

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

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.

REQUIRED DOCUMENTS:

- Copy signed Bare Trust Deed and any deed amendments/appointments Enclosed:
- Copy signed & SMSF Deed and all deed amendments/appointments Enclosed:
- Note: See information contained under 'Missing Documents' if not all SMSF deeds can be provided*
- Original Certificate(s) of Title Enclosed: Held by bank/lender:
- Original mortgage discharge or caveat withdrawal forms Enclosed: Held by bank/lender:
- Copy signed and dated purchase Contract of Sale * Enclosed:
- Copy signed Nomination Form of replacement purchaser * Enclosed: Not applicable:
*(If Bare Trustee was **not** named as purchaser in Contract)*
- Copy signed SRO Sub-Sales Declaration * Enclosed: Not applicable:
*(If Bare Trustee was **not** named as purchaser in Contract)*
- Copy purchase Settlement Statement/Statement of Adjustments Enclosed:
- Copy signed and dated loan agreement or loan offer from bank/lender Enclosed:
- Documentary evidence proving the payment of all purchase monies Enclosed:
- Example: copies of relevant bank statements or other evidence showing the source of purchase monies including the deposit monies.*
- Copy current Council Rates Enclosed:
- Copy current Water Rates Enclosed:
- Copy current Land Tax Certificate Enclosed: Not applicable:
- Copy current Owners Corporation Levy Notice Enclosed: Not applicable:
- 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:

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

THE PROPERTY:

1. Address of property:
2. Title Particulars (Volume & Folio details):
3. Brief description of the property and improvements:
(age, property condition, nature of building & improvements, made from timber/brick/brick veneer etc):
4. Since the Bare Trustee became owner has the property been subdivided/consolidated? No: Yes:

THE BARE TRUSTEE:

5. Name of Bare Trust:

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

6. Provide details of current Bare Trustees including name(s) and address(es). If Bare Trustees are individuals, provide dates of birth. If Bare Trustee is a company, provide names of all directors

7. Has the Trustee of the Bare Trust ever changed?

No: Yes:

THE SUPERANNUATION FUND:

8. Name of Fund:

9. Provide details of current Trustee 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

10. Has the Fund Trustee Fund changed since property acquired?

No: Yes:

PROPERTY TRANSFER INFORMATION:

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

 / /

(leave blank if not yet known)

12. 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.

13. Amount provided by Lender

 \$

14. Amount provided by Superannuation Fund

 \$

15. Name and address of property manager (if applicable)

Not applicable:

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

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

Date: / / (leave date blank if not yet known)

Address:

MORTGAGES, CHARGES AND CAVEATS:

18. If Bare Trustee is a company, is there a registered ASIC charge affecting the company?

No: Yes:

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

No: Yes:

19. 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:

20. Is there a caveat affecting the property?

No: Yes:

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

No: Yes:

21. Is the lender a related party or an associate?

No: Yes:

22. Is there any money still owed to bank/lender?

No: Yes:

If Yes, approximate balance owing:

\$

How and when is this to be repaid by the Fund?

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

24. 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 client responsibility to arrange for these documents to be supplied to MJHC Legal. This will reduce the legal fees that might otherwise be incurred.

ADDITIONAL INFORMATION:

25. 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

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