

Application for SMSF Complying Custodian Trust Documentation
(for external lender Property Loans)

Contact Details:

Advisor Name:

Advisor Company:

Postal Address:

Phone: Email:

Payment Details:

Enclosed is payment for a SMSF Complying Custodian Trust for \$

Direct Deposit* Cheque

Account name: Super Registry Pty Ltd
Account details: Macquarie Bank
BSB: 183-334
Account: 122 641 285

**If you are paying via direct deposit please use the Company name as the transaction reference*

Existing Fund Details:

If Super Registry is establishing a new Fund for you, tick this box and enter the details of the new fund below.
If you have an existing Fund in place, enter the details of the existing Fund below.

Name of Fund:

Address where the Trustees
will hold their meetings:

Address for Notices:

Establishment date: / /

State law governing the
Funds Trust Deed:

Member details:

Member 1 Name:

Address:

Individual Trustee **or** Director of Corporate Trustee

Member 2 Name:

Address:

Individual Trustee **or** Director of Corporate Trustee

Member 3 Name:

Address:

Individual Trustee **or** Director of Corporate Trustee

Member 4 Name:

Address:

Individual Trustee **or** Director of Corporate Trustee

Non-Member Trustee Details:

If the Fund is a single Member Fund with a Trustee *who is not a Member*, enter the non-Member Trustee details below.

Name:

Address:

Individual Trustee **or** Director of Corporate Trustee

Trustee Details where Trustee is a Company:

Company Name:

Company Chairman:

Company ACN: - -
.....

Registered address:

Details of Custodian Trust:

Tick if you would like Super Registry to register a new Company as the Custodian Trustee.
If you are registering a new Company, please attach a Company Registration order form.

Custodian Trustee Name:

.....

ACN:

- -

.....

Name of the Custodian Trust:

.....

Address for Meetings:

.....

Address for Notices:

.....

Director 1:

.....

Director 2:

.....

Director 3:

.....

Director 4:

.....

Who will act as Chairman of the Company?

.....

Loan Details:

Lender Name:

.....

ACN:

- -

.....

Property purchase price: \$

.....

Loan amount: \$

.....

Loan Commencement Date: / /

.....

Property Details:

Address of Property:

.....

Title Particulars:

Certificate Title:

Volume:

Folio:

.....

Property Type:

Residential Commercial Industrial Rural

Date of Contract:

/ /

.....

Settlement Date:

/ /

.....

Is the Property currently leased?

Yes

No

If Yes, will the lease continue?

Yes (complete section below)

No

If No, is it proposed that the property will be leased after purchase?

Yes

No

Leasee Details (only complete if an existing lease is continuing):

Leasee Name:

.....

ACN:

- -
.....

Address:

.....

Director 1:

.....

Director 2:

.....

Director 3:

.....

Director 4:

.....

Vendor Details:

Vendor Name:

.....

Vendor Address:

.....

Investment Strategy Details:

Only complete this section if you want Super Registry to update the investment strategy of the Fund to include provisions for borrowing and the acquisition of property.

Please enter the percentage investment spread of the Assets the Fund will be investing in:

Asset Type	Investment Spread %
Cash	% to %
Australian Fixed Interest	% to %
International Fixed Interest	% to %
Australian Equities	% to %
International Equities	% to %
Residential, Commercial or Retail Property, either direct, listed or unlisted	% to %

If there is an Asset Type not listed above that the Fund wishes to invest in, list the details of that asset, and its relative investment spread below: Our strategy allows for up to 2 additional Asset types.

Asset Type	Investment Spread %
	% to %
	% to %

Please select an investment objective from the following, ensuring you complete the blank fields:

<input type="checkbox"/>	To achieve an overall investment return of between % and % over a rolling ten year period
<input type="checkbox"/>	To achieve an overall investment return of % above the CPI over a rolling ten year period
<input type="checkbox"/>	To achieve an overall investment return of % above the cash rates over a rolling ten year period

Attachments Required

Please attach the following documents to your order form:

	Attached
Copy of the current SMSF Trust Deed	<input type="checkbox"/>
Copy of the contract for the purchase of property OR if no contract has been signed Title Search of the Property detailing the Title Particulars	<input type="checkbox"/>
If purchasing property from an associated party, evidence of market value	<input type="checkbox"/>
Copy of lease agreement (if a current lease will be continuing after the purchase of the Property), and if the lease is to a related party, evidence of market rent	<input type="checkbox"/>
Copy of the current SMSF Investment Strategy OR Tick this box <input type="checkbox"/> to confirm the constitution has a provision for conflicts of interest of the Directors	<input type="checkbox"/>
Copy of the Constitution of the Custodian Trustee OR Tick this box <input type="checkbox"/> to confirm the constitution has a provision for conflicts of interest of the Directors	<input type="checkbox"/>
Copy of the Constitution of the Lender (if applicable) OR Tick this box <input type="checkbox"/> to confirm the constitution has a provision for conflicts of interest of the Directors	<input type="checkbox"/>
Copy of the Constitution of the SMSF Trustee OR Tick this box <input type="checkbox"/> to confirm the constitution has a provision for conflicts of interest of the Directors	<input type="checkbox"/>

Additional Services:

Do the applicants require any of the following services to be provided by Super Registry Pty Ltd?

	Price \$	YES	NO	Unsure (please ask)
Establishment of an SMSF <i>If Yes, please ensure you have completed the relevant sections of this form</i> ABN / TFN Registration	\$275 \$99	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Establishment of a Company <ul style="list-style-type: none"> • For SMSF Trustee; or • For Custodian Trustee 	\$598	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Upgrade of SMSF Trust Deed The Funds Trust Deed must contain a number of provisions relating to borrowing, the nomination of a Custodian, and the charging of Assets in order to compliantly commence a SMSF Complying Loan. <i>Super Registry</i> will update your Funds Trust Deed so that it complies with the SIS regulations regarding borrowing via a Complying SMSF Loan (instalment warrant).	\$275	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Update of SMSF Investment Strategy The Funds Investment Strategy must make provision for borrowings and the acquisition of property. <i>Super Registry</i> will prepare a detailed Investment Strategy which is ATO and SIS compliant and includes all details required for the SMSF Loan.	\$110	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Detailed Statement of Advice Contact a <i>Super Registry</i> consultant on 1300 776 394 for more information	\$1,650	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please Fax or Email this completed form to Super Registry:

Fax: (03) 8256 0108

Email: info@superregistry.com.au

RELATED PARTY DECLARATION

SELF MANAGED SUPERANNUATION FUND LOAN

NOTE -
You are required to complete this checklist so that legal issues arising from the involvement of “Related Parties” can be identified and addressed in the documentation prepared for you. Terms which appear in bold text are defined at the end of the checklist – please refer to the definitions to make sure that you understand the meaning of those terms.

QUESTIONS

ANSWERS

(PLEASE CIRCLE THE APPLICABLE ANSWER. PROVIDE ADDITIONAL COMMENTS BY WAY OF EXPLANATION IF REQUIRED)

1. Is the Vendor:

- (a) A member, director and/or trustee of the **Fund**;
- (b) a **Person that makes contributions to the Fund**;
- (c) A **Relative** of:
 - (i) a member of the **Fund**; or
 - (ii) a **Person that makes contributions to the Fund**;
- (d) A member, director and/or trustee of a SMSF, or another superannuation fund with fewer than 5 members, of which a member of the **Fund** is also a member;
- (e) A member, director and/or trustee of a SMSF, or another superannuation fund with fewer than 5 members, of which a **Person that makes contributions to the Fund** is also a member;
- (f) A business partner, spouse or child of a business partner, or business partnership, of:
 - (i) a member of the **Fund**; or
 - (ii) a **Person that makes contributions to the Fund**;
- (g) A trustee of a trust, of which the **Control** is held by any one or more of the persons or entities in the categories in paragraphs 1(a) to 1(i) of this Checklist;
- (h) A company subject to the **Influence** of, or in which a **Majority voting interest** is held, by any one or more of the persons or entities in the categories in paragraphs 1(a) to 1(i) of this Checklist; or
- (i) A person or entity that has **Influence** over, or holds a **Majority voting interest** in, a company that makes contributions to the **Fund**.

Yes / No

(Circle “Yes” if the Vendor falls into any of the categories described in paragraphs 1(a) to 1(i))

<p>2. If you have answered “No” to question 1, are you aware of any other connection between the Vendor and persons associated with the Fund (i.e. connections other than those referred to in Question 1)?</p>	<p>Yes / No</p> <p>If “Yes”, please provide details (below) of the connection:</p>
<p>3. (a) What type of interest is the Vendor Proposing to transfer (e.g. freehold, leasehold)?</p> <p>Is the Vendor the legal owner of the real property, or does it hold its interest as beneficiary of a trust?</p>	<p>(a) Freehold / Leasehold</p> <p>(b) Legal owner / Beneficiary</p>
<p>4. Is the real property, or any part of it, to be used for residential or domestic purposes?</p>	<p>Yes / No</p>
<p>5. Is the real property:</p> <p>(a) currently used wholly and exclusively in one or more businesses (whether carried on by the Vendor or others)?</p> <p>(b) To be used wholly and exclusively in one or more businesses (whether carried on by the Vendor or others) upon acquisition by the Trustee/Custodian?</p>	<p>(a) Yes / No</p> <p>(b) Yes / No</p>
<p>6. Is the real property to be acquired at market value?</p>	<p>Yes / No</p>
<p>7. Is the asset to be leased to:</p> <p>(a) A member, director and/or trustee of the Fund;</p> <p>(b) A Person that makes contributions to the Fund;</p> <p>(c) A Relative of:</p> <p>(i) a member of the Fund; or</p> <p>(ii) a Person that makes contributions to the Fund;</p> <p>(d) A member, director and/or trustee of a SMSF, or another superannuation fund with fewer than 5 members, of which a member of the Fund is also a member;</p> <p>(e) A member, director and/or trustee of a SMSF, or another superannuation fund with fewer than 5 members, of which a Person that makes contributions to the Fund is also a member;</p> <p>(f) A business partner, spouse or child of a business partner, or business partnership, of:</p> <p>(i) a member of the Fund; or</p> <p>(ii) a person that contributes to the Fund;</p> <p>(g) A trustee of a trust, of which the Control is held by any one or more of the persons or entities in the categories in paragraphs 7(a) to 7(i) of this Checklist;</p> <p>(h) A company which is subject to Influence, or in which a Majority voting interest is</p>	<p>Yes / No</p> <p>(Circle “Yes” if the lessee falls into any of the categories described in paragraphs 7(a) to 7(i))</p>

<p>held, by any one or more of the persons or entities in the categories in paragraphs 7(a) to 7(i) of this Checklist; or</p> <p>A person or entity that has Influence over, or holds a Majority voting interest in, a company that makes contributions to the Fund.</p>	
<p>8. If you have answered “No” to question 7, are you aware of any other connection between the lessee and persons associated with the Fund (i.e. connections other than those referred to in Question 7)?</p>	<p>Yes / No</p> <p>If “Yes”, please provide details (below) of the connection:</p>
<p>9. Is the Lender:</p> <p>(a) A member, director and/or trustee of the Fund;</p> <p>(b) a Person that makes contributions to the Fund;</p> <p>(c) A Relative of:</p> <p>(i) a member of the Fund; or</p> <p>(ii) a Person that makes contributions to the Fund;</p> <p>(d) A member, director and/or trustee of a SMSF, or another superannuation fund with fewer than 5 members, of which a member of the Fund is also a member;</p> <p>(e)</p> <p>(f) A member, director and/or trustee of a SMSF, or another superannuation fund with fewer than 5 members, of which a Person that makes contributions to the Fund is also a member;</p> <p>(g) A business partner, spouse or child of a business partner, or business partnership, of:</p> <p>(i) a member of the Fund; or</p> <p>(ii) a Person that makes contributions to the Fund;</p> <p>(h) A trustee of a trust, of which the Control is held by any one or more of the persons or entities in the categories in paragraphs 9(a) to 9(i) of this Checklist;</p> <p>(i) A company subject to the Influence of, or in which a Majority voting interest is held, by any one or more of the persons or entities in the categories in paragraphs 9(a) to 9(i) of this Checklist; or</p> <p>(j) A person or entity that has Influence over, or holds a Majority voting interest in, a company that makes contributions to the Fund.</p>	<p>Yes / No</p> <p>(Circle “Yes” if the Lender falls into any of the categories described in paragraphs 9(a) to 9(i))</p>
<p>10. If you have answered “No” to question 9, are you aware of any other connection between the Lender and persons associated with the Fund (i.e. connections other than those referred to in Question 9)?</p>	<p>Yes / No</p> <p>If “Yes”, please provide details (below) of the connection:</p>

<p>11 Is the Custodian:</p> <p>(a) A member, director and/or trustee of the Fund;</p> <p>(b) a Person that makes contributions to the Fund;</p> <p>(c) A Relative of:</p> <p>(i) a member of the Fund; or</p> <p>(ii) a Person that makes contributions to the Fund;</p> <p>(d) A member, director and/or trustee of a SMSF, or another superannuation fund with fewer than 5 members, of which a member of the Fund is also a member;</p> <p>(e) A member, director and/or trustee of a SMSF, or another superannuation fund with fewer than 5 members, of which a Person that makes contributions to the Fund is also a member;</p> <p>(f) A business partner, spouse or child of a business partner, or business partnership, of:</p> <p>(i) a member of the Fund; or</p> <p>(ii) a Person that makes contributions to the Fund;</p> <p>(g) A trustee of a trust, of which the Control is held by any one or more of the persons or entities in the categories in paragraphs 11(a) to 11(i) of this Checklist;</p> <p>(h) A company subject to the Influence of, or in which a Majority voting interest is held, by any one or more of the persons or entities in the categories in paragraphs 11(a) to 11(i) of this Checklist; or</p> <p>(i) A person or entity that has Influence over, or holds a Majority voting interest in, a company that makes contributions to the Fund.</p>	<p style="text-align: center;">Yes / No</p> <p style="text-align: center;">(Circle "Yes" if the Custodian falls into any of the categories described in paragraphs 11(a) to 11(i))</p>
<p>12 If you have answered "No" to question 11, are you aware of any other connection between the Lender and persons associated with the Fund (i.e. connections other than those referred to in Question 11)?</p>	<p style="text-align: center;">Yes / No</p> <p style="text-align: center;">If "Yes", please provide details (below) of the connection:</p>

Interpretation

“Control” of a trust –

A person (including an entity) controls a trust if:

- (a) that person has a fixed entitlement to more than 50% of the capital or income of the trust, or is able to appoint or remove the trustee, or a majority of the trustees; or
- (b) the trustee of that trust, or a majority of the trustees, is accustomed or under a formal or informal obligation, or might reasonably be expected, to act in accordance with the wishes or instructions of that person (regardless of whether those instructions or wishes are communicated through other entities).

“Influence” – A person (including an entity) influences a company if the company, or a majority of its directors, is accustomed or under an obligation (whether formal or informal), or might reasonably be expected, to act in accordance with the instructions or wishes of the person (regardless of whether those instructions or wishes are communicated through other entities).

“Majority voting interest” in a company – A person (including an entity) holds a majority voting interest in a company if the person is in a position to cast, or control the casting of, more than 50% of the maximum number of votes that might be cast at a general meeting of the company.

“Person who makes contributions to the Fund” – includes entities and partners in a partnership which makes contributions to the **Fund**

“Relative” in relation to an individual means the following:

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of that individual or his or her spouse;
- (b) the spouse of that individual or of any other person specified in paragraph (a).

“SMSF” – means a self managed superannuation fund

“Vendor” – means the person or entity which owns the asset and is proposing to sell it to the **Fund**

Declaration

- I declare that the information set out in this form is accurate and complete, and I acknowledge that Super Registry and its legal advisers will rely on this information to complete the documentation for the Fund and to prepare the letter of legal oversight.
- I declare that I am authorised to complete this form on behalf of the Trustee of the Fund.

Signature

Name

Date