

SMSF PURCHASE OF COMMERCIAL OR RESIDENTIAL INVESTMENT PROPERTY

ALL INCLUSIVE FIXED FEE PACKAGE (CONVEYANCING, BARE TRUST CREATION AND INDEPENDENT LEGAL ADVICE ON LOAN DOCUMENTS FOR GUARANTORS)

An SMSF purchase that involves a limited recourse borrowing arrangement is not a standard conveyancing matter. There is a correct order in which the various steps need to be taken to ensure that no inadvertent stamp duty implications arise.

We regularly see issues arise with mortgage brokers or lenders having requirements of loan approval that cannot be provided until a certain milestone in the transaction is reached.

For example we often see lenders insisting on a certified copy of a stamped bare trust being provided prior to granting loan approval (which is required before contracts can be exchanged). It is not possible to provide this and meet the requirements of the *Duties Act* for the stamping of an SMSF bare trust (which must be stamped at the same time as, or after the contract for sale).

In our experience complications arise when there are *too many cooks* in an SMSF purchase. We often see a conveyancer acting on the conveyance, the accountant attending to the bare trust (which is often signed and/or stamped prematurely) and then lawyers get engaged at the last minute when the guarantors of the loan discover that they need independent legal advice (that their conveyancer cannot provide).

To assist with the complexities that can arise with bare trusts, lender requirements and timing rules, we offer an all-inclusive fixed fee package for clients buying through an SMSF with a limited recourse borrowing arrangement. **Our professional fees for this work are \$4,620 (inclusive of GST).** Disbursements are additional and details of the likely cost of those is set out below.

This fixed fee includes our expert term looking after all aspects of the conveyance, preparation of the bare trust and associated minutes and other documents required by the legislation, stamping and providing independent legal advice for the guarantors.

partnering with people since 1946



We have Accredited Specialists in
Property Law and Wills & Estates

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Our fees are payable at settlement unless the contract has a completion date that is 10 weeks or more from exchange of contracts (in which case we charge \$2,310 on exchange and \$2,310 on settlement).

Most matters will fall within the scope of our fixed fee package. However off-the-plan purchases, complex or multiple titles, contracts with more than one lease or complex conditions precedent do not fall within the scope of our fixed fee offering. If you send us the contract, we will provide you with a fee estimate before commencing work.

Instructing Penmans to look after all aspects of the property acquisition is often more cost effective and ensures that one firm is responsible for all the critical timing aspects of an SMSF purchase.

Disbursements*

Registration Fees: Transfer	\$175.70
Mortgage	\$175.70
PEXA Fee	\$140.58
ASIC Search	\$28.03
Post exchange searches (approximately)	\$600.00
Revenue NSW EDR Stamping Fee	\$11.67
DocuSign Fee (if applicable)	\$8.50
Verification of Identity (per person)	\$29.90

*Disbursement amounts are current as of March 2026 and include GST, if applicable.

At Penmans we have a team of professionals who have decades of experience in property transactions. Led by Paula Roberts, one of only 150 Law Society accredited specialists in property law in New South Wales, our team of lawyers, licensed conveyancers, paralegals and law clerks will ensure that your matter is treated with the expertise and care that it deserves.

Utilising modern technology and communication methods, Penmans offer the best of both worlds. The certainty of fixed fees with the reassurance that we can handle the most complex of matters.

Next Steps

Please complete our [contact form](#) and let us know you have an SMSF purchase. A member of our property team will be in contact with you to discuss the next steps.

The information you obtain at this site is not, nor is it intended to be, legal advice. You should consult a solicitor for individual advice regarding your own situation. Liability limited by a scheme approved under Professional Standards Legislation.

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Fixed fees current as of March 2026.