

# Hybrid Family Trust

## FastTrack Instruction Form

Adviser's Name: .....

Delivery Address: .....



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L A W Y E E R S

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### Instructions only accepted if form is completed by your Accountant/Adviser with FULL PAYMENT

Hybrid Family Trusts have all the flexibility of a Discretionary Family Trust – plus a lot more.

Few trusts can negatively gear, however, if you used correctly you may well be able to negative gear in the Hybrid Family Trust.

When you first create the Hybrid Family Trust it can be used as a Discretionary Family Trust, when required you can sell down different units in the trust. Each class of units perform differently. This adds additional flexibility to what you want to achieve.

For example, you can distribute capital or income or both or none. Unlike a Family Discretionary Trust some units allow for beneficiaries to inject cash and assets in the trust and get a fixed entitlement. When the trustee distributes income and

capital, then that distribution is to each class of beneficiary in proportion to the number of units you have. Where the unit holders agree different payments can be made not in proportion to the unit holding.

#### The document package includes:

- Consent to act as the Trustees (and related minutes if trustee is a company)
- Application for Units
- Certificate(s) of Unit Holding
- Register of Unitholders
- Register of Units Issued
- Trust Deed

### 1. Who controls the Trust? - The Appointor

Appointor(s) Full Name	First Name	Middle Name	Surname
Residential Address			

The Appointor (guardian) controls the Trustee and therefore controls the trust. The Appointor can sack the Trustee. The Appointor can also be the Trustee. You can appoint yourself and your spouse as the Appointor.

### 2. Who is the figure head? - The Trustee

Trustee(s) Full Name (and ACN Number if a company)	
Trustee Address	

The Trustee is the figure head of the Trust but takes its orders from the Appointor. The Trust assets are usually in the name of the Trustee. The Trustee can be a company or a person. You can be both the Trustee and Appointor.

### 3. What happens after the Appointor(s) dies?

The Appointor (after the first Appointor(s) dies)

While you may **control** the Trust Assets you do not **own** them. Because the assets don't form part of your personal estate, it is important to work out who gets to control your Trust after you (and your spouse) die. Often, Mum and Dad are the Appointor and then the children. (If your clients are having more children, just put "My Children").

### 4. Who gets the income of the trust if you do nothing?

Specified Beneficiaries

If you fail to make a distribution of income, you need to have some default person(s) to take the income. Usually, clients appoint their children.

### 5. What do you want to call your Hybrid Family Trust?

The  Trust

Call your Trust anything you like. People often use their surname. *E.g. The Smith Trust*

**6. Cost as at 11 December 2006: \$1,100 (including WA stamp duty).** This price only applies where this form is completed by an Accountant or Adviser. Changes to these instructions incur additional costs. Our lawyers are available to provide advice. The cost is \$440 per hour. The Settlor of the Trust is a solicitor at our office. The settled sum is \$10.

**Charge my credit card**

Card Type  B/Card  Visa  M/Card

Card #

Name on Card  Expiry  /200\_\_

or Cheque enclosed

I would like the deeds delivered by courier. Usually \$20 per delivery (most of Australia)