



# Unit Trust Order Form

Name	<input type="text"/>	Phone	<input type="text"/>
Firm	<input type="text"/>	E-mail	<input type="text"/>

**IMPORTANT: Please refer to page 3 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.

Is this a fixed trust (see over):  Yes OR  No OR  Yes for NSW Land Tax. In the absence of an election here, your Unit Trust will be a non-fixed trust

Meeting Address

Trustee Address

Settlor:  
Acis Settlements or

Settlement Sum:  
\$10.00 or

## Trustees

**IMPORTANT: Full, verifiable names are required.**

Corporate Trustee (if applicable)

ACN  TFN'

Officer Names and Roles (First Officer listed to be Chairman, 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 Chairman)	<input type="text"/>	TFN' <input type="text"/>
	<input type="text"/>	TFN' <input type="text"/>

\*Providing TFNs is optional, but will benefit ABN/TFN applications.

## Unit Holders

Unit Holder Name

Address

No. of Units  Class of Units ORDINARY or  Paid \$1.00/Unit or \$

Unit Holder Name

Address

No. of Units  Class of Units ORDINARY or  Paid \$1.00/Unit or \$

Unit Holder Name

Address

No. of Units  Class of Units ORDINARY or  Paid \$1.00/Unit or \$

Unit Holder Name

Address

No. of Units  Class of Units ORDINARY or  Paid \$1.00/Unit or \$

Please return this completed form to [acis@acis.net.au](mailto:acis@acis.net.au), Freefax 1800 655 556 or Locked Bag 1, Fortitude Valley Q 4006

# Unit Trust Order Form

## Additional Information/Special Instructions

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## 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  Expires  CCV

Name on Card  Signature

## Unit Classes and Rights

For convenience, our non-fixed unit trust deed includes a number of standard unit classes and have been summarised below.

Class	Full Title	Summary of Rights
ORD	Ordinary Units	vote, income, capital
A	A Class Units	vote, income, capital
B	B Class Units	vote, income, capital
C	C Class Units	no vote, income, capital
D	D Class Units	no vote, income, capital
E	E Class Units	no vote, income, capital
F	F Class Units	vote, no income, capital
G	G Class Units	no vote, income, no capital
H	H Class Units	no vote, income, no capital
I	I Class Units	no vote, income, no capital
J	J Class Units	vote, no income, no capital
K	K Class Units	no vote, no income, capital

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## 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 our representative 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 or to its registration.

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## 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 (regardless of the date appearing on the Power of Attorney).

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## 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 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.

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## Fixed Trusts

Whether a trust is "fixed" or not for the ATO's purposes can have significant effects (e.g. different trust loss provisions may apply). If you require any further explanation of the trust loss provisions or any other issues relevant to fixed trusts, you should seek professional advice from your accountant or other professional advisor.

In order for a trust to be "fixed" for the ATO's purposes, the unit holders must have a vested and indefeasible interest in the trust. They must have a fixed entitlement to a share of the income and capital of the trust. In order to satisfy the ATO's requirements:

1. any issue or redemption of units must occur at a price based on the net asset value of all units determined in accordance with Australian accounting principles;
2. the income and the capital of the trust must be payable to unit holders in strict proportion to the number of units held without any discretionary element allowing those sums to be diverted elsewhere; and
3. it is recommended that these provisions cannot be amended using a power in the trust deed.

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**IMPORTANT NOTE:** *Following the Federal Court decision in Colonial First State v FCT, very few if any trusts in Australia will qualify as fixed trusts for taxation purposes. Therefore if you require a fixed trust we recommend that you obtain professional advice regarding this decision and its application to your trust. Note also that the government has issued a discussion paper regarding this issue and further developments are expected for the reform of the fixed trust rules.*

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## NSW Land Tax

Where your trust holds land in NSW, it may be subject to land tax. Where land tax is assessable, the trust may or may not be entitled to claim a land tax free threshold as a "fixed trust". The criteria required to be a fixed trust for those purposes in NSW may significantly and adversely affect the asset protection offered by the trust. As such we recommend that you obtain professional advice from your accountant or other professional advisor before ordering such a trust.

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## Unit Classes

For convenience, our non-fixed unit trust deed includes a number of standard unit classes and have been summarised on page 2 of this order form.

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# 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:

Name of Trust

(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 signed, sealed and delivered DATED:     /     /

## Individual Trustee/s

SIGNED by:

Proposed Trustee

Witness

Proposed Trustee

Witness

Proposed Trustee

Witness

Proposed Trustee

Witness

## Corporate Trustee

Executed by the Officers of the Proposed Trustee:

Director     Sole Director     Sole Secretary

Director     Secretary

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

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