

**DOCUMENT & INFORMATION REQUIREMENTS
FOR TRANSFERS BETWEEN
BARE TRUST AND
SUPERANNUATION FUND**

MJHC LEGAL
L A W Y E R S
Superannuation · Property · Wills · Commercial

All correspondence to:
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NOTE: Unless otherwise stated, a reference to Bare Trust is also a reference to Security Trust/SMSF Gearing Bare Trust; a reference to Bare Trustee is also a reference to Security Trustee/Custodian/SMSF Gearing Bare Trustee.

A. ADVISOR/PERSON ORDERING DEED:

Enquiries, documents, invoices will be directed to this person, unless otherwise stated

Person Ordering:			
Firm Name:			
Street Address:			
Suburb/Postcode			
Telephone:		Fax:	
Email:		Signature:	

Correspondence to be sent: Direct to client: ☐ Via advisor/accountant: ☐
(copy will be sent to accountant/advisor)

B. REQUIRED DOCUMENTS: (PHOTOCOPIES OR PDFS)

- | | | |
|---|--------------------|---|
| - Signed Bare Trust Deed and any deed amendments/appointments | Enclosed: | ☐ |
| - Signed & SMSF Deed and all deed amendments/appointments | Enclosed: | ☐ |
| <i>Note: See information contained under 'Missing Documents' if not all SMSF deeds can be provided</i> | | |
| - Certificate(s) of Title: | | |
| - if paper title | Original Enclosed: | ☐ Held by MJHC Legal: ☐ |
| - if electronic title | Control held by: | |
| - Current ASIC Annual Company Statement (If either old or new Trustee is a company) | Enclosed: | ☐ Not applicable: ☐ |
| - Company Constitution (for all companies) | Enclosed: | ☐ Not applicable: ☐ |
| - Signed and dated purchase Contract of Sale * | Enclosed: | ☐ |
| - Signed Nomination Form of replacement purchaser *
(If Bare Trustee was not named as purchaser in Contract) | Enclosed: | ☐ Not applicable: ☐ |
| - Signed SRO Sub-Sales Declaration/Digital Duties Form *
(If Bare Trustee was not named as purchaser in Contract) | Enclosed: | ☐ Not applicable: ☐ |
| - Purchase Settlement Statement/Statement of Adjustments | Enclosed: | ☐ |
| - Signed and dated loan agreement or loan offer from bank/lender | Enclosed: | ☐ |
| - Documentary evidence proving the payment of all purchase monies
<i>Example: copies of relevant bank statements or other evidence showing the source of purchase monies including the deposit monies.</i> | Enclosed: | ☐ |
| - Current Council Rates | Enclosed: | ☐ |
| - Current Water Rates | Enclosed: | ☐ Not applicable: ☐ |
| - Current Land Tax Certificate | Enclosed: | ☐ Not applicable: ☐ |
| - Current Owners Corporation Levy Notice | Enclosed: | ☐ Not applicable: ☐ |
| - If documents are to be signed by an attorney, provide original Power of Attorney or certified copy | Enclosed: | ☐ Not applicable: ☐ |

* These documents are not required if MJHC Legal acted on the purchase conveyancing for the Bare Trust/Fund.

C. THE PROPERTY:

Address of property:

Title Particulars (Volume & Folio details):

Are there separate car parking titles?

No ☐

Yes ☐

Is there a Tenant?

No ☐

Yes ☐

Is there a current written lease?

No ☐

Yes ☐

Brief description of the property and improvements:

(age, nature of building & improvements, made from timber/brick/brick veneer, number of bedrooms (if a residence) etc):

D. THE BARE TRUSTEE:

Bare Trust Name:

(Leave blank if the Bare Trust does not have its own name)

Provide details of current Bare Trustee(s) including name(s) and address(es). If Bare Trustees are individuals, provide dates of birth. ACN (if applicable)

Has the Trustee of the Bare Trust ever changed?

No ☐

Yes ☐

E. THE SUPERANNUATION FUND:

Fund Name:

Fund ABN:

Provide details of current Trustee(s) of the Fund including name(s) and address(es). If Trustees are individuals, provide dates of birth. ACN (if applicable)

Has the Fund Trustee Fund changed since property acquired?

No ☐

Yes ☐

F. PROPERTY TRANSFER INFORMATION:

Effective date of transfer from the Bare Trust to the Fund will be/is

DD/MM/YYYY

(leave blank if not yet known)

When the Bare Trustee first acquired the property, did the Superannuation Fund pay all of the purchase monies including the deposit money?

No ☐

Yes ☐

If no, provide details

Amount provided by Lender

\$

Amount provided by Superannuation Fund

\$

Name and address of property manager (if applicable)

☐

Not applicable

Address to which all future notices concerning the property are to be sent (you, your property manager or some other person if so desirable):

For Minutes of Meeting purposes, the date and address where and when the parties resolved to transfer the property

Date (leave blank if not yet known)

DD/MM/YYYY

Address:

G. MORTGAGES, CHARGES AND CAVEATS:

Is there a registered charge on the Personal Property Securities Register?

No ☐

Yes ☐

If Yes, has the bank/lender agreed to release the property from the charge?

No ☐

Yes ☐

Is there a mortgage (whether registered or unregistered) affecting the property?

No ☐

Yes ☐

If Yes, has the bank/lender agreed to the transfer to the Superannuation Fund?

No ☐

Yes ☐

Is there a caveat affecting the property?

No ☐

Yes ☐

If Yes, has the caveator agreed to the transfer to the Superannuation Fund?

No ☐

Yes ☐

Is the lender a related party or an associate?

No ☐

Yes ☐

Is there any money still owed to bank/lender?

No ☐

Yes ☐

If Yes, approximate balance owing:

\$

If Yes, how and when is this to be repaid by the Fund?

Provide name, address and contact details for bank/lender or caveator or their representative

Is MJHC Legal to arrange for the bank/lender/caveator to prepare and deliver up the property title and release of company charge/mortgage discharge/caveat withdrawal?

No ☐

Yes ☐

If no, it will be the responsibility of the client to arrange for these documents to be supplied to MJHC Legal. This will reduce the additional legal fees that might otherwise be incurred.

H. DOCUMENT DELIVERY:

Prepared documents are to be sent by:

email: ☐

mail: ☐

express post: ☐

Additional Fee of \$13.00 applies

I. COMPLETED INSTRUCTIONS:

Please forward completed instructions to MJHC Legal:

email: mjhc@mjhcllegal.com

mail: PO Box 412, Mount Waverley VIC 3149

Print and review your instructions before submitting and retain printed copy for your file. Adobe Reader will not allow you to save the data in this form.

The Email button will forward your completed Instruction Form to MJHC Legal, Solicitor.

The Reset button will clear all data in the form.

In submitting the completed Instruction Form, the person described in Part A authorises MJHC Legal to prepare the transfer documents and agrees to pay the Fees payable for those packages. You understand that typing/spelling errors or incorrect information given are your responsibility.

Print Form

Submit by Email

Reset

J. MISSING DOCUMENTS:

If you have checked a box that documents are 'not enclosed', you will need to provide copies in order for the property transfer documentation to be completed by MJHC Legal.

In assessing whether a transfer of property from the bare trustee to the superannuation fund Trustee is eligible for duty exemption, the State Revenue Office needs to sight copies of signed and dated Deeds of Establishment, Deeds of Amendment and any Deeds of Trustee Appointment. If there are any missing documents, it will be necessary for MJHC Legal to prepare additional supporting material and an additional fee will apply.

Liability limited by a scheme approved under Professional Standards Legislation