



## TRUST FORMATION FORM

From: \_\_\_\_\_  
(person requesting set up of trust)

Date: \_\_\_\_\_

Please form a trust with details as described below

**Trust Name:** \_\_\_\_\_  
(You can choose any name for your trust as there is no restriction or registration of Trust name required on any register, though it is important to note that it should not breach Fair Trading Act, Trade Marks act or at common law). In case of Trust that owns Family homes, the Surname of the settlers is commonly used) We act as agents only pertaining to name registration.

**Settlement sum:** \$ \_\_\_\_\_  
(A token sum of money to commence the Trust generally set at \$10.00. It must be paid into the trust bank account by the settlor as soon as the Trust has a bank account)

SETTLORS:	SETTLOR 1	SETTLOR 2	SETTLOR 3
Surname:	_____	_____	_____
First names:	_____	_____	_____

(The person or persons who settle the trust, generally has the power to appoint and fire the trustees, in case of married and de-facto couples, it is suggested that both persons be settlors to ensure balance of power remains if the assets belong to both persons)

TRUSTEES:	TRUSTEE 1	TRUSTEE 2	TRUSTEE 3
Surname:	_____	_____	_____
First names:	_____	_____	_____
Occupation:	_____	_____	_____
IRD Number:	_____	_____	_____
Postal Address:	_____ _____	_____ _____	_____ _____
Residential Address:	_____ _____ _____	_____ _____ _____	_____ _____ _____
Phone Number:	_____	_____	_____

**E-mail address:** \_\_\_\_\_  
(the trustees are responsible for operating the trust for the benefit of the trust beneficiaries, the trustees conduct all business on and behalf of the trust, hence the trustees names will appear on most legal documents including the land titles, mv register, etc. The trustees must pass appropriate and unanimous resolutions for all trust actions, a trust requires at least one trustee to act, which can be also be a corporate trustee)



**Bank Name:** \_\_\_\_\_ **Branch:** \_\_\_\_\_

*(All trusts must have a bank account and opened at the earliest convenient time, it may be easier to have the trust bank account with your usual trading bank)*

**Solicitor Firm:** \_\_\_\_\_ **Person Acting:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Beneficiaries**

**Discretionary Beneficiaries:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(The people you may want to benefit during the life of the Trust)*

**Final Beneficiaries:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(The people who will get the Trust assets when the Trust is eventually wound up)*

**Memorandum of Wishes (If you already have one):** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Gifting Process**

**To be completed by:**      Self                              Solicitor                              Biz Solutions  
(Please circle one)

All trusts where settlor passes wealth over to the trust requires a deed of acknowledgement of debt entered into, and on an annual bases an individual settlor may gift \$27,000.00 for natural love and affection to the trust without incurring any gift duty. Appropriate resolutions to that effect must to passed and copies of 1 gift statements processed with IRD. (Biz Solutions charges \$400 plus GST annually to complete this process). Gift duty has been abolished since October 2011. However, there are certain implications of gifting/forgiving the full debt of the Trust. Advice should be sort on these implications on a case by case basis.



**Notes:**

1. It is vital that you understand the consequences of setting up a trust and how its affairs must be conducted to ensure that it remains a legitimate trust and fulfils its desired purpose. If you are unclear on any aspect of how the trust works and if this is right for your needs, you must seek independent advice.
2. In addition to setting up a trust, it is prudent to update your will at the same time. Your will may appoint a replacement trustee in your absence or otherwise as you deem appropriate.
3. It is also suggested that a memorandum of wishes is recorded, though not legally binding on the trustee appointed after the fact; it provides guidance on how to conduct the affairs of the trust.
4. The cost of setting up a trust is as follows:

Identity Verification (all settlors and trustees required)	\$ 20.00 per verification
Annual Gifting (one off)	\$ 500.00 per person
Trading Trust (include setting up of corporate trustee)	from \$2,200.00
Family Trust	from \$1,650.00
Biz Trusteeship services (annual basis)	from \$1,200.00

For complex and high wealth trust you must seek independent legal advice.

Requested by

**Name:** \_\_\_\_\_  
(Usually a settlor will request a trust to be setup)

**Signed:** \_\_\_\_\_