DOCUMENT & INFORMATION REQUIREMENTS TRANSFERS BETWEEN SUPERANNUATION FUNDS

MJHC LEGAL
LAWYERS
Superannuation · Property · Wills · Commercial

Suite 5
Monash Corporate Centre
750 Blackburn Road
Clayton Vic 3168
t: +61 3 9543 5544

All correspondence to:
PO Box 412
Mount Waverley Vic 3149
www.mjhclegal.com
f: +61 3 9543 5133

A. ADVISOR/PERSON ORDERING DEED:

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

Person Ordering:

Firm Name:

Street Address:

Suburb/Postcode

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 & 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: ☐ 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. (*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: ☐

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):

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

D. THE OLD SUPERANNUATION FUND:

Old Fund Name:

Old Fund ABN:

Is the old Fund registered for GST? No ☐ Yes ☐

Provide details of current Trustee(s) of the old 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 NEW SUPERANNUATION FUND:

New Fund Name:

New Fund ABN:

Is the new Fund registered for GST? No ☐ Yes ☐

Provide details of current Trustee(s) of the new 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

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 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 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 old 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 old 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:

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 release the property from the charge? No ☐ Yes ☐

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 new Superannuation Fund? 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

H. 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

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

I. DOCUMENT DELIVERY:

Prepared documents are to be sent by: email: ☐ mail: ☐ express post: ☐

Additional Fee of $13.00 applies

J. COMPLETED INSTRUCTIONS:

Please forward completed instructions to MJHC Legal:

email: mjhc@mjhclegal.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.

Print Form **Submit by Email** **Reset**

K. 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 between superannuation funds 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