

Super Borrowings

We have been building considerable expertise in this area with the capacity to manage all legal, finance and new structure formation aspects of these transactions.

Below is a summary of what is required on the process and documentation requirements.

Please note we do not get involved in tax or accounting aspects.

Legal Process

In essence the legal 'bits and pieces' that are usually required are:-

1. Meeting to discuss the legal position and structure
2. Detailed Letter of Advice setting out the law and what is involved
3. Custodial Property Trust Deed (mandatory)
4. Structures (new Super Deed or review of existing), Corporate Trustee/s
5. Conveyancing (mandatory)
6. Commercial Lease (usually mandatory if commercial property)
7. Loan Agreement, Mortgage, Caveat (if you are borrowing from bank separately and on-lending to Super)
8. All liaison with Banks, yourself, and other advisers as required

Full flexibility exists, in that you may elect us to deal with any one aspect or more of the above, or every aspect in totality. This then of course decides our costs.

Our range of pricing for the legals is between \$5K - \$9K plus GST depending on the complexity of the transaction.

For example, should it be a 'normal' transaction where you already have structures in place (correct Super Deed and Corporate Trustee), then pricing would be at the lower end of the scale. Should the transaction involve a new Super Fund, Corporate Trustee, you are borrowing from a bank and then acting as lender into the fund, of a commercial property requiring a Commercial Lease to be put in place, then pricing would move to the higher end of the range.

Finance

We are able to advise generally on and arrange specifically the loan products in the space, primarily as offered by Westpac, St George, NAB and now CBA. Please see attached a comparison of the major products in this area, for your review.

In terms of documentation requirements, we have attached a checklist and finance tool spreadsheet for your review.

Regarding costs here, generally we are remunerated by the lender and so no cost is incurred by you. Having said that, Banks at present require the documentation we prepare for you, to be vetted by their lawyers, which can incur a cost, usually around \$2-3K.

Way Forward

Please contact us if you wish to learn more and we look forward to being of assistance.



MCP
FINANCE BROKERS
& LAWYERS

Level 7, 520 Collins Street, Melbourne Victoria 3000 | DX: 30855 Melbourne Stock Exchange
Phone: (03) 9620 2001 | Facsimile: (03) 9620 2002 | ABN: 16 109 736 218
Web: www.mcpgroup.com.au [Incorporating The Fulfilment Company & Poynters Lawyers]