

P 1800 773 477
F 1800 655 556
acis@acis.net.au
acis.net.au



Discretionary Trust Order Form

Name Phone
 Firm E-mail
 Address

IMPORTANT: Please refer to page 2 for critical information regarding the establishment of your trust.

Trust Name

Trust is to be settled (select): Direct OR Power of Attorney (see over) If no nomination is made, the trust deed will be signed under Power of Attorney

Meeting Address

Trustee Address

Settlor: Acis Settlements or

Settlement Sum: \$10.00 or

Does this trust intend to acquire a direct or indirect interest in residential property in NSW? Yes No

If yes, is the trust to irrevocably exclude foreign persons? Yes No (see over) **IF YOU TICK THIS BOX YOU MUST INCLUDE A SPECIAL ORDER NOTE**

Trustees

IMPORTANT: Full, verifiable names are required.

Corporate Trustee (if applicable)

ACN

Officer Names and Roles (First Officer listed to be Chairperson, first 2 Officers to be signatories)	<input type="text"/>	<input type="checkbox"/> Director	<input type="checkbox"/> Secretary
	<input type="text"/>	<input type="checkbox"/> Director	<input type="checkbox"/> Secretary
	<input type="text"/>	<input type="checkbox"/> Director	<input type="checkbox"/> Secretary
	<input type="text"/>	<input type="checkbox"/> Director	<input type="checkbox"/> Secretary

Individual Trustee/s (First person listed to be Chairperson)

Appointor/s & Beneficiaries

Appointor/s of Trust*

Alternative Appointor/s* (if any)

*The roles of the Appointor/Alternative Appointor are described on page 2 of this order form.

Primary Beneficiaries

Secondary Beneficiaries Relatives of Primary Beneficiaries are included (i.e. spouses, parents, brothers, sisters, all children, grandchildren, nieces, nephews, cousins, uncles and aunts) and the executor, in that capacity only, of any deceased beneficiaries.

Tertiary Beneficiaries Companies and trusts in which any of the previous beneficiaries are interested are included, as are religious, tax exempt or charitable institutions.

Default Beneficiaries

If no nomination is made there will be no Default Beneficiaries (i.e. takers in default).

Additional Information/Special Instructions

Please return this completed form to acis@acis.net.au or Locked Bag 1, Fortitude Valley Q 4006

By completing and/or submitting this order form, you confirm that you have read and accepted our Terms and Conditions which can be found at www.acis.net.au/terms-and-conditions.

Discretionary Trust 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 Acis Nominees Pty. Ltd. 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. 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 as well as finalised instructions should we need to clarify certain details of the order with you (regardless of the date appearing on the Power of Attorney).

Executing Trust Deeds

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 transactions. 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.

If you select Yes to irrevocably exclude foreign persons - please place this instruction in the special instructions section:

Please include clause in the Trust to exclude foreign persons

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The Acis trust deed excludes foreign persons for the purposes of surcharge foreign person duty and land tax in all Australian jurisdictions for which these surcharges apply, **except NSW**. To prevent inadvertent foreign person surcharge duty and land tax liabilities in NSW, the trust deed must irrevocably exclude foreign persons. This means that the trustee of this trust would not be able to distribute to foreign persons and this could not be changed. If you elect for the trust deed to irrevocably exclude foreign persons, the trust deed will exclude foreign persons for the purposes of surcharge foreign person duty and land tax in all Australian jurisdictions for which these surcharges apply, **and** incorporate additional clauses to irrevocably exclude foreign persons and prevent inadvertent foreign person surcharge duty and land tax liabilities of the trust in NSW.

Roles within our Discretionary Trust

Appointor/Alternative Appointor - The Appointor has the right to nominate additional beneficiaries and to appoint and remove trustees. The Alternative Appointor will step into the Appointor's position if the Appointor has died or is otherwise unable to act for any reason and it becomes difficult to exercise the powers of appointment. It is not mandatory to nominate an Alternative Appointor.

Secondary Beneficiaries/Tertiary Beneficiaries - These are relatives of the Primary Beneficiaries and include children, grandchildren, stepchildren, brothers and sisters, nieces and nephews, spouses and parents of the Primary Beneficiaries. This class also includes the trustees of the estates of any of these relatives who may be deceased.

Tertiary Beneficiaries - These are companies and trusts that any other beneficiaries (and their relatives) may have interests in or may be directors/trustees of. This class also includes charities.

Default Beneficiaries - These are the parties who are the takers in default of an appointment of income or capital by the Trustee. If none are nominated the trust will have no Default Beneficiaries. Default Beneficiaries may be nominated after the establishment of the trust. Further information on this topic may be found at www.acis.net.au/resources/are-default-beneficiaries-a-necessary-evil.



Discretionary Trust Order Form

Power of Attorney



I/We
(Insert ALL Names)

(the "Proposed Trustee/s")

of (Insert Address)

make the following RECITALS:

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

Trust Name

(the "Trust")

(B) I/We have agreed to the engagement of Acis Nominees Pty Ltd ACN 146 588 767 to establish the Trust.

(C) I/We have agreed to appoint Acis Nominees Pty Ltd ACN 146 588 767 to be my/our attorney to execute the Trust Deed of the Trust.

THE PROPOSED TRUSTEE/S CONSTITUTE Acis Nominees Pty Ltd ACN 146 588 767 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 Proposed Trustee/s.

I/WE FURTHER APPOINT Acis Nominees Pty Ltd ACN 146 588 767 to be my/our attorney for the purpose of receiving the Settlement Sum (as defined in the Trust Deed) from the Settlor.

This Power of Attorney is executed as a Deed and dated:

____ / ____ / ____

Individual Trustee/s

SIGNED SEALED AND DELIVERED by the Proposed Trustee/s:

Proposed Trustee

Witness

Proposed Trustee

Witness

Proposed Trustee

Witness

Proposed Trustee

Witness

Corporate Trustee

EXECUTED AS A DEED by the Proposed Trustee:

Director Sole Director Sole Secretary

Director Secretary

This is an important document and must be retained by the trustee/s.