

FAMILY LAW SUPERSPLITTING DOCUMENTS FOR SMSFs		Please complete all details in block letters
<p><i>This order form can be used to place an order for the relevant documents required to implement a split of superannuation in an SMSF in accordance with div 7A.2 of the Superannuation Industry (Supervision) Regulations 1994 (Cth) (SISR).</i></p> <p><i>Family law splitting is a complex area of law. If you experience any difficulties completing this order form or if there is any doubt whatsoever regarding what is required, we recommend that you contact our firm to arrange a preliminary consultation with one of our senior lawyers on a paid fee basis. Naturally, we would be pleased to assist with your instructions.</i></p>		
Firm ordering (if applicable):		
Person ordering:		
Street address:		
Postal address (if different):		
Phone:	Email:	
Tick here <input type="checkbox"/> if we are to invoice the member personally (otherwise, our invoice will be made out to the person ordering)		
Documents will be delivered by email as PDF files	Tick here <input type="checkbox"/> for hardcopy delivery (fee applies)	

DBA LAWYERS' CLIENT
<p>Note that a lawyer can only act for one client at a time and must avoid conflicts of interests. Thus, DBA Lawyers cannot act for both parties to a relationship breakdown but can act for one party or the fund's adviser or the trustee of the fund. We confirm that we act for the person ordering above unless instructed otherwise and we agree. Each other party must seek their own advice.</p>

NAME OF FUND
Name of SMSF:
Please provide a copy of the current deed which is dated (dd/mm/yyyy):

COMPANY TRUSTEE	
Company name:	
ACN:	
Registered office:	
Full names of all directors	
T1	T2
T3	T4
T5	T6

OR, INDIVIDUAL TRUSTEES (If more than four, please specify in the special instructions)	
T1	Full name:
	Street address:
T2	Full name:
	Street address:

T3	Full name:
	Street address:
T4	Full Name:
	Street address:

MEMBERS	
M1	Full name: <span style="float: right;">T1? <input type="checkbox"/></span>
	Street address:
M2	Full name: <span style="float: right;">T2? <input type="checkbox"/></span>
	Street address:
M3	Full name: <span style="float: right;">T3? <input type="checkbox"/></span>
	Street address:
M4	Full name: <span style="float: right;">T4? <input type="checkbox"/></span>
	Street address:
M5	Full name: <span style="float: right;">T5? <input type="checkbox"/></span>
	Street address:
M6	Full name: <span style="float: right;">T6? <input type="checkbox"/></span>
	Street address:

DETAILS OF THE SPOUSE WHO IS THE BENEFICIARY OF THE SPLIT (non-member spouse)	
Full name:	Date of birth:
Are they departing the Fund or remaining in the Fund?:	
Current address:	

DETAILS OF THE SPOUSE WHOSE INTEREST IS SUBJECT TO THE SPLIT (member spouse)	
Full name:	Date of birth:
Are they departing the Fund or remaining in the Fund?:	
Current address:	

OTHER DETAILS OF THE SPLIT
<p>The split of superannuation relates to (please tick one):</p> <p><input type="checkbox"/> court orders/minutes of consent</p> <p><input type="checkbox"/> a superannuation agreement (as part of a binding financial agreement)</p> <p>Date of orders or agreement:</p> <p>When submitting your order, please provide a copy of the orders/agreement along with the completed order form.</p> <p><i>NB: Where a superannuation agreement is not being signed post-divorce, certain 'separation declaration' requirements apply. We assume these requirements have been complied with for the purposes of the splitting documents we prepare. Note that the scope of our engagement does not cover this aspect.</i></p>

Please specify the type of split if known (please tick one):

Tick here ☐ if the split amount will be allocated to the non-member spouse as a new interest in their name in the Fund

Tick here ☐ if the split amount will be transferred to a nominated fund for the non-member spouse

Tick here ☐ if the split amount will be paid to the non-member spouse as a lump sum payment (subject to a condition of release being met)

*NB: If the split is a multi-stage or cross split, please use a separate order form for each split.*

What is the operative time for the split (if known):

*NB: For superannuation agreements, the operative time is prescribed under s 90XI of the Family Law Act 1975 (Cth).*

If the type of split is a percentage interest split, please specify the percentage:

*NB: The specified percentage applies at the time of the creation of the new interest, the transfer of transferable benefits or the payment of the lump sum.*

If the type of split is a base amount split based on a dollar value, please specify the amount:

*NB: Prescribed interest adjustments generally apply to a base amount split from the operative time to the date of the creation of the new interest, the transfer of transferable benefits or the payment of the lump sum*

If the type of split is a base amount split based on a formula, please describe the formula below:

## FURTHER SERVICES YOU MAY REQUIRE

Do you need any of the following services that generally relate to an SMSF super split:

Additional service	Price	Further info	To order, please tick all relevant check boxes
Change of Trustee	\$400	<a href="#">Click here</a>	<input type="checkbox"/>
SMSF Deed Update	\$500	<a href="#">Click here</a>	<input type="checkbox"/>
New Corporate Trustee	\$938	<a href="#">Click here</a>	<input type="checkbox"/>
Cessation of Member	\$300	<a href="#">Click here</a>	<input type="checkbox"/>
Resignation of Director	\$550	<a href="#">Click here</a>	<input type="checkbox"/>
SMSF to SMSF Roll-Over Kit	\$440	<a href="#">Click here</a>	<input type="checkbox"/>
Admit a Conditional Member	\$800	<a href="#">Click here</a>	<input type="checkbox"/>
Binding Death Benefit Nomination	\$1,250	<a href="#">Click here</a>	<input type="checkbox"/>

## FURTHER ARTICLES ON SUPERSPLITTING

Here are some articles that should assist with relevant background information:

- [SMSFs & Family Law Super Splitting](#)
- [Splitting Documents Should Not Be Overlooked](#)

The documents we prepare comply with the SISR. Please note that the court orders or superannuation agreement do not satisfy the superannuation legislative requirements and significant penalties can be imposed for non-compliance with the SISR.

## SPECIAL INSTRUCTIONS

Note that DBA is not licensed to provide financial product advice under the *Corporations Act 2001* (Cth).

## DOCUMENTS TO BE PROVIDED TO DBA LAWYERS

We summarise below the documents to be provided to DBA Lawyers together with the completed order form:

- a copy of the relevant court orders or binding financial agreement;
- a copy of the SMSF's latest financial statements including member statements;
- a copy of the SMSF's current trust deed;
- if the trustee is a company, a copy of the company's current constitution and ASIC company extract; and
- any other relevant documents or information.