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Order form  
**SMSF**  
Amendment

- Urgent orders are e-mailed that day. Otherwise, documents will be sent to you by e-mail within 48 hours of receipt of the order.
- Price includes telephone support & all supporting documents.
- Liability for the taxation or asset protection issues is not accepted unless we have been asked to and given you a written advice.
- For fees on general commercial work, please telephone us to discuss your needs.

## Order Form for SMSF Amendment - Replacing all the Rules

**1 Name of Fund**

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**2 Member Details**

Member 1

Member 2

Full Name

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Member 3

Member 4

Full Name

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**3 Super Fund Trustee Details** (but only if members are not be trustees)

Name

ACN

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Full name of Directors

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**4** Is an employer named in the original or any amending deed? Yes  No

**5** If yes to 4, what is the name of the employer?

**6** If yes to 4, is the employer is still operating? Yes  No

**7 IMPORTANT** In instructing us to proceed you acknowledge that you have read and understood our **attached** outline of the basis on which we will proceed to do the work and the assumptions we will rely on.

**Before we proceed**, you must tell us if any issues arise from what is set out in that outline.

**8 Please note that we normally only send documents to you by e-mail in PDF format.**  
If you don't want them sent by e-mail please cross the box and we will post them to you.

**9 Do you want the deed registered at the Department of Land and Property Information?** Yes  No

**10 Please supply to us the original and any amending deeds**

Name of Firm

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Contact at Firm

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Email Address (to send documents)

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Telephone

Facsimile

Thank you for enquiry about our SMSF update package. Outlined is what makes up our package to update the rules of a SMSF. The outline also sets out the basis on which we will complete the work and certain assumptions that will be relied on. It is very important that you tell us before we start the work if there is anything to the contrary that may affect the SMSF.

The package consists of:

- Signing instructions
- Set up instructions
- Resolutions
- Trust deed

## Resettlement & CGT

It is accepted by the ATO in taxation determination TD 2012/21 and otherwise that a resettlement will not arise for CGT purposes from the update of the SMSF's trust deed by replacing all of the rules so long as:

- the amendment clause is strictly followed;
- there is no simultaneous change in the fund membership;
- there is no change in the fund property;
- there is no diminution of accrued benefits; and
- the fund is, and after the amendment remains, a complying self managed superannuation fund within the meaning of the SIS Act.

You need to satisfy yourself that these criteria can be adhered to before you go ahead with the trust deed amendment although, we will ensure that the amendment clause is complied with and otherwise advise you of things that you will need to do to cause compliance with the amendment clause.

### Form of pension that can be paid

We will prepare the documents on the basis that the fund is not paying and does not intend to pay a pension other than an account based pension or in the case of any other form of pension that started before 20 September 2007, an allocated pension or a market linked pension (ie there are no defined benefit pensions being paid). **You must tell us if this is not the case.**

### Loans to members

We will prepare the documents on the basis that there are no permitted grandfathered loans to members. **You must tell us if this is not the case.**

### Our trust deed

If we update the deed for you, you will end up with a very current, flexible, plain English document which provides for things such as:

- to the extent possible, flexibility in the face of future changes to the law;
- streamlined payment of death benefits in a way the member can control if they want;
- creation of reserves;
- paying any form of lump sum and/or pension;
- the satisfaction of the LRBA requirements for bank lending.

### **Existing trust deeds**

In amending the fund's trust deed, we will assume that all prior amendments have been done correctly.

### **Section 17A of the SIS Act**

We will prepare the update documents on the basis that the fund complies with the requirements of section 17A of the SIS Act. **You must tell us if this is not the case.**

### **Member capacity**

We will prepare the update documents on the basis that all members are 18 or older and they have their capacity to sign the documents. **You must tell us if this is not the case.**

### **Our Fees**

If you send us at least 15 super deeds (no matter who has prepared them), we will update them for a reduced fee.

If any deeds cause problems for amendment, we will contact you before proceeding.

### **Registration of the trust deed**

We recommend that all trust deeds are registered at the Department of Land and Property Information. In that way, if the deed is lost or destroyed, there is a permanent public record of it that can be relied on.

You will need to give us your instructions on this. If you want the deeds registered, this will be an extra cost.

### **Payment of stamp duty**

No stamp duty is payable on the documents updating the fund.

## Payment of our bill

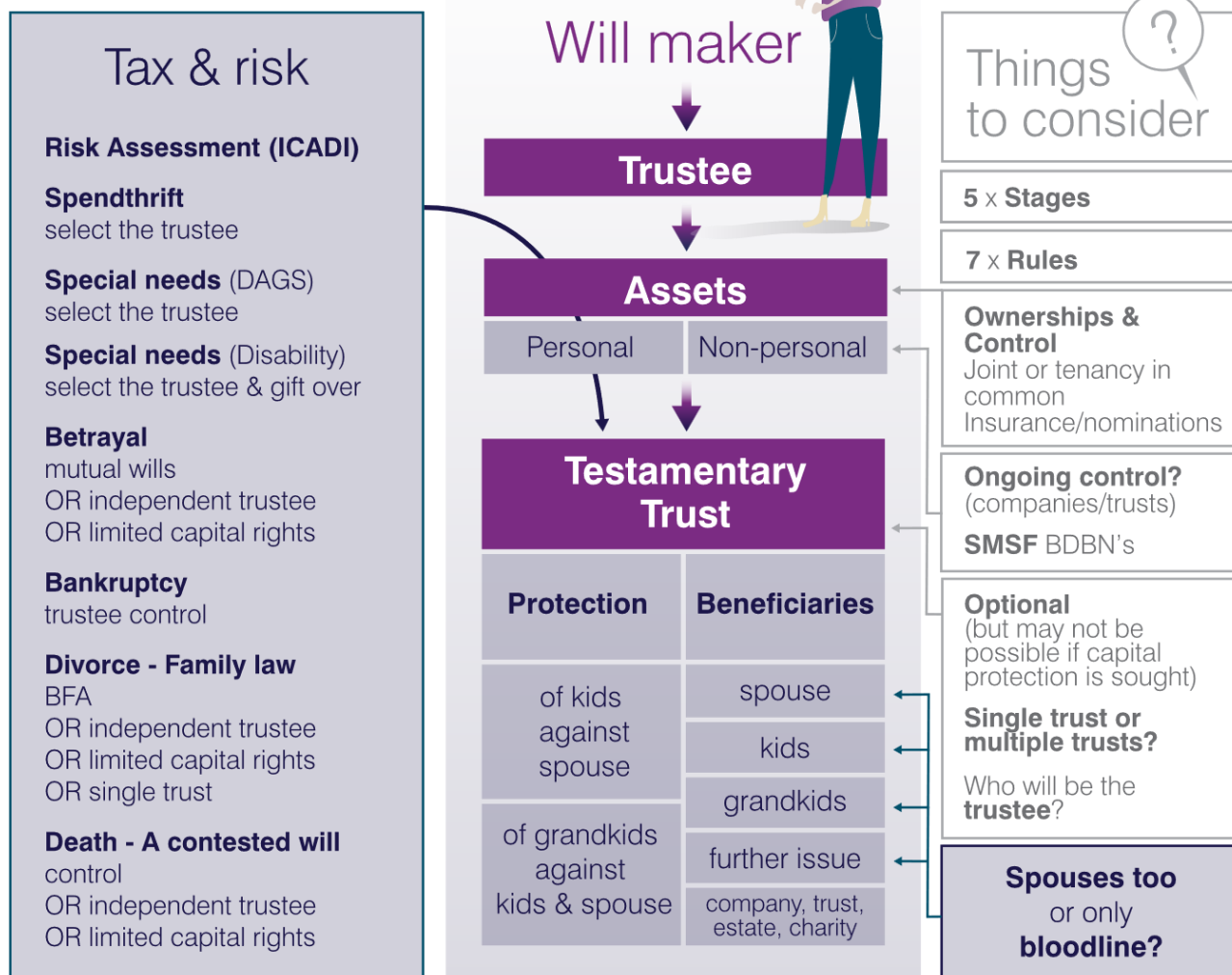
We have attached an authority if your client would like to pay our bill by credit card. This form of payment is not compulsory and a tax invoice will be supplied with the document package. If you want to pay in advance by credit card and do not know our GST inclusive cost, please contact us prior to sending us the authority.

<b>Amount</b>	\$ _____
<b>Card Number</b>	_____
<b>Cardholder's Name</b>	_____
<b>Expiry Date</b>	____/____
<b>Card Type (circle type)</b>	<b>Mastercard</b> <b>Visa</b>  <p style="text-align: right;">(no Amex)</p>
<b>Signature</b>	_____

# Did you know that Sydney Business Lawyers does estate planning?

Our wholly owned Sydney Estate Planning Lawyers provides all of our estate planning services. The below flow chart sets out all of the required information to have an estate planning discussion. So don't risk missing ...

## Your Ultimate Deadline<sup>®</sup>



**Disclaimer:** The information in this document is general in nature and is not intended as legal advice. You should not do or fail to do anything in reliance on information in it. We do not accept any responsibility for any loss that you suffer if you do. You should seek professional advice before you do anything about the issues set out in this document.

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