

Trust deed amendment service form



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

Our service includes:

- Review of the SMSF's current deed/rules to identify who has the power to amend the rules of the SMSF, and how such amendment must be done, and
- Preparation of appropriate documentation to facilitate an amendment to the rules of the SMSF.

SECTION A: ACCOUNTANT/ADVISER DETAILS

Contact person		Company name	
Postal address			
Suburb		State	Postcode
Phone		Email	
Mobile phone		CC Email	
Please select how you would like to receive the documents Email OR Post			

SECTION B: SMSF DETAILS

SMSF name	
ABN	

SECTION C: TRUSTEE STRUCTURE (Tick whichever is applicable)

Individual trustees	
Corporate trustee (Complete company name and ACN below)	
Company Name	ACN

SECTION D: DETAILS OF MEMBER(S), TRUSTEES/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

Heffron Consulting Pty Ltd ABN 88 084 734 261 AFSL 241 739

SECTION E: 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 F: 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 G: 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)		

SECTION H: ACKNOWLEDGEMENT

I/we:

- declare that the information provided on this form is true and correct and agree to pay for the services requested on this form, and agree to pay any amendment fees charged in the event that any information on this form is incorrect and Heffron are requested to amend the documentation,
- instruct Heffron to prepare the documentation on the assumption that:
 - 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, unless told otherwise, and
 - all members 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, and
- acknowledge and understand that unless a Statement of Advice from Heffron recommending the course of action contemplated by these documents has been obtained, Heffron has not reviewed my/our circumstances to determine whether or not such action is appropriate and have simply executed and provided the requested services in accordance with my/our instructions or instructions from my/our adviser(s).

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

Print name

Date

SECTION I: PRIVACY STATEMENT

Heffron SMSF Solutions is committed to protecting the privacy and rights of its customers. Our [Privacy Policy](#) contains important information about how we collect, hold, use and disclose personal information. If you have questions or wish to make a complaint, please contact our Privacy Officer at Heffron Consulting Pty Ltd, PO Box 200, MAITLAND NSW 2320, or via email at privacy.officer@heffron.com.au.

SECTION J: 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 – Please call Heffron on 1300-HEFFRON to process Credit card payments (VISA or mastercard only)	
Direct Debit Authority in place	