

DOCUMENT & INFORMATION REQUIREMENTS FOR MEMBER TO SMSF TRANSFERS

MJHC LEGAL LAWYERS

Superannuation · Property · Wills · Commercial

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A. ADVISOR/PERSON ORDERING DEED:

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

Person Ordering:			
Firm Name:			
Firm Address:			
Telephone:		Fax:	
Email:		Signature:	

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

B. REQUIRED DOCUMENTS:

- | | | |
|--|------------------------------------|--|
| - Copy 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> | | |
| - Company report (If Trustee is a company) | Enclosed: ☐ | Not applicable: ☐ |
| - Letter from accountant/fund advisor setting out: | Enclosed: ☐ | |
| - Current Member balance for all Funds | | |
| - Total of Member non-concessional contributions to all Funds made in previous 2 financial years, if any | | |
| - Total Member non-concessional contributions to all Funds made to date in current financial year, if any | | |
| - Original Certificate(s) of Title | Enclosed: ☐ | To be supplied: ☐ |
| - Original mortgage discharge or caveat withdrawal forms | Enclosed: ☐ | Not applicable: ☐ |
| - Copy current Council Rates (not an instalment notice) | Enclosed: ☐ | |
| - Copy current Water Rates | Enclosed: ☐ | Not applicable: ☐ |
| - Copy current Land Tax Certificate | Enclosed: ☐ | Not applicable: ☐ |
| - Copy current Owners Corporation Levy Notice | Enclosed: ☐ | Not applicable: ☐ |
| - Copy Market appraisal/valuation. | Enclosed: ☐ | |
| <i>Appraisal/valuation must provide a specific price as market value and not a price range and should not be more than 2 months old</i> | | |
| - Copy current Lease documents | Enclosed: ☐ | Not applicable: ☐ |
| - If documents are to be signed by an attorney, provide original Power of Attorney or certified copy | Enclosed: ☐ | Not applicable: ☐ |

C. THE PROPERTY:

Address of property:

Title Particulars (Volume & Folio details):

Brief description of the property and improvements:
(age, property condition, nature of building & improvements, made from timber/brick/brick veneer etc):

D. 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. If Trustee is a company, provide names of all directors

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:

If there is more than one member transferring, what is the relationship between each of the members:

Is the Fund registered for GST? No ☐ Yes ☐ See accompanying Information Notes - Transfers of Land to SMSFs

Has the Fund paid any amount to any member/transferor or to any other person in respect of the transfer?

No ☐ Yes ☐ If Yes, provide details below

Is the transfer part of a sale or other arrangement under which there exists consideration or value given for the transfer?

No ☐ Yes ☐ If Yes, provide details:

E. PROPERTY TRANSFER INFORMATION:

Have the parties sought advice from their accountant/financial advisers regarding their superannuation balances and how much they can contribute to the Fund? No ☐ Yes ☐

Have the parties sought advice from their accountant/financial advisers regarding the CGT and GST consequences, if any, associated with the property? No ☐ Yes ☐

If you have answered No to either of the above questions, no steps should be taken by the parties to transfer the property until that advice has been sought and provided

Effective date of transfer:

DD/MM/YYYY

The transfer date may have CGT and other implications. It is from this date that the Trustee as new owner is entitled to receive the rent. To avoid rental apportionment, it would be convenient to make the transfer date on which rental is paid.

What is the value of the property?

\$

What proportion of the property is being transferred – whole or only part of it?

If part only, what proportion?

In relation to the property, is the member(s) registered for GST?

No ☐ Yes ☐

If Yes, ABN:

See accompanying Information Notes - Transfers of Land to SMSFs as applicable

Contributing Member details

1st Contributing Member 's Full Name:

Address

Gender:

male: ☐

female: ☐

Date of Birth:

DD/MM/YYYY

Non- Concessional Contribution Value: \$

Concessional Contribution Value: \$

2nd Contributing Member 's Full Name:

Address

Gender: male: ☐ female: ☐ Date of Birth: DD/MM/YYYY

Non- Concessional Contribution Value: \$ Concessional Contribution Value: \$

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):

F. MORTGAGES, CHARGES AND CAVEATS:

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 Member Transferee(s)? No ☐ Yes ☐

Is there a registered charge on the Personal Property Securities Register? No ☐ Yes ☐

Is there a caveat registered against the title to the property? No ☐ Yes ☐

Has the member(s) ever charged their interest in the property in favour of some other person which gives them rights over the property? No ☐ Yes ☐

If Yes, details of release of the charge to be provided Enclosed: ☐ Not enclosed: ☐

G. ADDITIONAL INFORMATION:

If no lease but property is rented, provide details of leasing arrangements including details about tenant, rental amount, when rent adjusted and how, lease term and any special provisions

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@mjhclegal.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 a member to their superannuation fund 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.