

How Heavenly Pty Ltd
ACN 169 433 587
as Trustee for
The HB and AP Superannuation Fund
48 Highland Drive
BOWRAL NSW 2576

Commissioner of State Revenue
Office of State Revenue
GPO Box 4042
SYDNEY NSW 2001

BY REGISTERED POST

Dear Commissioner

Geared Purchase under s 67A *Superannuation Industry (Supervision) Act 1993 (Cth)*

Name of Fund: The HB and AP Superannuation Fund
ABN of Fund: 64 675 349 412
Name of Fund Trustee: How Heavenly Pty Ltd ACN 169 433 587
Name of Holding Trustee: Mews Bowral Pty Ltd ACN 603 671 487
Address of Property: 8/11 Bundaroo Street, Bowral NSW (Folio Identifier 8/SP49134)

The HB and AP Superannuation Fund has elected to make use of s 67A *Superannuation Industry (Supervision) Act 1993 (Cth)* to purchase property using in part borrowed funds.

The Commissioner would be aware that this Commonwealth legislation requires that the property be held by a custodian or so-called holding trustee on behalf of the Fund during the term of the loan.

As the Holding Trust Deed does not name the self managed superannuation fund; we hereby apply under s 55 of the *Duties Act 1997 (NSW)* for concessional treatment of the duty on the Holding Trust Deed. Note that the term "Holding Trust" has been adopted in line with Australian Taxation Office guidelines.

Accordingly we enclose:

1. Deed of Trust setting up the Holding Trust (in triplicate);
2. completed declaration by a director of the Holding Trustee as apparent purchaser; and
3. cheque in favour of Office of State Revenue for \$70 being \$50 for the original Holding Trust deed and \$10 for each counterpart.

We confirm our understanding that eventually when the loan is repaid, the transfer from the Holding Trustee (apparent purchaser) to the Fund Trustee, as real purchaser, will similarly be stamped with only nominal duty under s 55(1)(b) of the *Duties Act*.

We kindly request that you return the stamped Holding Trust Deeds to the above address.

Yours faithfully,
How Heavenly Pty Ltd ACN 169 433 587

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Heather Lynne Byrne – Director

Date:/...../.....