



FREECALL 1800 773 477

**DISCRETIONARY TRUST ORDER FORM**

NAME: .....

FIRM: .....

PHONE: .....

E-MAIL: .....

**IMPORTANT: PLEASE REFER TO THE ATTACHED PAGE FOR CRITICAL INFORMATION REGARDING THE EXECUTION OF TRUST DOCUMENTS**

**NAME OF TRUST** \_\_\_\_\_

Trust is to be settled (please tick)  DIRECT OR  POWER OF ATTORNEY (see over)  
If no nomination is made, the trust will be signed under Power of Attorney.

**CORPORATE TRUSTEE/S** \_\_\_\_\_

(if applicable)

ACN \_\_\_\_\_

**Names of ALL Directors** \_\_\_\_\_

(1<sup>st</sup> listed to be Chairman & signatory/s)

**INDIVIDUAL TRUSTEE/S** \_\_\_\_\_

(1<sup>st</sup> listed to be Chairman & signatory/s)

**Address of Trustee/s** \_\_\_\_\_

**Street Address for 1<sup>st</sup> Meeting** \_\_\_\_\_

**Principal/s of Trust\*** \_\_\_\_\_

**Alternative Principal/s (if any)\*** \_\_\_\_\_

\* Party/s who will have the power to appoint and/or remove a Trustee/Beneficiary (see notes over)

**Settlor: ACIS SETTLEMENTS or** \_\_\_\_\_

**Settlor's Address (if not ACIS)** \_\_\_\_\_

**Settlement Sum: \$10.00 or** \_\_\_\_\_

**PRIMARY BENEFICIARIES** (Please provide full names)

#1 \_\_\_\_\_

#4 \_\_\_\_\_

#2 \_\_\_\_\_

#5 \_\_\_\_\_

#3 \_\_\_\_\_

#6 \_\_\_\_\_

**SECONDARY BENEFICIARIES**

Relatives of Primary Beneficiaries are included (i.e. spouses, parents, brothers, sisters, all children, grandchildren, nieces and nephews).

**TERTIARY BENEFICIARIES**

All companies and trusts in which any of the previous beneficiaries are interested are included, as are religious or charitable institutions.

**DEFAULT BENEFICIARIES**

If no nomination is made, the Primary Beneficiaries will be the Default Beneficiaries (i.e. be the takers in default). If no Default Beneficiaries are required insert "NIL".

#1 \_\_\_\_\_

#4 \_\_\_\_\_

#2 \_\_\_\_\_

#5 \_\_\_\_\_

#3 \_\_\_\_\_

#6 \_\_\_\_\_

**PAYMENT DETAILS:** Please debit the following card details by the amount of \$ \_\_\_\_\_

**TYPE OF CARD:** Visa  Mastercard  Diners Club  Amex  Bankcard

**CARD NUMBER:** \_\_\_\_\_ **EXPIRY DATE:** ( / )

**NAME ON CARD:** \_\_\_\_\_ **SIGNATURE:** \_\_\_\_\_

Please return this Form on **FREEFAX 1800 655 556** or call with any queries

## **IMPORTANT: PLEASE READ PRIOR TO COMPLETING THE ORDER FORM**

### **ESTABLISHMENT OF YOUR TRUST**

ACIS provides trust establishments in 3 ways:

1. **Settled direct – we provide Settlor** - ACIS Settlements Pty Ltd acts as the Settlor and the Trust Deed is prepared and delivered to you for execution by the Trustee. The Trust's jurisdiction will be that in which the Trustee/s execute the Trust Deed and settlement stamp duty may (or may not) apply in that jurisdiction.
2. **Settled direct – you provide Settlor** - the Trust Deed is prepared and delivered to you for execution by the Settlor and Trustee. The Trust's jurisdiction will be that in which the Trustee/s execute the Trust and settlement stamp duty may (or may not) apply in that jurisdiction.
3. **Power of Attorney** – ACIS Settlements Pty Ltd acts as the Settlor and our representative will sign the Trust Deed on behalf of the Trustee under Power of Attorney. As all documents are signed in our office, the Trust's settlement jurisdiction will be Queensland and as such no settlement stamp duty will be payable on the Trust Deed in Queensland. The power of attorney is restricted to the act of signing the deed only and does not constitute a general power of attorney i.e. once the deed is signed, the power of attorney effectively ends. If not accompanying your order, the executed power of attorney **MUST** be returned to us for the trust to be properly established.

For convenience, a blank power of attorney is attached. You should note that a trustee company cannot execute a Power of Attorney prior to its registration.

### **DATING YOUR TRUST**

When establishing your Trust, the following procedures will apply:

1. If the Trust Deed is to be settled direct using ACIS Settlements Pty Ltd as the Settlor (and your instructions do not specify a subsequent date), the Trust Deed will be dated when it is executed by the Settlor.
2. If you provide the Settlor (and your instructions do not specify a subsequent date), the Trust Deed will be supplied undated.
3. If the Trust Deed is executed under Power of Attorney, the Trust will be dated on the day we receive the properly executed Power of Attorney from you (regardless of the date appearing on the Power of Attorney).

### **NOTES**

It is vital that your Trust Deed is properly executed and the settlement sum received and deposited to a trust bank account **BEFORE** the trust undertakes any activity or acquires any assets. If the trust deed is not properly executed:

1. The trust may be improperly established, not established at all or invalid;
2. Adverse taxation (particularly CGT) and stamp duties issues may arise.

### **ROLES WITHIN OUR DISCRETIONARY TRUST**

**Principal / Alternative Principal** – this is the person who has the right to nominate additional beneficiaries and to appoint and remove trustees. We have introduced the Alternative Principal to address the situation where a Principal has died or is otherwise unable to act for any reason and it becomes difficult to exercise those powers of appointment. We have found it to be a common occurrence that this problem arises. Conversely, the deed has been prepared so that an Alternative Principal does not have to be nominated if the client does not wish to use the mechanism.

**Secondary Beneficiaries / Tertiary Beneficiaries** – the classes of beneficiaries listed on page 1 are the standard recommended classes which we use. We are able to tailor the classes to your needs if these do not suit. There may be a small additional charge for some amendments to these classes.

**Default Beneficiaries** – we will list the named Primary Beneficiaries as the Default Beneficiaries unless you specify otherwise. You may choose to have no Default Beneficiaries, however, in default of the exercise of the Trustee's discretion to distribute income, the income will be retained and taxed at the highest marginal rate of tax.

**POWER OF ATTORNEY**

I/We, [INSERT ALL NAMES] \_\_\_\_\_

\_\_\_\_\_  
(the "Trustee/s")

of [INSERT ADDRESS] \_\_\_\_\_

\_\_\_\_\_

make the following RECITALS:

(A) I/We have agreed to act as Trustee/s of:

[NAME OF TRUST] \_\_\_\_\_  
(the "Trust").

(B) I/We have agreed to appoint MATTHEW JAMES NEIBLING to be my/our attorney to execute the Trust Deed of the Trust.

(C) The Trustee/s is/are not in the process of acquiring nor have I/we acquired any interest in any businesses or properties relevant to the Trust.

THE TRUSTEE/S CONSTITUTE MATTHEW JAMES NEIBLING to be my/our true and lawful attorney to enter into and sign the Trust Deed for the Trust between ACIS SETTLEMENTS PTY. LTD. ACN 081 961 391 as Settlor and the Trustee/s.

I/WE FURTHER APPOINT MATTHEW JAMES NEIBLING to my/our attorney for the purpose of receiving the Settlement Sum (as defined in the Trust Deed) from the Settlor.

THE TRUSTEE/S CERTIFIES/CERTIFY to the Attorney that I/we are not in the process of acquiring nor have I/we acquired any interest in any businesses or properties relevant to the Trust.

**This Power of Attorney is executed and delivered DATED:**        /        /

**INDIVIDUAL TRUSTEE/S**

**SIGNED, SEALED AND DELIVERED** by the Trustee/s  
in the presence of:

_____	)	_____
Signature of Witness	)	_____
_____	)	_____
Full name of Witness	)	_____
_____	)	_____
	)	_____
	)	_____

**CORPORATE TRUSTEE** (NOTE: Must be a registered company i.e. this document cannot be executed prior to registration).

**EXECUTED AS A DEED** by the Trustee pursuant to the  
Corporations Act 2001 (Cth):

)	_____
)	Sole Director/Director
)	_____
)	Director/Company Secretary