

APPLICATION FORM

Discretionary Trust

Please read the following before completing this application form.

By completing and submitting this application you confirm:

1. the trustee is either one or more individuals or companies;
2. in the case of a corporate trustee it is in existence at the time of proceeding with the application;
3. the Settlement Sum is cash only (to avoid adverse duty consequences); and
4. the choice of trustee for the trust has been carefully considered (e.g. for asset protection purposes, the ability to obtain duty exemptions for a replacement of trustee).

You should read the notes for each item to be completed in the application to ensure that you are aware of some of the issues which should be considered in choosing the:

1. trustee(s) of the trust (eg whether an individual or company) - we recommend the use of a sole purpose corporate trustee for a variety of reasons;
2. settlor(s) of the trust;
3. cash amount of the settlement sum;
4. primary beneficiary(ies) of the trust;
5. residuary beneficiary(ies) of the trust; and
6. appointor(s).

If you would also like a company to be set up to act as corporate trustee, please complete our "Proprietary Company Limited by Shares Establishment" form.

If you have any questions about completing the application form, please contact :

Christopher Davis

Principal

Phone: (07) 3014 6530

Email: cdavis@mcw.com.au

Taryn Hartley

Principal

Phone: (07) 3014 6513

Email: thartley@mcw.com.au

Please contact us if the beneficiary(ies) or trustee(s) of the trust are foreign residents/entities as this will have implications for the trust.

By completing and submitting the form you confirm as follows:

- a. It is the purchaser's responsibility to ensure that the information supplied is correct.
- b. If new documents have to be prepared as a result of errors in the information a further fee will be payable.

Please ensure you complete all details below, and contact us with any questions you have prior to submitting the form.

PRICES (GST EXCLUSIVE)

Electronic delivery of trust deed (PDF format)	\$400 plus GST	
Preparation and delivery of a hard copy trust deed	\$425 plus GST	
Same day urgent preparation and delivery of hardcopy trust deed within Brisbane metro area and instructions received before 10:00 am	\$510 plus GST	
Documents in hard copy	express post - \$15	courier - TBC

PURCHASER'S DETAILS

First Name
Surname
Name of firm (if applicable)
Email address
Telephone number
Fax number
Street address
Postal address

TRUST DETAILS

Name of Trust (omit "the")
Settlement Sum (see note 1) \$
State or Territory (jurisdiction purposes)

SETTLOR'S DETAILS (see Note 2)

Full name or entity name/ACN etc
Address (street address)
Unit, Floor, Building
Suburb/Town State Postcode

TRUSTEE/S DETAILS (see Note 3)

Corporate/Individual Trustee 1

Full name or entity name/ACN etc
Address (street address)
Unit, Floor, Building
Suburb/Town State Postcode

Corporate/Individual Trustee 2 (if any)

Full name or entity name/ACN etc

Address (street address)

Unit, Floor, Building

Suburb/Town

State

Postcode

Corporate/Individual Trustee 3 (if any)

Full name or entity name/ACN etc

Address (street address)

Unit, Floor, Building

Suburb/Town

State

Postcode

Corporate/Individual Trustee 4 (if any)

Full name or entity name/ACN etc

Address (street address)

Unit, Floor, Building

Suburb/Town

State

Postcode

APPOINTOR'S DETAILS (see Note 4)

Appointor 1

Same as Corporate/Individual Trustee 1

Full name or entity name/ACN etc

Address (street address)

Unit, Floor, Building

Street

Suburb/Town

State

Postcode

Appointor 2 (if any)

Same as Corporate/Individual Trustee 2

Full name or entity name/ACN etc

Address (street address)

Unit, Floor, Building

Street

Suburb/Town

State

Postcode

RESIDUARY BENEFICIARY/S (see Note 5)

Full name(s)

PRIMARY BENEFICIARY/S (see Note 5)

Full name(s)

ADDITIONAL INFORMATION

Three horizontal grey bars representing redacted information.

RETURNING THIS FORM

After completing this form please either:

- print, sign, and fax it to McInnes Wilson Lawyers at (07) 3221 2921; or
- print, sign, scan, and email it to McInnes Wilson Lawyers at mcwonline@mcw.com.au; or

To print this form for signing click here:

To email this form to McInnes Wilson Lawyers, after confirming instructions below, click here:

CONFIRMATION OF INSTRUCTIONS

The purchaser agrees to purchase the goods and services indicated on this application form and acknowledges that legal or financial advice has not been given by McInnes Wilson Lawyers in relation to the preparation of the discretionary trust deed.

Signed by purchaser

Date (dd/mm/yy)

OR

Confirmed by purchaser

Date (dd/mm/yy)

Note: This application form will not be processed by McInnes Wilson Lawyers unless this section is completed.

CREDIT CARD PAYMENTS

Please debit the following credit card for the supply of goods and services indicated on this application form.

Note: Payment by credit card will incur a fee of 1.07% (incl GST) for VISA, MasterCard, and 3% (incl GST) for AMEX, on the GST inclusive price.

Credit card:

Visa Mastercard American Express

Total Remitted: \$

Expiry date:

plus credit card fee specified above

Cardholder's Name:

Card Number

Cardholder's Signature

Date

Notes.

No.	Topic	Information
1.	Settlement Sum	The Settlement Sum must be provided by the settlor (usually \$10) and be deposited into the trust's bank account as soon as possible after establishment.
2.	Settlor	The Settlor should be an independent but trusted party who starts the trust by vesting an asset into it (usually cash). For income tax purposes, a Settlor should never be a beneficiary or a member of a class of beneficiaries.
3.	Trustee	The Trustee is the legal owner of the trust property. Any person(s) or company(ies) may act as Trustee(s).
4.	Appointor	The Appointor has defacto control of the trust because he, she or the entity(ies) can replace any existing Trustee(s) for any reason.
5.	Residuary Beneficiary(ies)	The Residuary Beneficiaries are most likely to be the principal people behind the trust. These people are entitled to the income and capital if the Trustee fails to make an appointment of income and capital in a particular year and at the end of the term of the trust.
6.	Primary Beneficiary(ies)	<p>This term means the people who are likely to be entitled to income and capital from the trust. The class of beneficiaries that is entitled to income and capital from the trust is determined by reference to these Primary Beneficiaries (as well as the Residuary Beneficiaries). That is, once a person is a Primary Beneficiary then the parents, cousins, children, brothers and sisters, spouses and any entities in which that person has a share or interest becomes a possible "Discretionary Beneficiary" of the trust.</p> <p>It is important that the person(s) included as a Residuary Beneficiary are also included as a Primary Beneficiary to ensure that the family and connected entities of the Residuary Beneficiaries are entitled to receive income and capital from the trust by becoming "Discretionary Beneficiaries".</p> <p>The Primary Beneficiaries classification is a useful device to allow people other than the principals (ie the Residuary Beneficiaries) to benefit from the trust (eg a carer, neighbour, specific entity not related to beneficiaries etc).</p>