



**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

**E. THE MEMBER TRANSFEREE(S):**

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

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

**F. PROPERTY TRANSFER INFORMATION:**

Effective date of transfer:   
DD/MM/YYYY

*The transfer date 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.*

What proportion of the 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*

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:

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:

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:

[Redacted area]

Is the property to become Member's principal residence?

No  Yes

**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 the transfer to the Member Transferee(s)?

No  Yes

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

[Redacted area]

**H. MEMBER ENTITLEMENTS:**

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

No  Yes

Date the property first became an asset of the Fund:

DDMMYYYY

Is the member transferee acting in their own capacity?

No  Yes

If no, provide details

[Redacted area]

**I. 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

[Redacted area]

Have the parties sought advice from financial adviser and/or accountant concerning Capital Gains Tax and GST implications Associated with the property transfer?

No  Yes

If No, no steps should be taken by the parties to transfer the property until that advice has been sought and provided

**J. DOCUMENT DELIVERY:**

Prepared documents are to be sent by:

email:

mail:

express post:

Additional Fee of \$13.00 applies

## K. COMPLETED INSTRUCTIONS:

Please forward completed instructions to MJHC Legal:

**email:** mjhc@mjhcllegal.com

**fax:** 03 9543 5133

**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.

## L. 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