

PAPSON LEGAL – SMSF BORROWING DOCUMENTATION

Use this form to order SMSF Borrowing Documentation from Papson Legal. Before completing the form, please carefully read the important notes below.

WARNING – STANDARD DOCUMENTATION

Papson Legal's standard borrowing documentation packages include documentation only. Our experience is that to successfully navigate through an SMSF borrowing transaction, co-ordination is required between our firm, the conveyancer and the lender. This is not included with our standard documentation.

In addition, there are significant SMSF legal risks that we will not attend to as part of the limited scope of the standard documentation.

By choosing our standard borrowing documentation, the orderer acknowledges the risks associated with the transaction and we will assume that another adviser will assist to ensure that all aspects of the transaction (including any SMSF legal risks) are dealt with.

If this is your first SMSF borrowing transaction, our recommendation is to choose the premium package. As part of the premium package, we will help co-ordinate the transaction and guide you through all SMSF legal risks.

SCOPE

Both of our standard and premium documentation packages do NOT include the following.

- A review of loan documentation and legal signoff (solicitors certificate) for bank purposes
- An upgrade to the fund's deed (if required) or change of trustee
- Set up of the bare trustee company
- Set up of any related party lender entities
- Stamping of the bare trust

We would be pleased to assist with the above as separate tasks. Please check the relevant boxes that you require and we will contact you discuss your requirements.

WHAT ELSE TO PROVIDE

To assist us with drafting the borrowing documentation, please provide the following, depending on the documentation you require.

- Standard: Copy of certificate of title, copy of contract of sale (particulars).
- Premium: Copy of certificate of title, copy of full contract of sale, copy of fund's current trust deed, conveyancer's contact details.

ORDER INFORMATION

Name of Firm: _____

Contact Person: _____

Mailing Address: _____

Phone Number: _____ Email Address: _____

Tick this box if you would like the documentation in hard copy (we will charge a small postage disbursement on top of our usual fee)

Tick this box if you would like us to invoice the fund's trustee

Tick the box below that indicates what SMSF borrowing package you would like to order:

Type of Lender	Standard	Premium
Bank or Commercial Lender	<input type="checkbox"/>	<input type="checkbox"/>
Related Party Lender	<input type="checkbox"/>	<input type="checkbox"/>

Please read the cover page of this order form carefully. We note that there are a number of additional items that will require attention if you choose the standard documentation.

ASSET BEING ACQUIRED

REAL ESTATE

Is the asset being acquired real estate? Yes No

If Yes, then provide the address and title details (eg, Volume and Folio numbers) below:

Is the real estate being acquired from a related party? Yes No

Is 100% of the real estate being acquired? Yes No (If No, then please contact our office to discuss the structure of the property).

OTHER ASSETS

If the asset is NOT real estate, then indicate what type of asset it is below

Listed shares Shares in a private company Units in a trust Other

List details of asset: _____

SMSF DETAILS

Name of Fund: _____

Please complete the trustee information below for **either** a corporate trustee or individual trustees

CORPORATE TRUSTEE

Company Name: _____

Company ACN: _____

Registered Address of Company: _____

Names of Directors:

Director 1		Director 2	
Director 3		Director 4	

OR INDIVIDUAL TRUSTEES

Full Name and Home Address of Trustee 1: [T1]

Full Name and Home Address of Trustee 2: [T2]

Name and Home Address of Trustee 3: [T3]

Name and Home Address of Trustee 4: [T4]

BARE TRUST DETAILS

CORPORATE BARE TRUSTEE

Have you ordered a company from Papson Legal to be bare trustee? If **yes**, then check this box and provide us with the details on the company order form.

If **not**, then please complete the details below.

Company Name: _____

Company ACN: _____

Registered Address of Company: _____

Names of Directors:

Director 1		Director 2	
Director 3		Director 4	

OR INDIVIDUAL BARE TRUSTEES

Full Name and Home Address of Trustee 1:

Full Name and Home Address of Trustee 2:

Note: it is strongly recommended that the bare trustee is a corporate trustee.

FOR BANK/COMMERCIAL LENDER TRANSACTIONS ONLY

Name of Bank or Commercial Lender: _____

**FOR RELATED PARTY LENDER TRANSACTIONS ONLY:
LENDER DETAILS**

Name of Related Party Lender: _____

Please indicate if the Related Party Lender is one of the following:

Trustee of a Trust A Company One or more Individuals

Complete the relevant details below

CORPORATE LENDER (INCLUDING CORPORATE TRUSTEE)

Company Name: _____

Company ACN: _____

Registered Address of Company: _____

Names of Directors:

Director 1		Director 2	
Director 3		Director 4	

INDIVIDUAL LENDER (INCLUDING INDIVIDUAL TRUSTEES)

Full Name and Home Address of Lender 1:

Full Name and Home Address of Lender 2:

TRUST LENDER

Name of Trust: _____

**FOR RELATED PARTY LENDER TRANSACTIONS ONLY:
LOAN DETAILS**

Total purchase price of Asset: _____

Amount loaned (eg, facility limit): _____

Type of loan: Principal and Interest Interest Only

Interest rate: Fixed Variable

Interest rate (ideally expressed as "RBA Cash Target Rate + x%"): _____

Penalty Interest Rate (usually normal rate + 2%): _____

Loan Term: _____

Repayment Frequency: Monthly Quarterly Other: _____

Note: The terms of the loan (loan to value ratio and interest rate) should reflect arm's length terms. Please contact our office if you are unsure, or to discuss further.

ADDITIONAL INSTRUCTIONS

Are there any additional instructions with this order? _____

Once you have completed this form, please return it to Papson Legal by post (PO Box 1147, Armadale North, Victoria 3143) or email legal@papsonlegal.com.au.

Please contact our office on (03) 9078 4430 or email us if you require further assistance.