

**TESTAMENTARY TRUST - ADDITIONAL INFORMATION SHEET**

You may consider a testamentary trust to be appropriate in the following circumstances:

- a potential beneficiary is a business owner or operates under an ABN.
- you have young children and/or children who may be too immature.
- You wish to ensure that your children’s inheritance is protected from third parties, including business and personal creditors and as far as practicable the Family Court.
- You have children from different relationships.
- A potential beneficiary is under a disability.
- A potential beneficiary is a spendthrift or would not be able to cope with a large inheritance.

**1. TRUSTEE**

The person(s) who administers the trust and liaises with the professional advisers, the beneficiaries and/or their guardians.

Trustee (1)

Name: .....

Full Residential .....

Address: .....

PO Box: .....

Occupation: .....

Telephone No:(H) .....(W).....

Mobile No. ....

Email Address: .....

Trustee (2) (if applicable)

Name: .....

Full Residential .....

Address: .....

PO Box: .....

Occupation: .....

Telephone No:(H) .....(W).....

Mobile No. ....

Email Address: .....

## 2. Beneficiaries

If you have more than one beneficiary / child that you wish to benefit under a testamentary trust we strongly recommend that you set up separate trusts for each of them. This removes the problems associated with apportionment and potential conflict amongst the beneficiaries / children in the future.

If the beneficiaries are not your children then please provide the following information:

Beneficiary (1)

Name: .....

Full Residential .....

Address: .....

PO Box: .....

Occupation: ..... Date of Birth .....

Telephone No:(H) .....(W).....

Mobile No. ....

Email Address: .....

Beneficiary (2)

Name: .....

Full Residential .....

Address: .....

PO Box: .....

Occupation: ..... Date of Birth .....

Telephone No:(H) .....(W) .....

Mobile No. ....

Email Address: .....

(a) Do you wish the beneficiary to become the trustee at some stage?

Yes

No

If yes, at what age? (Usually 25 or 30)

25

30

other, please specify

**3. Appointor**

You will also need to nominate an appointor, who will have the power to remove a trustee and appoint a replacement if the necessity arises. (This is often your solicitor or accountant).

Appointor (1)

Name: .....

Full Residential .....

Address: .....

PO Box: .....

Occupation: .....

Telephone No:(H) .....(W).....

Mobile No. ....

Email Address: .....

Appointor (2)

Name: .....

Full Residential .....

Address: .....

PO Box: .....

Occupation: .....

Telephone No:(H) .....(W).....

Mobile No. ....

Email Address: .....

If a prospective beneficiary does not survive you the part of your estate due to pass to that trust will usually pass to any other trust(s) you have established under you will. But if no beneficiary survives you then you will have to nominate where the funds will go. (This is usually siblings but can be anyone, including charities)

Please provide full name and address of the ultimate recipient(s) of your estate.

Name: .....

Full Residential .....

Address: .....

PO Box: .....

Occupation: .....

Telephone No:(H) .....(W).....

Mobile No. ....

Email Address: .....

Name: .....

Full Residential .....

Address: .....

PO Box: .....

Occupation: .....

Telephone No:(H) .....(W).....

Mobile No. ....

Email Address: .....

If you would like to seek clarification on a particular issue or wish to seek any advice before completing this Instruction sheet please contact **Noel Duffy** direct on:

**Business:** 07 5510 4828 or 02 9293 2511

**Mobile:** 0422 994 151

**E-mail:** [nduffy@duffy.com.au](mailto:nduffy@duffy.com.au)

**Website:** [www.duffy.com.au](http://www.duffy.com.au)