Deed of Distribution and Indemnity – Estate of Vivienne Joy Dahm

between

RIKI LEE DAHM and COHEN DAHM

and

ROBIN ANDREW SMITH

FitzherbertRowe
LAWYERS

Deed of Distribution and Indemnity

Date: 2025

Parties

RIKI LEE DAHM of Brackenridge, Queensland, Civil Servant and **COHEN DAHM** of Pompano Beach, Floria, Yacht Captain (**Trustees**)

ROBIN ANDREW SMITH of Ongaonga, Retired (**Residuary Beneficiaries**)

Background

A. **VIVIENNE JOY DAHM** (**Testator**) died on 10 May 2023, leaving a Will dated 3 June 2020 (**Will**).

B. The Testator's Will:

(a) Appointed the Trustees as her Executors and Trustees;

(b) Provided for certain gifts and legacies; and

(c) Directed that the residuary estate after payments of debts, funeral and testamentary expenses be held for the Residuary Beneficiary.

C. Probate of the Will was granted on 1 September 2023 to the Trustees.

D. The Trustees have:

(a) Realised the assets comprising the residuary estate;

(b) Paid all the Testator's debts and expenses except the final legal, tax and accounting fees (together called the **Outstanding Debts**).

E. The accounts which are annexed and marked 'A' are a true and accurate account of the assets comprising the residuary estate, being funds in the amount of **$283,702.88** plus any further interest earned from those funds from the date of this deed to the date of distribution pursuant to this deed (**Gross Assets**).

F. The Trustees have not received any notice in respect of any claims against the estate under the Property (Relationships) Act 1976, the Family Protection Act 1955, and/or the Law Reform (Testamentary Promises) Act 1949.

G. The time frame of 6 months from the date of grant of probate has now passed. The Trustees have authorised distribution of the residuary estate of the Testator in accordance with the Will to the Residuary Beneficiary. The Trustees have requested the Residuary Beneficiary provide them an indemnity in respect of this distribution.

This deed records

1. The Trustees will pay the Outstanding Debts out of the Gross Assets and transfer the balance (the Net Assets) in accordance with the Will.

2. The Residuary Beneficiary requests the Trustees to release the funds held for the estate in the trust account of Fitzherbert Rowe Lawyers and to pay such sum to them by way of a distribution from the residuary estate of the Testator.

3. The Residuary Beneficiary agrees not to make any claim whatsoever against the Testator's estate and agrees that the distribution is in full and final settlement of any entitlement they may have from the Testator's estate.

4. The Residuary Beneficiary indemnifies the Trustees against all actions, proceedings, claims, damages, losses, demands, calls, liabilities, costs (including legal costs), and expenses (together to called **Liabilities**) suffered or incurred by the Trustees as a result of the Trustee's trusteeship of the Testator's estate including but not limited to the Trustees making the distribution contemplated by this deed, unless those Liabilities (or any of them) are due to:

   (a) any breach of trust arising from that Trustees' own dishonesty, wilful misconduct, or gross negligence; or

   (b) any breach of the Trustees' obligations under sections 69 or 72 of the Trusts Act 2019 in relation to the appointment of others to act on their behalf.

5. This deed will bind the Residuary Beneficiary, executors and administrators.

6. The parties acknowledge that prior to signing this deed they have either obtained independent legal advice or had the opportunity to do so and chosen not to.

7. This deed may be executed by each signatory in separate counterpart copies, whether originals, photocopies, fax, or electronic copies. When each signatory has executed at least one copy, the separately signed documents when brought together will form a binding legal document.

Signed by

Signed by **RIKI LEE DAHM** as one of the Trustees in the presence of:

_____
RIKI LEE DAHM

_____
Signature of witness

_____
Name of witness

_____
Occupation

_____
Address

Signed by **COHEN DAHM** as one of the Trustees in the presence of:

COHEN DAHM

Signature of witness

Name of witness

Occupation

Address

Signed by **ROBIN ANDREW SMITH** as the Residuary Beneficiary in the presence of:

ROBIN ANDREW SMITH

Signature of witness

Bodee Rutherford Oliver
Solicitor
Whitherbert Rowe
Waipukurau

Name of witness

Occupation

Address

FitzherbertRowe
LAWYERS
Incorporating the practice of DAC Legal

9 Herbert Street
Waipukurau 4200
PO Box 233, Waipukurau 4242
DX MA 77504
T 06 858 8533 F 06 858 8832
www.fitzrowe.co.nz
Offices also at
• Dannevirke • Feilding
• Levin • Palmerston North

Estate V J Dahm
17 Mill Street
Onga Onga 4278

TRUST ACCOUNT STATEMENT

ADMINISTRATION

		DEBIT	CREDIT
BY	Funds advanced from Estate VJ Dahm (sale of business matter) to complete payment of GST		1,966.08
TO	Paid to IRD – payment of GST for VJ Dahm for period ended 31/07/2023	1,966.08	
BY	Funds advanced from Estate VJ Dahm (sale of business matter) to complete payment of BM Accounting invoices		3,211.69
TO	Paid to BM Accounting – invoice for VJ Dahm dated 31/07/2023	1,860.44	
TO	Paid to BM Accounting – invoice for Estate VJ Dahm dated 31/07/2023	1,351.25	
BY	Balance of sale of business funds transferred following payment of all accounts		4,804.67
TO	DAC Legal for VJ Dahm Enduring Powers of Attorney as per invoice dated 31/05/2023	632.50	
BY	Received from ANZ Bank – proceeds of bank accounts of VJ Dahm		270,701.69
BY	Received from ANZ Bank – proceeds of bank accounts of Viv's Companion Services		38,295.35
BY	Received from Farmlands – closure of account sale of shares		500.00
TO	DAC Legal costs and disbursements for probate application and administration as per invoice dated 29/09/2023	5,842.20	
TO	CHB Funeral Services – payment of funeral invoice dated 29/05/2023	16,420.74	

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TO	Paid to Diana Prosser – reimbursement of fuel costs	943.77	
TO	Paid to IRD – payment of GST for Smith/Dahm Partnership	20,580.81	
TO	DAC Legal costs and disbursements for Discharge of Mortgage and administration dated 31/10/2023	1,125.00	
BY	Received from IRD – GST refund for Estate V J Dahm for period ended 30/09/2023		469.11
TO	Paid to BM Accounting as per invoice dated 31/10/2023 for Viv's Companion Services	685.98	
TO	Paid to BM Accounting as per invoice dated 31/10/2023 for GST returns for Viv Dahm personally for July and August 2023	2,001.00	
BY	Interest earned on funds held to 31/12/2023		2,122.25
TO	RWT	700.34	
TO	Commission	159.17	
BY	Received from IRD 16/01/2024 – GST return		73.37
BY	Received from IRD 29/02/2024 – GST return for period ended 31/01/2024		470.06
TO	Paid to BM Accounting as per invoice dated 29/02/2024	1,207.50	
BY	Received from ACC 19/03/2024		960.00
TO	Paid to IRD 20/03/2024 – payment of terminal income tax for Andrew Smith for period ended 31/03/2023	4,948.04	
TO	Paid to IRD 25/03/2024 – payment of terminal income tax for Vivienne t/a Viv's Companion Services for year ended 31/03/2023	22,727.12	
BY	Received from ACC 27/03/2024		862.50
TO	DAC Legal costs and disbursements as per attached invoice dated 31/03/2024	1,437.50	
BY	Interest earned on funds held to 31/03/2024		3,434.66
TO	RWT	1,133.44	

TO	Commission		257.60	
TO	Paid to BM Accounting – invoice dated 31/03/2024 regarding ACC invoices		471.50	
TO	Paid to BM Accounting – invoice dated 31/03/2024 regarding annual financial accounts		2,604.75	
BY	Received from IRD – GST refund for year ended 31/03/2024 for Smith Dahm Partnership			243.29
BY	Received from IRD – GST refund for year ended 31/03/2024 for Estate VJ Dahm			483.54
BY	Interest earned on funds held to 17/06/2024			2,894.02
TO	Withholding Tax		955.03	
TO	Commission		217.05	
BY	Received from ACC – balance of claims			16,445.00
BY	Received from IRD – GST refund for period ended 31/05/2024			401.25
BY	Interest earned on funds held to 30/06/2024			311.05
TO	Resident Withholding Tax		102.65	
TO	Commission		31.11	
TO	Paid to BM Accounting as per invoice dated 31/03/2024 – Annual Accounts 2023 Smith Dahm P/Ship		3,002.77	
TO	Paid to BM Accounting as per invoice dated 30/06/2024 – Annual Accounts Viv's Companion Driver Services		3,719.10	
TO	Paid to BM Accounting as per invoice dated 30/06/2024 – Tax Return 2024 for Estate VJ Dahm		4,163.00	
TO	Paid to BM Accounting as per invoice dated 30/06/2024 – Annual Accounts 2024 Smith Dahm P/Ship		1,765.25	
TO	Paid to IRD – GST for Estate for		1,116.90	
BY	Received from Fisher Funds – kiwisaver withdrawal			48,116.91
BY	Interest earned on funds held to 30/09/2024	3,543.71		

	Less Resident Withholding Tax (RWT)	1,169.42		
	Less Commission	354.37		2,019.92
TO	Fitzherbert Rowe Lawyers – costs and disbursements as per invoice dated 30/09/2024		2,596.13	
TO	Paid to ACC – final ACC levy for 2024 year for Estate Vivienne Joy Dahm as per invoice dated 10/07/2024		122.81	
BY	Received from IRD – GST refund for period ended 30/09/2024 for Smith Dahm Partnership			621.92
BY	Received from IRD – GST refund (IRD No. 019-505-081)			389.20
TO	Paid to BM Accounting – payment of invoice for GST return for Smith Dahm Partnership as per invoice dated 31/10/2024		207.00	
TO	Paid to BM Accounting – payment of invoice dated 31/10/2024 for Zero on Charge for Estate VJ Dahm		155.99	
TO	Paid to BM Accounting – payment of invoice dated 31/10/2024 for GST return for Estate VJ Dahm		189.75	
BY	Interest earned on funds held to 31/12/2024	3,206.82		
	Less RWT	1,058.25		
	Less Commission	320.68		1,827.89
TO	Fitzherbert Rowe – costs and disbursements on administration and distribution of estate as per invoice dated 28/02/2025		1,811.25	
TO	Hold funds pending final tax return and obligations of estate		10,000.00	
BY	Interest earned on funds held to 3/03/2025	2,114.72		
	Less RWT	824.74		1,289.98

TO	Balance	283,702.88	
		$402,915.40	$402,915.40

BY Balance of Estate funds held as at 3 March 2025 to be paid to Robin Andrew Smith pursuant to Will dated 3 June 2020 $283,702.88

E. & O.E.
Fitzherbert Rowe
per:
BRO/VT

3 March 2025
Ref: 546374