

<b>Document Class:</b>	<b>ADJUDGED</b>
<b>Document Name:</b>	<b>Transfer of Property</b>
<b>Document Description:</b>	<b>Pursuant to Conveyance of Business</b>
<b>Document Code:</b>	<b>ADJ</b>

### Introduction

This guide note applies to a transfer (or assignment and similar terms) of property pursuant to a conveyance of business where a separate conveying document has been executed but the stamp duty has been paid on the conveyance of business document. Examples of this can include a transfer of :

- Business name;
- Domain name;
- Statutory licence;
- Trademark, and
- Copyright

The transfer of property will be “Adjudged Duly Stamped” provided the transfer of property is for no further consideration and is drawn pursuant to the sale of business document and this has been stamped with *ad valorem* stamp duty.

This document type does **not** apply to a Transfer of Lease, this must be stamped under the document heading:

[Adjudged – Transfer of Lease – Pursuant to Conveyance of Business \(ADJ\)](#)

### What *documents* can I stamp under this document heading?

The document can be in the form of:

- a Deed or Agreement between the vendor and the purchaser of the business evidencing the transfer of property.

### What types of *transactions* can I stamp under this document heading?

A transfer of a property (other than a lease) pursuant to a conveyance of business is deemed **suitable** for self-stamping under this document heading where:

- *ad valorem* stamp duty in relation to the property has been paid on the document evidencing the conveyance of business.

### What stamp duty is payable on this document?

No stamp duty is payable, the document is “Adjudged Duly Stamped”.

### What evidence do I need to retain for audit purposes?

For audit purposes, you will need to retain the following documentation:

- a copy of the stamped documents, ie, the stamped conveyance of business and the transfer of property document.

### **Example 1 – Transfer of trademark pursuant to a Conveyance of Business**

Sam and Pam have purchased a florist business in the Westfield Shopping Centre, Marion, from Scott Brown.

The parties have executed a Contract for sale and purchase of the business and an Assignment of a trademark.

The contract for sale and purchase of the business has been stamped with *ad valorem* conveyance stamp duty under the appropriate document heading.

The Transfer of Trademark is “Adjudged Duly Stamped”.

### **What section of the SD Act applies?**

Section 31(2)