

Application a SMSF Custodian Trust (Bare Trust) for the
purposes of a Super Fund Borrowing
(for Non-Bank Lender Property Loans)

What you are required to do to order your Documents:

1. Complete all relevant fields in BLOCK LETTERS.
2. Supply a copy of the documents required for legal review noted in section K of this form.

SECTION A (I): PERSON / ADVISOR ORDERING DETAILS

YOUR NAME		Signature	
YOUR COMPANY NAME			
YOUR POSTAL ADDRESS			
DATE OF ORDER	/ /	Your Ref.	
Phone		Fax	Email

SECTION A (II): PAYMENT DETAILS

Enclosed is Payment for SMSF Custodian Trust (Bare Trust) for the sum of \$

- Direct Debit*
 Visa Card
 Mastercard
 Cheque

Card Holder Name			
Credit Card Number	- - -		
Expiry Date	/	Authorised Card Signature	

*To pay by Direct Debit you must have a current Direct Debit arrangement with Topdocs Pty Ltd.
If you would like to arrange for Direct Debit for future purchases please contact Topdocs Pty Ltd on 1300 65 92 42.

SECTION B: DETAILS OF THE SUPER FUND

- If Topdocs is establishing a new Fund for you, tick this box and enter the details of the new Fund below.
 If Topdocs is registering an ABN & TFN for a new Fund, please tick this box (a fee of \$99 applies).
 If Topdocs is varying the Fund's Trust Deed for you, please tick this box.

NAME OF FUND	
Registered address of the Fund	
Establishment date of the Fund	/ /
State law governing the Funds Trust Deed	

SECTION C: TRUSTEE INFORMATION WHERE THE TRUSTEE OF THE SUPER FUND IS A COMPANY

If this is a new company you would like Topdocs to register, please tick this box

Company Name		ACN	-	-
Company Chairman				
Registered Address				
Will the Company occupy this address?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If no, who occupies this office?				
Principal Place of Business				
State of Registration				
Will this be a Sole Purpose SMSF Trustee Company?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Who will act as Secretary for the Company? (optional)				

SECTION D (I): DETAILS OF EACH MEMBER

If Topdocs is registering a company to be Trustee of the Super Fund, please enter the member's date of birth, place of birth, shares allocated, amount paid and class of shares below. Otherwise leave these fields blank.

Member 1	Full name			
Address				
Individual Trustee (please tick if appropriate)	<input type="checkbox"/>	Director of Corporate Trustee (please tick if appropriate)	<input type="checkbox"/>	
Town/City of Birth		State/ Country of Birth		
Date of Birth	/ /	Number of shares allocated to Director		
Price of each share		Class of shares		

Member 2	Full name			
Address				
Individual Trustee (please tick if appropriate)	<input type="checkbox"/>	Director of Corporate Trustee (please tick if appropriate)	<input type="checkbox"/>	
Town/City of Birth		State/ Country of Birth		
Date of Birth	/ /	Number of shares allocated to Director		
Price of each share		Class of shares		

Member 3	Full name		
Address			
Individual Trustee (please tick if appropriate)	<input type="checkbox"/>	Director of Corporate Trustee (please tick if appropriate)	<input type="checkbox"/>
Town/City of Birth		State/ Country of Birth	
Date of Birth	/ /	Number of shares allocated to Director	
Price of each share		Class of shares	

Member 4	Full name		
Address			
Individual Trustee (please tick if appropriate)	<input type="checkbox"/>	Director of Corporate Trustee (please tick if appropriate)	<input type="checkbox"/>
Town/City of Birth		State/ Country of Birth	
Date of Birth	/ /	Number of shares allocated to Director	
Price of each share		Class of shares	

SECTION D (II): NON MEMBER TRUSTEE

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

Trustee 2	Full name		
Address			
Individual Trustee (please tick if appropriate)	<input type="checkbox"/>	Director of Corporate Trustee (please tick if appropriate)	<input type="checkbox"/>

SECTION E: DETAILS OF THE CUSTODIAN TRUST

Tick this box if you would like Topdocs to register a new company as the Custodian Trustee.

Custodian Trustee Name/s			
ACN (if applicable)	-	-	
Name of the Custodian Trust			
Registered Address			
Will the Company occupy this address?	YES	<input type="checkbox"/>	NO <input type="checkbox"/>
If no, who occupies this office?			
Principal Place of Business			
State of Registration			
Who will act as Public Officer for the Company?			

Who will act as Secretary for the Company? (optional)	
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DIRECTOR 1	Full name		
Address			
Town/City of Birth		State/ Country of Birth	
Date of Birth	/ /	Number of shares allocated to Director	
Price of each share		Class of shares	

DIRECTOR 2	Full name		
Address			
Town/City of Birth		State/ Country of Birth	
Date of Birth	/ /	Number of shares allocated to Director	
Price of each share		Class of shares	

DIRECTOR 3	Full name		
Address			
Town/City of Birth		State/ Country of Birth	
Date of Birth	/ /	Number of shares allocated to Director	
Price of each share		Class of shares	

DIRECTOR 4	Full name		
Address			
Town/City of Birth		State/ Country of Birth	
Date of Birth	/ /	Number of shares allocated to Director	
Price of each share		Class of shares	

SECTION F: DETAILS OF LENDER

Lender Name/s			
Address for Notices			
Director 1		Director 2	
Director 3		Director 4	
Who will act as Chairman of the Company?			

Details of the Lender's account to which payments by the Super Fund will be made:

Account Name			
Bank Name			
BSB	-	Account Number	

SECTION G: LOAN DETAILS

Property purchase price	\$		
Loan Amount	\$		
Loan Commencement Date	/ /	Loan Term (years)	
Interest Rate (please provide a benchmark rate – eg ABC Bank Variable home loan rate)			
Repayment Type	<input type="checkbox"/> Interest Only	<input type="checkbox"/> Principal and Interest	
Is the Loan proposed to be secured?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If Yes, by Mortgage or Caveat?	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Caveat	

SECTION H: PROPERTY DETAILS

Address of the Property being purchased				
Title Particulars of the Property	<i>Please attach a Title or Contract of Sale relating to the property</i>			
Property Type	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Rural
Is the Property currently leased?	<input type="checkbox"/> YES		<input type="checkbox"/> NO	
If yes, will the lease continue?	<input type="checkbox"/> YES		<input type="checkbox"/> NO	
If no, is it proposed that the property will be leased after purchase?	<input type="checkbox"/> YES		<input type="checkbox"/> NO	
Lessee Name (if an existing lease is continuing)		ACN	-	-

SECTION I: VENDOR DETAILS

Vendor Name	
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SECTION J: INVESTMENT STRATEGY DETAILS

Only complete this section if you want Topdocs 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 Property, Commercial Property, 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 document 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.

SECTION K: ADDITIONAL SERVICES

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

	PRICE \$	YES	NO	Unsure (please call me)
<p>1. SMSF Trust Deed Review</p> <p>Topdocs Legal lawyers will examine your Trust Deed to ensure it complies with the SIS regulations regarding SMSF Complying Loans.</p>	\$110.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2. Company Constitution review</p> <p>The constitution of the SMSF Trustee Company, the Custodian Trustee Company (if applicable), and the Lender Company must contain provisions for conflicts of interest of the Directors for the Company to be able to participate as a party to the SMSF Complying Loan. Topdocs Legal lawyers will examine your Company constitution to determine if there is a provision for conflicts of interest of the Directors.</p>	\$110.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. Detailed Statement of Advice</p> <p>Contact a Topdocs consultant on 1300 659 242 for more information.</p>	\$1,650.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION L: ATTACHMENTS REQUIRED

Please attach the following documents to your order form:

	ATTACHED
1. Copy of the current SMSF Trust Deed	<input type="checkbox"/>
<p>2. Copy of the contract for the purchase of property</p> <p>OR if no contract has been signed</p> <p>Title Search of the Property detailing the Title Particulars</p>	<input type="checkbox"/>
<p>3. Copy of Constitution of Custodian Trustee</p> <p>OR</p> <p>Tick the following box to confirm the constitution has a provision for conflicts of interest of the Directors. <input type="checkbox"/></p>	<input type="checkbox"/>
<p>4. Copy of Constitution of SMSF Trustee</p> <p>OR</p> <p>Tick the following box to confirm the constitution has a provision for conflicts of interest of the Directors. <input type="checkbox"/></p>	<input type="checkbox"/>

Once completed, please forward this form to Topdocs:

Email: orders@topdocs.com.au

Fax: (03) 8256 0108

Post: Suite 2, Level 2, 22 Albert Road South Melbourne Victoria 3205

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
<p>1. Is the Vendor:</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 style="padding-left: 20px;">(i) a member of the Fund; or</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(i) a member of the Fund; or</p> <p style="padding-left: 20px;">(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 1(a) to 1(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 1(a) to 1(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 align="center">(PLEASE SELECT THE APPLICABLE ANSWER. PROVIDE ADDITIONAL COMMENTS BY WAY OF EXPLANATION IF REQUIRED)</p> <p align="center">Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p>(Select “Yes” if the Vendor falls into any of the categories described in paragraphs 1(a) to 1(i))</p>
<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 align="center">Yes <input type="checkbox"/> / No <input type="checkbox"/></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) <input type="checkbox"/> Freehold <input type="checkbox"/> Leasehold</p> <p>(b) <input type="checkbox"/> Legal owner <input type="checkbox"/> Beneficiary</p>
<p>4. Is the real property, or any part of it, to be used for residential or domestic purposes?</p>	<p>Yes <input type="checkbox"/> / No <input type="checkbox"/></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>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> / No <input type="checkbox"/></p>
<p>6. Is the real property to be acquired at market value?</p>	<p>Yes <input type="checkbox"/> / No <input type="checkbox"/></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 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>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p>(Select "Yes" if the lessee falls into any of the categories described in paragraphs 7(a) to 7(i))</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 <input type="checkbox"/> / No <input type="checkbox"/></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 <input type="checkbox"/> / No <input type="checkbox"/></p> <p>(Select “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 <input type="checkbox"/> / No <input type="checkbox"/></p> <p>If “Yes”, please provide details (below) of the connection:</p>

<p>11 Is the Bare Trust Trustee:</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>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p>(Select "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>Yes <input type="checkbox"/> / No <input type="checkbox"/></p> <p>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 Topdocs 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.

Name

/ /
Date