

Trust deed amendment



Complete this form and return it to documentservices@heffron.com.au or mail to PO Box 200 Maitland NSW 2320.

Our documentation service includes the review of the SMSF's current deed/rules to identify who has the power to amend the deed/rules and the actions required for amendment, and the preparation of required documents.

SECTION A: ACCOUNTANT/ADVISER DETAILS

Contact person		Firm name	
Postal address			
Suburb		State	Postcode
Phone		Email	
Mobile		CC email	
Please select how the documents should be delivered	Email	OR	Post
Please select who the documents should be delivered to	Accountant/Adviser	OR	Individual 1

SECTION B: FUND DETAILS

SMSF name			
ABN			
Trustee structure	Individual trustees	Corporate trustee (Complete company name and ACN below)	
Company name		ACN	

SECTION C: DETAILS OF MEMBER(S), TRUSTEE(S)/DIRECTOR(S) ETC (Tick whichever is applicable)

INDIVIDUAL 1	Member	Individual Trustee	Director (Corporate trustee)	Secretary (Corporate trustee)
Full legal name (First/Middle/Last)				Title
INDIVIDUAL 2	Member	Individual Trustee	Director (Corporate trustee)	Secretary (Corporate trustee)
Full legal name (First/Middle/Last)				Title
INDIVIDUAL 3	Member	Individual Trustee	Director (Corporate trustee)	Secretary (Corporate trustee)
Full legal name (First/Middle/Last)				Title
INDIVIDUAL 4	Member	Individual Trustee	Director (Corporate trustee)	Secretary (Corporate trustee)
Full legal name (First/Middle/Last)				Title
INDIVIDUAL 5	Member	Individual Trustee	Director (Corporate trustee)	Secretary (Corporate trustee)
Full legal name (First/Middle/Last)				Title
INDIVIDUAL 6	Member	Individual Trustee	Director (Corporate trustee)	Secretary (Corporate trustee)
Full legal name (First/Middle/Last)				Title

SECTION D: LEGAL CAPACITY OF MEMBER(S) (Tick whichever is applicable, and complete details if necessary)

The member(s) of the SMSF are personally required to sign the amendment documentation. In order to do so, the member must be “sui juris” – aged 18 or over with legal capacity to make a binding legal agreement. In cases where a member is unable to sign the documentation, another person may be able to sign the documentation on behalf of the member.

Are all members aged 18 or over?	Yes	NO (if no, list name(s) of any member aged under 18 together with the name(s) of the parent(s) / guardian(s) that will be signing the documentation on behalf of the member)
Does each member have legal capacity to make a binding legal agreement?	Yes	NO (if no, list name(s) of any member who does not have legal capacity, together with the name(s) of the attorney(s) that will be signing the documentation on behalf of the member)
Will each member be <u>personally signing</u> the amendment documentation?	Yes	NO (if no, list name(s) of any member who will not be personally signing, together with the name(s) of the attorney(s) that will be signing the documentation on their behalf)

SECTION E: MEMBER(S) WHO ARE NOT AN INDIVIDUAL TRUSTEE/DIRECTOR OF THE CORPORATE TRUSTEE (Tick whichever is applicable, and complete details if necessary)

Is any member's attorney (under an Enduring Power of Attorney) acting in their place as an individual trustee/director of the corporate trustee?	No	Yes (if yes, list relevant member(s) and the name(s) of the attorney(s))
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SECTION F: PLEASE ATTACH THE FOLLOWING (Tick whichever is applicable, and **attach**)

The SMSF's current trust deed/rules	OR	I/we confirm the SMSF's current trust deed has been misplaced, possibly inadvertently destroyed
Change of trustee documents (if the trustee has changed since the execution of the current deed/rules)		
Enduring power of attorney documents (if a member's attorney will be signing the amendment documentation on behalf of the member and/or the member's attorney is acting in the member's place as trustee/director of the corporate trustee)		

ACKNOWLEDGEMENT & AUTHORITY

The trustee(s) or director(s) of the corporate trustee hereby:

- acknowledge they have read, understood, and agreed to the terms detailed in Heffron's [Privacy Policy](#),
- declare the information provided on this form is true and correct and agree to pay for the services requested on this form and, in the event that any information on this form is incorrect and Heffron are requested to amend the documentation, agree to pay any amendment fees charged,
- acknowledge and understand to complete the documentation Heffron will prepare on the basis that, unless told otherwise:
 - a full copy of the deed establishing the SMSF exists, and this establishment deed has been dated and executed correctly, unless told otherwise (note that without such evidence, a Court may rule that the SMSF does not exist which may have tax and estate planning ramifications),
 - all prior deeds/deed amendments or amendments to the rules of the SMSF, any change of trustee and any Enduring Power of Attorney/Power of Attorney have been done correctly, and I/we understand Heffron will not be reviewing whether such documents have been done correctly,
 - there are no defined benefit pensions being paid from the fund, and
 - all individuals are 18 or older and they have their capacity to sign, unless told otherwise,
- instruct & authorise Heffron to provide any relevant information to third parties (eg lawyers) in order to prepare the documentation,
- instruct Heffron to provide any requested services to the trustee(s) or director(s) of the corporate trustee using the information provided on this form, and acknowledge and understand that neither the contents of this form, nor the documentation prepared or other services provided constitute 'Financial Product Advice' as defined in the Corporations Act 2001 and should not be regarded as such, and
- acknowledge and understand unless a Statement of Advice from Heffron recommending the course of action contemplated by these documents has been obtained, Heffron has not reviewed the personal circumstances of any individual to determine whether or not the requested services are appropriate.

 Signature of person authorised to make the
 above statements on behalf of the trustee(s) or
 director(s) of the corporate trustee

 Print name

 Date

PAYMENT INFORMATION

Amount:	\$
EFT transfer	BSB: 082 691 Account: 561309446 <i>Please attach transaction receipt of payment to service form as confirmation of payment</i>
Credit card	Document services payments <i>Please attach transaction receipt of payment to service form as confirmation of payment</i>
Direct debit authority in place	