<<plinitials>>:<<matternumber>>

**SOLICITORS CERTIFICATE OF INDEPENDENT LEGAL ADVICE TO GUARANTOR(S)**

**Part A** To: SOURCE FUNDING PTY LTD (ABN 95 622 815 294) (the Lender)

This Certificate is provided by:

(**solicitor’s name**)

of (**solicitor’s address**)

a solicitor holding a current practicing certificate.

I Have been asked to interview:

**<<Guarantor2Fullname>>** (**guarantor(s) name**)

Of <<Guarantor2ADDRESSLINE1>>, <<Guarantor2SUBURB>> <<Guarantor2STATE>> <<Guarantor2POSTCODE>> (**guarantor(s) address**)

(the guarantor(s)

I have been provided with the following documents

(1) SMSF Loan Facility Documents Package (<<Bordetallnames>> ACN <<BORDET1ACN>> as Borrower).

(2) Guarantee and Indemnity by the Guarantor(s) in favour of the Lender.

**Part B Explanations Given By The Certifying Solicitor**

**I certify that in the absence of the Borrower and before the Guarantor signed any of the Documents, I explained to the Guarantor:**

* the general nature and effect of the Documents;
* that if the Borrower defaults in payment or in other obligations to you the Guarantor would be liable to make good the default which could involve

all amounts owed by the Borrower to you and substantial arrears of interest and costs;

* that in certain circumstances the Guarantor would be liable even if the Borrower is not liable to pay; and
* that the giving of a guarantee involves considerable risk, including the risk of losing any security, property and other assets and requires very careful thought.

And I advised the Guarantor:

* that the Guarantor should carefully consider the financial risks involved in giving the guarantee and in particular:
  + the level of risk that the Borrower will default in the repayments; and
  + the ability of the Guarantor to make good any default including arrears of interest and costs which might significantly exceed the current size of the debt.
* that the Guarantor should make enquiries about:
  + the risk involved in any business the Borrower is undertaking with the proposed loan;
  + the risk of the Borrower defaulting;
  + the possible extent of any default which the Guarantor may have to meet; and
  + the adequacy of any security being given by the Borrower or others and the likely level of exposure of the Guarantor.
* that if the Guarantor were in any doubt as to the level of financial risk involved, the Guarantor should obtain independent financial advice before signing the Documents.

**Part C Excluded Explanations**

I INFORMED the guarantor(s) in very clear terms that I was not expressing any opinion nor advising on:

the viability of the transaction which the borrower was undertaking;

the borrower’s ability to make the required payments to the lender; or

the guarantor’s ability to make payment to the lender.

I FURTHER INFORMED the guarantor(s) that if in any doubt on those aspects the guarantor(s) should obtain independent financial advice before signing the documents.

**Part D Statements by the Persons Signing Documents**

FOLLOWING THE ABOVE EXPLANATIONS, the guarantor(s) stated to me:

* the Guarantor had read the Documents and understood the general nature and effect of the Documents;
* my advice as to the obligations and risks involved in signing the Documents was understood; and
* the Documents were signed freely, voluntarily and without pressure from the Borrower or any other person.

**Part E Identification of Persons Signing Documents**

The following evidence of identification was produced to me by the guarantor(s):

(1)

(2)

(3)

**\*Part F Translation/Interpretation**

An independent interpreter, Mr/Mrs/Ms was present at this interview with the

guarantor(s) and interpreted the statements made by all persons present. A certificate by the interpreter is held by me.

***\*Delete if no interpreter used.***

<<plinitials>>:<<matternumber>>

**SOLICITOR’S CERTIFICATE**

I CERTIFY the above information.

The borrower was not present during my interview with the guarantor(s).

I act\*/do not act\* for the borrower [\*delete as applicable].

I do not act for the lender.

DATED: the day of 20

SIGNED: (**solicitor’s** **signature**)

**GUARANTOR(S) CERTIFICATE**

I/WE CERTIFY that

I/We have been handed a copy of this certificate.

I/We have read this certificate.

I/We am/are the guarantor(s) named.

The above information is true.

DATED: the day of 20

SIGNED: (**guarantor(s) signature**)

**CERTIFICATE BY TRANSLATOR/INTERPRETER**

To:

This Certificate is provided by:

Name:

Address:

Occupation:

I am over the age of 18 years.

On the day of 20 , I attended a conference at the office of

(the ASolicitor@)

Present at the conference were

(the guarantor(s)) and

I spoke to the guarantor(s) in the language and I established that is

his/her/their customary language.

I am fluent in the English language and the language and am competent to

translate between both those languages.

During the conference, and before any documents were signed, I translated all statements made by the Solicitor and………………………………………………….…………………………………………………………...from the English language to the language and I translated all statements made by the guarantor(s) from the language to the English language.

I am independent of the borrower(s), the guarantor(s) and the lender and I have no interest in the transaction.

DATED: the day of , 20 .

SIGNED: (**translator/interpreter’s signature**)

<<plinitials>>:<<matternumber>>

**ACKNOWLEDGEMENT GIVEN BY THE GUARANTOR(S) TO THE CERTIFYING SOLICITOR**

I/WE ACKNOWLEDGE THAT:

* the solicitor has signed a certificate at my request;
* my/our name and address is correctly recorded above and on the certificate given by the solicitor and I/we have provided proof of my/our identity in the manner recorded in the certificate;
* I/we did attend the office of the certifying solicitor on the date recorded in the certificate for the purposes of receiving legal advice on the nature and effect of the documents referred to in the certificate;
* I/we have received the explanations referred to and have stated to the solicitor that I/we understand those explanations;
* the maters recorded in the certificate are true and correct;
* I/we confirm these matters by my signature to this acknowledgement and to the certificate;
* \*a translator was present and translated all written and spoken words to me and my responses; OR
* \*a translator was not required by me/us as I/we have an adequate command of the English language.

DATED: the day of 20

SIGNED: (**guarantor’s signature**)

***\* Delete one****.*