

**DOCUMENT & INFORMATION REQUIREMENTS
FOR TRANSFERS FROM
SUPERANNUATION FUND TO MEMBER**

REQUIRED DOCUMENTS:

- Copy signed & dated SMSF Deed and all amendments/appointments Enclosed:
Note: See information contained under 'Missing Documents' if not all SMSF deeds can be provided
- Copy of current member accumulation account/benefit statement showing value of member balance Enclosed:
- Original Certificate(s) of Title Enclosed:
- Original mortgage discharge or caveat withdrawal forms Enclosed:
- Copy current Council Rates (not an instalment notice) Enclosed:
- Copy current Water Rates Enclosed:
- Copy current Land Tax Certificate Enclosed: Not applicable:
- Copy current Owners Corporation Levy Notice Enclosed: Not applicable:
- Copy Market appraisal/valuation. *(Should not be more than 2 months old)* Enclosed:
- 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:

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 Trustee became owner has the property been subdivided/consolidated? No: Yes:

THE SUPERANNUATION FUND:

5. Name of Fund:
6. Provide details of Trustee of Fund including name(s) and address(es). If Trustees are individuals, provide dates of birth

THE MEMBER TRANSFEREE(S):

7. Name(s), address(es) and date(s) of birth of member/transferee receiving the property:

8. If there is more than one member transferee, the proportion and value each member is receiving:

PROPERTY TRANSFER INFORMATION:

9. Effective date of transfer: / / this may have CGT and other implications. It is from this date that the member 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.

10. What proportion of property is being transferred – whole or only part of it? If part only, what proportion?

Note: This might be applicable where the Superannuation Fund only holds part of the property

11. Name and address of property manager (if applicable) Not applicable:

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

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

Date: / / Address:

14. Has any person paid any amount to the Superannuation Fund Trustee or to any other person in respect of the transfer?

No: Yes: If yes, provide details.

15. 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.

16. Is the property to become Member's principal residence? No: Yes:

MORTGAGES, CHARGES AND CAVEATS:

16. 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:

17. Is there a caveat affecting the property? No: Yes:

If Yes, has the caveator agreed to the transfer to the Member Transferee(s)? No: Yes:

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

MEMBER ENTITLEMENTS:

18. Has the Fund Trustee held the property in any other capacity?

No: Yes:

19. Date the property first became an asset of the Fund:

/ /

20. Is the member transferee acting in their own capacity?

No: Yes:

ADDITIONAL INFORMATION:

21. 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

22. Advice has been sought from financial advisor and/or accountant concerning Capital Gains Tax and GST implications

No: Yes:

If No, no further action should be taken until that advice has been obtained

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 Fund to a Member 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.

If there are missing SMSF deeds, the following is required:-

1. copies of Fund Financial Statements and Income Tax Returns for last 3 years showing whether the property was dealt with as an asset of the Fund,
2. copy of Contract of Sale for purchase of the property by the Fund (if applicable),
3. copies of Minutes of Meeting resolving that the Fund acquire the property,
4. copies of Minutes of Meeting of Trustees resolving to accept original appointment as Trustees of the Fund,
5. copies of any unsigned and undated SMSF deeds if available,
6. provide information on what steps have been taken to locate missing SMSF deeds and, if possible, explanation about why they cannot be located.

Liability limited by a scheme approved under Professional Standards Legislation