



4 March 2015

Our Ref: JH: 1529827

The Trustee
The HB and AP Superannuation Fund
C/- Ms Heather Byrne
Heather Byrne Accountant
PO BOX 832
BOWRAL NSW 2576

by email only: heatherbyrne@bigpond.com

Dear Trustee

LIMITED RECOURSE BORROWING – STAMP DUTY DOCUMENTS

Name of 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)
Name of Lender: Westpac Banking Corporation

1. Further to previous correspondence please find enclosed the Statutory Declaration to be executed by a director of Mews Bowral Pty Ltd ACN 603 671 487 as Holding Trustee for The HB and AP Superannuation Fund ABN 64 675 349 412 and apparent purchaser and to be used for the submission to your State Revenue Authority with the Holding Trust Deed.
2. **Please note that the Statutory Declaration will not be ready for execution or lodgement with your state revenue authority until:**
 - (a) **you insert the required annexure documents behind the annexure pages; and**
 - (b) **you insert the relevant figures to complete clause 7.**
3. The Statutory Declaration provides the required evidence to support the application for concessional stamp duty treatment of the Holding Trust Deed under s 55 *Duties Act 1997* (NSW).
4. After settlement of the purchase please insert in the Statutory Declaration the following documents behind the respective Annexure pages:
 - (a) **ANNEXURE A:** a copy of those pages of the purchase contract showing the details of the purchase, the signatures of the parties and that the contract was duly stamped by the revenue office in the relevant state or territory where the property is located; and
 - (b) **ANNEXURE B:** copies of the Fund's bank statements showing the payment of the deposit and other payments made in respect of the purchase from the Fund's bank account; and
 - (c) **ANNEXURE C:** a copy of the loan agreement between the Lender and the Fund or a copy of the loan approval by the Lender to the Fund (note: the loan must be made to the Fund not the Holding Trustee even though it is the Holding Trustee which signs the mortgage).
5. The Holding Trust Deed must be lodged with the NSW Office of State Revenue within three months of signing. However it is important to note that the Holding Trust Deed cannot be lodged until after settlement in order to apply for concessional stamp duty. It is important to apply for the relevant concession for the Holding Trust Deed now if you wish to apply for concessional stamp duty on the eventual transfer from the Holding Trustee to the Fund Trustee when the loan has been repaid.

6. Following settlement, once the correct documents are attached behind the correct Annexure pages, please arrange for this Statutory Declaration to be executed by Heather Lynne Byrne in front of a justice of the peace or solicitor who should then sign the document as witness and sign the annexure notes in relation to the annexures as marked.
7. There are very specific requirements when a qualified person witnesses your signature in NSW, please ensure that the correct information is noted by your qualified witness on this statutory declaration.
8. Once the Statutory Declaration is complete (with the relevant annexures attached) please send to the Office of State Revenue:
 - (a) the enclosed letter from the Fund Trustee, duly signed and dated;
 - (b) three signed original Holding Trust Deeds;
 - (c) the Statutory Declaration duly completed and witnessed; and
 - (d) a bank cheque for \$70 made in favour of the Office of State Revenue.

In due course the Office of State Revenue will return the duly stamped Holding Trust Deeds which you must keep in safe custody in the Fund's files.
9. We are often asked to advise on issues relating to lost trust Deeds. Both State and Federal legislation allow documents to be stored in electronic format and produced in evidence so long as stamp duty, if applicable, has been paid. Can we suggest that you either send a copy of the signed and stamped Deed to us for scanning and electronic storage or that you scan the document and email it to us for that purpose. In this way, problems with lost documents may not arise in the future.

If you have any questions or comments in relation to the enclosed documents please do not hesitate to let us know. We enclose our tax invoice for this work which we note has been paid. Please contact us if we can be of further assistance.

Yours faithfully,
TOWNSENDS BUSINESS & CORPORATE LAWYERS



JULIE HARTLEY
BINST LLB GRAD DIP LEG PRAC
Solicitor