



CAPITAL PROTECTED TRUST ORDER FORM

NAME:

FIRM:

PHONE:

E-MAIL:

FREECALL 1800 773 477

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.

Street Address for 1st Meeting

Settlor: ACIS SETTLEMENTS or

Settlement Sum: \$10.00 or

TRUSTEE/S

CORPORATE TRUSTEE/S
(if applicable)
ACN

Names of ALL Directors
(1st listed to be Chairman & signatory/s)

INDIVIDUAL TRUSTEE/S
(1st listed to be Chairman & signatory/s)

Address of Trustee/s

PRINCIPAL/S & BENEFICIARIES

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)

PRIMARY BENEFICIARIES (Please provide full names)

#1 #3
#2 #4

SECONDARY BENEFICIARIES (Please provide full names)

#1 #3
#2 #4

In no nomination is made, the following will be included as Secondary Beneficiaries:

- relatives of Primary Beneficiaries (i.e. spouses, parents, brothers, sisters, all children, grandchildren, nieces and nephews);
- all companies and trusts in which any of the previous beneficiaries are interested are included, as are religious or charitable institutions.

CAPITAL BENEFICIARIES (Please provide full names)

#1 #3
#2 #4

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

TYPE OF CARD: Visa Mastercard *Diners Club *Amex * 3% surcharge applies.

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

NAME ON CARD: **SIGNATURE:**

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

ACIS CAPITAL PROTECTED TRUST

An ACIS Capital Protected trust (a "CP Trust") is designed to protect the capital of the trust fund and to preserve Trust assets for the benefit of later generations. The CP Trust is designed to protect the capital and assets of the trust from Secondary Beneficiaries or their spouses or other family members who may seek to make a claim against the trust on the basis that it is a financial resource or asset of the secondary beneficiary.

There are 4 categories of beneficiaries:

Primary Beneficiaries (entitled to income only) have all the rights of a beneficiary of a normal discretionary trust except that they have no entitlement to the capital of the trust fund. A Primary Beneficiary may be a Trustee and/or Principal of a CP trust.

Secondary Beneficiaries (entitled to income only and have limited rights) would normally include children and other parties related to a Primary Beneficiary. They are entitled to receive income only (at the complete discretion of the trustee) and have absolutely no entitlement whatsoever to the capital of the Trust. Trust property is not to be loaned to the Secondary Beneficiaries and they have no control over the Trust. A Secondary Beneficiary should not be appointed as a Trustee or Principal, or have any other capacity within the Trust. If the Trustee is a company they should not be a shareholder or an officeholder of that corporate Trustee.

Capital Beneficiaries (entitled to capital and may receive income) receive the capital of the Trust. Provision is made for the capital to be distributed to the Capital Beneficiaries either before or on the vesting date at the discretion of the Trustee. The Trustee may elect to distribute income to the Capital Beneficiaries. The Capital Beneficiaries would commonly be grandchildren or great grandchildren of the Primary Beneficiary. The Trust assets are not protected from the spouses of the Capital Beneficiaries.

Default Beneficiaries – we have removed the position of Default Beneficiary from our Trust Deed following the "Bamford" decision handed down by the High Court in 2010. That decision confirmed the proportional approach to determining a beneficiary's entitlement to income from a trust, and means in practice that provisions deeming income to have been distributed to Default Beneficiaries, may be ineffective.

Principal / Alternative Principal 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.

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 Deed 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 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, the Trust Deed will be dated when it is executed by the Settlor.
2. If you provide the Settlor, 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.

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 ACIS NOMINEES PTY LTD ACN 146 588 767 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 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 Trustee/s.

I/WE FURTHER APPOINT ACIS NOMINEES PTY LTD ACN 146 588 767 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:)
)

_____)
) Sole Director/Director

_____)
)

_____)
) Director/Company Secretary

THIS IS AN IMPORTANT DOCUMENT AND MUST BE RETAINED BY THE TRUSTEE/S