustee

in the presence of



Signature of witness

Mandy Jean Fastier
Full name of witness

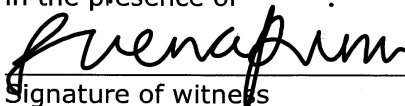
Executive Assistant
Occupation of witness

Christchurch
City/Town of residence of witness

Signed by Zhi Jian David Wong as
Trustee


Trustee

in the presence of


Signature of witness

DA HEA KIM
Full name of witness

PHOTOGRAPHER
Occupation of witness

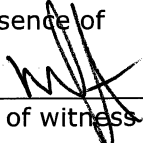
CHRISTCHURCH
City/Town of residence of witness

Schedule 1

Signed by Dominic Stephen Bain as
Trustee

DS Bain
Trustee

in the presence of


Signature of witness

Mandy Jean Fastier
Full name of witness

Executive Assistant
Occupation of witness

Christchurch
City/Town of residence of witness