

**SELF MANAGED SUPERANNUATION FUND
BINDING DEATH BENEFIT NOMINATION
INSTRUCTION SHEET**

MJHC LEGAL
LAWYERS

Superannuation · Property · Wills · Commercial

All correspondence to:
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A. ADVISOR/PERSON ORDERING BDBN PACKAGE:

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

Person Ordering:

Firm Name:

Street Address:

Suburb/Postcode

Telephone:

Fax:

Email:

Signature:

B. FUND DETAILS:

Fund Name:

Was the existing trust deed established or amended by MJHC Legal?

Yes ☐

No ☐

The fund rules were established/amended by MJHC Legal on:

DD/MM/YYYY

You must forward signed and dated page extracts for deeds prepared by MJHC Legal. In all other cases, you must forward a complete set of all trust deed documents including changes to Trustees.

C. TRUSTEE/FOUNDER INFORMATION:

Is the Trustee a company or individuals?

Company ☐

individual ☐

If the Fund Trustee is a company, enter company details below

Company Name:

ACN:

Enter details of every Individual Trustee or if Company Trustee, details of all directors

1. Full Name:

This person is a: individual trustee: ☐ director: ☐ founder: ☐

Present at Meeting ☐ Not Present at Meeting ☐

2. Full Name:

This person is a: individual trustee: ☐ director: ☐ founder: ☐

Present at Meeting ☐ Not Present at Meeting ☐

3. Full Name:

This person is a: individual trustee: ☐ director: ☐ founder: ☐

Present at Meeting ☐ Not Present at Meeting ☐

4. Full Name:

This person is a: individual trustee: ☐ director: ☐ founder: ☐

Present at Meeting ☐ Not Present at Meeting ☐

D. FOR MINUTES OF MEETING:

Meeting Address:

Address of Member making BDBN unless otherwise stated

Name of Chairperson:

Member making BDBN unless otherwise stated

If not all Trustees/directors were present at Meeting you **must** select one of the following options:

☐ The absent Trustees/directors attended by telephone:

OR

☐ Circulating Resolutions required for signature by all Trustees/directors:

(See Part 0. Important Information)

E. MUTUAL BDBN FOR SPOUSES OR SINGLE BDBN:

Check box for mutual BDBNs only where the Members are each other's spouse. Only details of one Member required for Part F. Complete separate instruction sheet if Members are not spouses or if spouses have different requirements.

In completing this form, a reference to **spouse** includes a reference to defacto or domestic partner being a person with whom the Member is in a bona fide domestic relationship

☐ Mutual BDBNs for two Members being spouses ☐ BDBN for one member only

F. DETAILS OF MEMBER MAKING THE BDBN:

Full Name: DOB:

DD/MM/YYYY

Address:

male: ☐ female: ☐

Has Member signed a previous death benefit nomination? Yes ☐ No ☐

Has Member signed a previous death benefit agreement or equivalent? Yes ☐ No ☐

If Yes to the above, please supply copies

Full Name of spouse: DOB:

DD/MM/YYYY

Address of spouse:

male: ☐ female: ☐

If Spouse is also a Member making a BDBN

Has spouse signed a previous death benefit nomination? Yes ☐ No ☐

Has spouse signed a previous death benefit agreement or equivalent? Yes ☐ No ☐

If Yes to the above, please supply copies

G. NOMINATION:

You should read the accompanying Guide on binding death benefit nominations to ensure that you complete this instruction sheet correctly and identify appropriate Beneficiaries.

Persons nominated as Beneficiaries must either be a dependant as defined under the Superannuation Industry (Supervision) Act and the Superannuation Industry (Supervision) Regulations or the legal personal representative (LPR) of your estate (Member's estate).

The Member's Death Benefit Nomination is to be: ☐ binding **or** ☐ non-binding on Fund Trustees

The Member's Death Benefit Notice will: ☐ Not lapse until the Member revokes it in writing, **or**
☐ Lapse after three (3) years, **or**
☐ Lapse automatically if the Member separates/divorces spouse

You must select one of the following four boxes

- ☐ 1. Pay death benefit to surviving spouse but if no surviving spouse then to the Member's estate, **or**
☐ 2. Pay death benefit to surviving spouse but if no surviving spouse then to named Beneficiaries in Part I, **or**
☐ 3. Pay death benefit to the Member's estate, **or**
☐ 4. Pay death benefit to named Beneficiaries in Part I.

If you have selected either checkbox 2 or 4 you must select one of the following:

If named Beneficiary does not survive the Member then that share of the death benefit is to be paid:

- ☐ Equally between other surviving named Beneficiaries, **or**
☐ To the Member's estate, **or**
☐ Amongst eligible superannuation dependants only, **or**

Options continue over page

- ☐ As determined by SMSF Trustee amongst eligible superannuation dependants and Member's estate, **or**
- ☐ To specific Beneficiary/Beneficiaries (provide details in Part J – Additional Specific Instructions)

H. PENSION:

If and when a pension is being paid to me, on my death I want the pension to be then paid to my surviving spouse ☐ Yes ☐ No

If Yes, this direction about pension payments is to be: ☐ binding **or** ☐ non-binding on Fund Trustees

I. BENEFICIARIES:

If the Member wishes to nominate the Member's estate, write LPR as Beneficiary Name below and write N/A in the address.

Beneficiary Name	Address of Beneficiary	Beneficiary's Relationship to Member	Proportion of Total Member's Benefit Payable to Beneficiary
			%
			%
			%
			%

If a specific beneficiary is to receive a specific fund asset, provide details in Part J.– Additional Specific Instructions – only required if multiple individual beneficiaries.

Total must equal 100%

100%

J. ADDITIONAL SPECIFIC INSTRUCTIONS:

If the Member has any addition specific instructions, please enter them here.

*Provide details of alternative Beneficiaries if a named Beneficiary does not survive the Member and the Member does not want that share to go to the estate or to be divided equally amongst the other named Beneficiaries. **An additional fee may apply.***

*Provide details If a specific beneficiary to receive a specific fund asset or assets. **An additional fee may apply.***

K. DOCUMENT DELIVERY:

Prepared documents are to be sent by:

email: ☐

mail: ☐

express post: ☐

Additional Fee of \$13.00 applies

L. PAYMENT DETAILS:

Payment of Invoice is required before document package delivery unless other arrangements are in place.

Credit Card and bank deposit/internet banking options will be set out in the Invoice.

M. COMPLETED INSTRUCTIONS:

Please forward completed instructions to MJHC Legal:

email: ca@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.

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 new fund documentation and agrees to pay the Fee payable for the new fund. You understand that typing/spelling errors or incorrect information given is your responsibility

Print Form

Submit by Email

Reset

N. IMPORTANT INFORMATION:

Meeting & Resolutions

It is not always a legal requirement that individuals physically attend a meeting of trustees or directors of a corporate trustee. Most modern trust deeds and company constitutions permit teleconferencing. Attendance by telephone can be a convenient method of meeting where parties are physically separated. You must indicate whether or not a party was or will be physically present at a meeting.

A circulating resolution is an alternative to attendance at a meeting in person or by telephone. A circulating resolution requires all parties to sign and date the resolution. It is also necessary for the parties to be provided with all relevant material relating to the resolution. This may not always be convenient or a secure means of safeguarding the material.

Importantly, a circulating resolution does not have any legal effect until the resolution is signed and dated by all required parties. It will also only be effective from the date on which the last signature is obtained to the circulating resolution. For these reasons, physical or telephone attendance at a meeting is preferred over a circulating resolution.

DISCLAIMER:

MJHC Legal prepares documentation based on your written instructions. MJHC Legal is not licensed to provide financial product advice. The rules concerning Self Managed Superannuation Funds change and it may be advisable to request specific advice.

Liability limited by a scheme approved under Professional Standards Legislation.