

## SMSF BORROWING — REFINANCE

Firm ordering (if applicable):

Person ordering:

Street address:

Postal address (if different):

Phone:

Email:

Tick here ☐ if we are to invoice the SMSF trustee (otherwise, our invoice will be made out to the person ordering)

Documents will be delivered by email as PDF files

Tick here ☐ for hardcopy delivery (fee applies)

## ASSET

The fund has acquired: real estate ☐ listed shares ☐ unlisted shares ☐ other ☐

Description of asset:

For real estate, please supply the property address and certificate of title information (eg, volume & folio reference(s)) or attach an extract of the title(s). It is important we are provided with exact title details. If in any doubt, consult with the fund's conveyancer to confirm the title details. If you do not provide at least volume and folio references, we may perform a title search and disburse the cost (approx \$20) to you.

**Note:** mortgage, charge or security documents are **not** included in the package and will need to be ordered separately through your preferred provider.

## NAME OF FUND (borrower)

Name of fund:

## SMSF COMPANY TRUSTEE

Company name:

ACN:

Registered office:

Full names of all directors

T1		T2	
T3		T4	

## OR, SMSF INDIVIDUAL TRUSTEES

T1	Full name:	
	Street address:	
T2	Full name:	
	Street address:	
T3	Full name:	
	Street address:	
T4	Full name:	
	Street address:	

<b>NAME OF BARE TRUST</b> (aka 'holding trust', 'security trust')			
Name of bare trust:			
<b>COMPANY BARE TRUSTEE</b>			
Name:		ACN:	
Address of registered office:			
Full names of all directors of company			
1	T1? <input type="checkbox"/>	2	T2? <input type="checkbox"/>
3	T3? <input type="checkbox"/>	4	T4? <input type="checkbox"/>
<b>OR, INDIVIDUAL BARE TRUSTEES</b>			
Note that individual bare trustees are <u>not</u> recommended.			
1	Full name:		T1? <input type="checkbox"/>
	Street address:		
2	Full name:		T2? <input type="checkbox"/>
	Street address:		
3	Full name:		T3? <input type="checkbox"/>
	Street address:		
4	Full name:		T4? <input type="checkbox"/>
	Street address:		

<b>DETAILS OF THE CURRENT LENDER</b>			
<b>Option 1:</b> <input type="checkbox"/> tick if lender is a bank/institution and provide name:			
<b>Option 2:</b> <input type="checkbox"/> tick if lender is the trustee of a related trust ( <i>complete boxes A or B below as applicable</i> )			
<b>Option 3:</b> <input type="checkbox"/> tick if lender is a related company ( <i>complete box A below</i> )			
<b>Option 4:</b> <input type="checkbox"/> tick if lender is the SMSF members ( <i>complete box B below</i> )			
<b>Option 5:</b> <input type="checkbox"/> tick if lender is other natural persons ( <i>complete box B below</i> )			
<b>A. NAME OF RELATED TRUST</b>			
Name of trust:			
<b>B. COMPANY DETAILS</b>			
Company name:		ACN:	
Address of registered office:			
If company is acting as the trustee of a trust, name of trust:			
Full names of all directors of company			
1	T1? <input type="checkbox"/>	2	T2? <input type="checkbox"/>
3	T3? <input type="checkbox"/>	4	T4? <input type="checkbox"/>

B. INDIVIDUAL(S)	
If individual(s) is acting as the trustee of a trust, name of trust:	
1	Full name: T1? <input type="checkbox"/>
	Street address:
2	Full name: T2? <input type="checkbox"/>
	Street Address:

DETAILS OF THE NEW LENDER	
<b>Option 1:</b>	<input type="checkbox"/> tick if lender is a bank/institution and provide name:
<b>Option 2:</b>	<input type="checkbox"/> tick if lender is the trustee of a related trust (complete boxes A, B or C below as applicable)
<b>Option 3:</b>	<input type="checkbox"/> tick if lender is a related company (complete box B below)
<b>Option 4:</b>	<input type="checkbox"/> tick if lender is the SMSF members (complete box C below)
<b>Option 5:</b>	<input type="checkbox"/> tick if lender is other natural persons (complete box C below)

A. NAME OF RELATED TRUST	
Name of trust:	
Company name:	ACN:
Address of registered office:	
Full names of all directors of company	
1	T1? <input type="checkbox"/>
2	T2? <input type="checkbox"/>
3	T3? <input type="checkbox"/>
4	T4? <input type="checkbox"/>

B. COMPANY DETAILS	
Company name:	ACN:
Address of registered office:	
Full names of directors of company	
1	T1? <input type="checkbox"/>
2	T2? <input type="checkbox"/>
3	T3? <input type="checkbox"/>
4	T4? <input type="checkbox"/>

C. INDIVIDUAL(S)	
1	Full name: T1? <input type="checkbox"/>
	Street Address:
2	Full name: T2? <input type="checkbox"/>
	Street Address:

DETAILS AND TERMS OF NEW LOAN (only complete if related party lender)	
Total purchase price of asset: \$	
Amount contributed by borrower: \$	
Amount lent by lender: \$	
Type of loan:	<input type="checkbox"/> principal and interest <input type="checkbox"/> interest only
Interest rate is:	<input type="checkbox"/> fixed <input type="checkbox"/> variable
Interest rate:	% per annum
The interest rate must be certain and capable of being worked out by a third party. For example, it could be expressed as a percentage (eg, x %) or as a benchmark that is readily understood (eg, RBA cash target rate + x %).	
Penalty interest rate (eg, + 2%):	

Term (eg, 7 years):
Repayments:      monthly <input type="checkbox"/> quarterly <input type="checkbox"/> other:
The ATO confirms that a borrowing from a related party must be on arm's length terms. This can often be evidenced by benchmarking the terms to what is offered to SMSFs in the marketplace. Due to the special nature of limited recourse borrowing arrangements, banks often impose tighter restrictions such as a conservative loan-to-value ratio and premium interest rates (and for this reason, benchmarking the terms to the related party's own cost of finance is not necessarily appropriate). We recommend that the trustee collect and retain evidence from independent sources to be able to demonstrate that the loan reflects arm's length terms, in the event of audit.

ALTERATIONS TO CURRENT BARE TRUST			
<b>Note that where either of the below changes are required, this might give rise to stamp duty and CGT risk. Standard pricing <u>will not</u> apply in this case. Please contact our office for a quote.</b>			
Will the new lender require any changes made to the terms of the existing bare or holding trust?	yes <input type="checkbox"/>	no <input type="checkbox"/>	not sure <input type="checkbox"/>
As part of the refinance, will the property have to change from the current bare trustee to a new bare trustee?	yes <input type="checkbox"/>	no <input type="checkbox"/>	not sure <input type="checkbox"/>

NEW BARE TRUSTEE DETAILS <i>(only complete if the bare trustee will change)</i>			
COMPANY TRUSTEE			
Name:		ACN:	
Address of registered office:			
Full names of all directors of company			
1	T1? <input type="checkbox"/>	2	T2? <input type="checkbox"/>
3	T3? <input type="checkbox"/>	4	T4? <input type="checkbox"/>
OR, INDIVIDUAL TRUSTEES			
Note that individual bare trustees are <u>not</u> recommended.			
1	Full name:		T1? <input type="checkbox"/>
	Street address:		
2	Full name:		T2? <input type="checkbox"/>
	Street address:		
3	Full name:		T3? <input type="checkbox"/>
	Street address:		
4	Full name:		T4? <input type="checkbox"/>
	Street address:		

ADDITIONAL DOCUMENTS
Please return this order form with our Costs Agreement and arrange the following to be forwarded to us: <ul style="list-style-type: none"> <li>• copy of the current loan agreement</li> <li>• copy of the bare trust (aka holding or security trust) deed</li> <li>• copy of the SMSF's latest trust deed and</li> <li>• if real estate please provide a copy of the certificate of title to the property (only if easily available).</li> </ul>

SPECIAL INSTRUCTIONS
As a law firm, DBA is not licensed to provide financial product advice under the <i>Corporations Act 2001</i> (Cth).