Beneficiary Nomination Instruction Sheet

Discretionary Trust or Hybrid Trust

*Acknowledgment*

In placing this order I acknowledge that:

1. It is my responsibility to ensure that the order form is complete and correct. I also agree to supply, at my or my client’s cost, a copy of the deed of the trust.

2. The addition of beneficiary will only be as a general beneficiary and not as a named/specified beneficiary or taker in default.

3. The documents I will receive are in a standard form prepared by solicitors for DocsCentre.

4. If new documents have to be prepared as a result of errors, omissions, or if further work is required to attend to errors or omissions in respect of the documents provided, a further fee will be payable. Furthermore, DocsCentre may reject the order if all the relevant documents cannot be produced, the documents are faulty, or if it requires rectification.

5. Stamp duty may apply in relation to the deeds. DocsCentre is not liable for advising on stamp duty, paying the stamp duty or arranging for lodgment of the documents for stamping. In some states, there may be adverse stamp duty consequences as a result of these changes.

6. We cannot guarantee that the enclosed deed of variation will have the desired effect of providing that the Trust will not be subject to the stamp duty and/or land tax surcharges, especially as we are not experts on stamp duty or land tax (which are state-based taxes). It may be appropriate for you or your client to obtain advice in relation to the deed of variation from stamp duty and land tax experts based in the relevant state.

7. The documentation will be prepared based on the instructions contained in this order form. DocsCentre has not provided any legal advice to the parties in relation to the suitability of the documents. In particular, DocsCentre is not licensed to provide financial product (FP) advice under the Corporations Act 2001 (Cth) and I may consider taking advice from the holder of an Australian Financial Services Licence before making a decision on an FP. Furthermore, DocsCentre is not giving legal advice in arranging for the supply of these documents and if either I or my client requires legal advice in relation to this matter that will be arranged separately.

Person ordering deed

Person ordering:

Firm:  Constitute Member Number:

Phone:  Email:

*By completing these instructions and sending them to DocsCentre, I/we and our client(s) hereby acknowledge   
and agree to the above terms and conditions and that I/we have read the explanatory material included in this form.*

|  |  |  |
| --- | --- | --- |
| Payment details  Please tick the following products you require and provide credit card details for payment. For other payment options, contact us on 1800 799 666. | Deed of nomination: Trust – Change of Beneficiary **$440** |  |
| **Please provide a scanned copy of the executed Trust Deed** |  |
| *Note: The documents will be sent to the nominated email address in PDF format.* |  |
|  |  |

Mastercard  Visa  AMEX  On Account\*

Name on Card:

Credit Card No:

Expiry Date: Signature

*\* Note that our staff will call you to request the CVV when payment is processed.*

*\* On account option is only available if a 30 day credit account application has been completed and approved.*

|  |
| --- |
|  Email to [info@docscentre.com.au](mailto:info@docscentre.com.au)  **** If you have any other queries, please call 03 9209 9799 or free call 1800 799 666 |

***PLEASE COMPLETE ALL CURRENT DETAILS THROUGHOUT THIS ORDER FORM (WHERE APPROPRIATE), NOTWITHSTANDING THAT YOU WILL ALSO PROVIDE A SIGNED COPY OF THE DEED***

|  |  |  |  |
| --- | --- | --- | --- |
| **SECTION A – CURRENT TRUST DETAILS** | | | |
| Name of Trust | |  | |
| Law Governing Fund | | VIC  NSW  QLD  SA  WA  TAS  ACT  NT | |
| Date the original Trust Deed was executed/signed | |  | Please include a copy (not original) of the deed (and details of any changes made since that deed was executed). Copies will not be returned unless requested. |
| Type of Trust: Discretionary Trust | | | |
| What is the clause number of the deed which permits the relevant change(s)?  (leave blank if not known) | | | |
| **SECTION B - TRUSTEE(S) DETAILS** | | | |
| **CURRENT INDIVIDUAL TRUSTEES** | | | |
| **TRUSTEE 1-** Full Name |  | | |
| Residential Address |  | | |
|  | | |
| **TRUSTEE 2-** Full Name |  | | |
| Residential Address |  | | |
|  | | |
| **TRUSTEE 3-** Full Name |  | | |
| Residential Address |  | | |
|  | | |
| **TRUSTEE 4-** Full Name |  | | |
| Residential Address |  | | |
|  | | |

|  |  |
| --- | --- |
| **CURRENT CORPORATE TRUSTEE** | |
| Name of Corporate Trustee ACN |  |
| Address |  |
| Names of Director (1) | |
| Names of Director (2) | |
| Names of Director (3) | |
| Names of Director (4): | |

|  |  |
| --- | --- |
| **SECTIONS C - CURRENT APPOINTOR(S) AND OR GUARDIAN(S)** | |
| Appointor / Guardian Name and address |  |
|  |
| Appointor / Guardian  Name and address |  |
|  |
| Appointor / Guardian Name and address |  |
|  |
| Appointor / Guardian Name and address |  |
|  |

|  |  |
| --- | --- |
| **SECTION D – BENEFICIARIES** | |
| **NEW BENEFICIARY** | |
| Beneficiary 1  Name and address |  |
|  |
| Beneficiary 2 Name and address |  |
|  |
| Beneficiary 3  Name and address |  |
|  |
| Beneficiary 4  Name and address |  |
|  |

|  |  |
| --- | --- |
| **SPECIAL INSTRUCTIONS (IF ANY):** | |
|  |
| **How to complete THE order form for A TRUST deed AMENDMENT** |

***This section must be read in conjunction with the above order form***

PLEASE ENSURE YOU COMPLETE ALL REQUIRED INFORMATION, NOTWITHSTANDING THAT WE ALSO REQUIRE A SIGNED COPY OF THE TRUST DEED.

**SECTION A – CURRENT TRUST DETAILS**

This section refers to the details of the trust as it is currently in place.

If you are aware of the clause number which permits the variation to take place, please complete. If you do not know, or you are unsure, please leave this blank.

**SECTION B – CURRENT TRUSTEE DETAILs**

If appropriate, please indicate the names, residential addresses of all current individual trustees.

If appropriate, please indicate the name, ACN and address of the corporate trustee as well as the names of the directors.

**SECTION C – CURRENT APPOINTOR**

Please indicate the names and residential addresses of all individual appointors. Please note that appointors can also be referred to as principal or nominator.

**SECTION D – NEW BENEFICIARY/IES**

Please indicate the names and residential addresses of all new beneficiaries. If the new beneficiary is an company, trust or unincorporated entity please also provide details of the appropriate representative/s.

**SCOPE OF THIS PACKAGE**

The Docscentre Beneficiary Addition package (“this/the package”) is designed to add general beneficiaries (instructed to us by person or entity name, date of birth and address) to the class of beneficiaries of a discretionary trust or hybrid trust.

**WHAT ARE THE LIMITATIONS OF THIS PACKAGE?**

This package is designed to **only** add general beneficiaries and not specified or named beneficiaries.

This package is not designed for use with a trust deed that does not have an express power for the trustee to add general beneficiaries of the Trust. The express power must expressly allow for the type of beneficiary (individual, corporation or trust) to be added as a general beneficiary.

This package is not designed for use where the intended additional general beneficiary is a minor.

This package is not designed for use where the trust deed is a SMSF deed, testamentary trust deed, pedigree or lineal descendants trust deed, farm trust deed, special disability trust deed, pharmacy trust deed or a unit trust deed. It is only designed for use with a discretionary trust deed and a hybrid trust deed (subject to the trustee’s power to add general beneficiaries).

This package is not designed to add general beneficiaries who fall within the trust deed’s list of “excluded persons” (e.g. foreign persons where the trust deed’s terms contain a foreign person exclusion), or where a family trust election has been made for the trust, this package is not designed to add general beneficiaries who fall outside of the family group required to maintain the family trust election’s status, nor are we engaged to review or confirm: (1) whether a family trust election has been validly made and is continuing for the trust or (2) whether any intended additional general beneficiaries fall within our outside of that family group. Specialist

advice will need to be sought if you have any specific questions in this regard.

We will include in our warranties that our legal team has signed off that the clause in the trust deed providing the trustee’s power to add general beneficiaries has been complied with in preparation of the beneficiary addition documentation, such that on full execution of the documentation, the nominated additional beneficiaries will become beneficiaries of the trust to whom beneficiary distributions may be made by the trustee from the trust fund.

However, other than limited to the sign off warranties described above, we will not be engaged to, nor do we, advise or warrant whether the addition of any particular beneficiary as a general beneficiary of the trust using our Docscentre Beneficiary Addition package documentation will satisfy all other requirements (if any) under law or other regulations related to taxation or otherwise for the purposes of nominating “a bucket company”, nor that the chosen additional beneficiary may or may not comply with all relevant requirements to be such bucket company, nor in relation to any other related needs or objectives of the parties. Specialist advice will need to be sought if you have any specific questions in this regard.

If you have other questions in relation to the exclusions for this documentation package please contact our office before ordering the Docscentre Beneficiary Addition package.