



### **Discretionary Trust Order Form completion instructions**

Please carefully read the following before completing the Discretionary Order Form (**Order**) and return completed Orders to us by email at [mail@rostroncarlyle.com](mailto:mail@rostroncarlyle.com) or by fax on (07) 3009 8499.

#### **Terms and conditions**

By completing and submitting the Order you confirm as follows:

1. that the trustee is either 1 or more individual(s) or company(ies) and in the case of a company, it is in existence at the time of proceeding with the Order;
2. that the Settlement Sum is cash only (to avoid adverse stamp duty consequences); and
3. that the choice of trustee for the trust has been carefully considered.

#### **Application process**

You should read the Notes for each item to be completed in the Order 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 etc);
2. Appointor(s).
3. Settlor(s) of the Trust;
4. Primary Beneficiary(ies) of the Trust;
5. Default Beneficiary(ies) of the Trust;

If you are unsure about any of the items to complete the Order, please contact us on (07) 3009 8444.



**Phone (07) 3009 8444**

**Discretionary Trust Order Form**

Name: .....  
 Firm: .....  
 Postal Address: .....  
 .....  
 Phone: .....  
 E-mail: .....

**TRUST DETAILS**

Name of Trust: .....

Date of Trust: .....

Names of ALL Trustee/s: .....

Street Address of Trustee/s: .....

If Trustee is a company: 1. ACN ..... and

2. Names of ALL Directors .....

Appointor of Trust .....

*Party/s who will have the power to appoint and/or remove a Trustee/Beneficiary*

Settlor: ROSTRON CARLYLE SOLICITORS (note as per the below that if Rostron Carlyle is the settlor then the trust cannot be sent electronically or .....

If Rostron Carlyle Solicitors is to act as Settlor of the Trust, and the Trustee is not domiciled in Queensland, we will execute the deeds under Power of Attorney in Queensland. These will be stamped and returned to your office with the Settlement Sum. Should you nominate a different Settlor the deeds will have to be settled and stamped in situ.

Settlor's Address (if not Rostron Carlyle) .....

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:** Please note that if no nomination is made below, the Primary Beneficiaries will be the takers in default.

#1 .....	#5 .....
#2 .....	#6 .....
#3 .....	#7 .....
#4 .....	#8 .....

**Prices (GST exclusive):**

- By electronic (email) delivery (PDF format) (note that Rostron Carlyle cannot be the settlor for a trust delivered electronically) \$380.00 GST (incl)
- Not urgent (within 2 days) registered post (2 copies) \$380.00 GST (incl)
- Next day registered post (2 copies) \$445.00 GST (incl)
- Same day courier delivery (2 copies) (within Brisbane metropolitan area) \$485.00 GST (incl)
- Minutes of director of company resolving to be trustee of the trust \$60.00 GST (incl)

Note 1

Note 2

Note 3

Note 4

Note 5

Note: payment by credit card with credit card will incur a fee of 1.05% (incl GST) for Visa, Mastercard, Diners Club and Bankcard, and 3% (incl GST) for Amex, on the GST inclusive price specified above.

**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 to [mail@rostroncarlyle.com](mailto:mail@rostroncarlyle.com) or Fax Number (07) 3009 8499  
Please call Malcolm Burrows, Associate on (07) 3009 8444 with any queries

## Notes

Note	Information
1	Trustee The Trustee is the legal owner of the trust property although not the beneficial owner. The trustee carries out all transactions of the trust in its own name and must sign all documents for and on behalf of the trust. The trustee's overriding duty is to obey the terms of the trust deed and to act in the best interests of the beneficiaries.
2	Appointor The Appointor is the person named in the Trust Deed who has the power to remove and appoint trustees. This would commonly occur when: <ul style="list-style-type: none"> <li>• the trustee dies, becomes bankrupt or is incapacitated;</li> <li>• in the case of a company, the company is wound up.</li> </ul>
3	Settlor The Settlor is the person who creates the trust by "settling" a sum of money or item of property on trust for the beneficiaries. The Settlor must be a person that is not related to any other person in the trust or a potential beneficiary. For this reason the Settlor is ordinarily either Rostron Carlyle Solicitors or another professional person such as your accountant.
4	Primary Beneficiaries The Primary Beneficiaries are the people (including entities) for whose benefit the trustee holds the trust property. A discretionary trust usually has a wide range of beneficiaries, including companies and other trusts. The beneficiaries of a discretionary trust do not have an interest in the assets of the trust. They merely have a right to be considered or a mere expectancy until such time as the trustee exercises its discretion to make a distribution.  The Primary Beneficiaries are those beneficiaries named in the trust deed who are eligible to receive a distribution of income or capital at the discretion of the trustee (subject to the approval of the Appointor).  It is important that the person(s) included as a Default Beneficiary are also included as a Primary Beneficiary to ensure that the family and connected entities of the Default Beneficiaries are entitled to receive income and capital from the trust by becoming discretionary beneficiaries.
5	Default Beneficiaries The remainder beneficiaries are the beneficiaries automatically entitled to receive a proportionate distribution of income or capital to the extent that the Trustee has not exercised its discretion otherwise.