

**DISCRETIONARY TRUST
- NEW TRUSTEE/APPOINTOR/GUARDIAN
INSTRUCTION SHEET**

All correspondence to:
PO Box 412
Mount Waverley VIC 3149

Office Address
21 Hudson Place
Rowville VIC 3178
t: +61 3 9763-0139
www.mjhclegal.com

NOTE: This Instruction Sheet must be completed fully and **returned** with a **copy** of the deed establishing the trust and all subsequent amending deeds and deeds of appointment. Any omissions may result in delays in preparing documents. Electronic document delivery is preferred.

A. ADVISOR/PERSON ORDERING DEED:

Enquiries, documents, invoices will be directed to this person, unless otherwise stated

Person Ordering:			
Firm Name:			
Street Address:			
Suburb/Postcode			
Telephone:		Fax:	
Email:		Signature:	

B. TRUST NAME:

Trust Name:	
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C. REQUIRED INFORMATION:

Was the existing trust deed established or amended by MJHC Legal? Yes ☐ No ☐

Unless the Trust presently has a MJHC Legal Deed, you must forward a complete set of all trust deed documents

When was the Trust established?			
	DD/MM/YYYY		
Any previous Amending Deeds are dated? (go to Part L. Additional Information if insufficient space)			
	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY
Are these documents enclosed with this form?	Yes ☐ No ☐		
	If Yes, are these documents to be returned?	Yes ☐ No ☐	
Any previous Deeds of Appointment are dated? (go to Part L. Additional Information if insufficient space)			
	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY
Are these documents enclosed with this form?	Yes ☐ No ☐		
	If Yes, are these documents to be returned?	Yes ☐ No ☐	
When is the meeting date? (This is the date the individuals involved met to make the appointment.(see Part P. Important Information))			
	DD/MM/YYYY		
	or for client flexibility is date to be left blank?	Yes ☐ No ☐	
When is the appointment to commence? (this may be before or after the meeting date)			
	DD/MM/YYYY		
	or for client flexibility is date to be left blank?	Yes ☐ No ☐	

D. ACTION REQUIRED:

Note: For all appointments you must complete Parts A. to D. and J. to N.

Please select one or more of the following options.

Documents are required to:

- | | | | |
|---|-------------------------|---|--|
| ☐ replace existing Corporate Trustee
with a new Trustee(s) who is/are: | (also complete Part F.) | ☐ Company
(also complete Part G.) | ☐ Individual
(also complete Part E.) |
| ☐ replace existing individual Trustee
with a new Trustee(s) who is/are: | (also complete Part E.) | ☐ Company
(also complete Part G.) | ☐ Individual |

Options continue over page

- ☐ appoint additional individual Trustee (also complete Part E.)
- ☐ replace existing Appointor/Guardian(s) (also complete Part E. or H. (as appropriate))
with a new Appointor/Guardian(s) who is/are: ☐ Company ☐ Individual
(also complete Part I.) (also complete Part E.)

E. INDIVIDUAL DETAILS:

1. Full Name: DOB:
Street Address:
Suburb/Postcode:
Select roles: **director:** of continuing trustee: ☐ of retiring trustee: ☐ of replacement trustee: ☐ not in any capacity: ☐
individual trustee: continuing: ☐ retiring: ☐ replacement: ☐ additional: ☐ not in any capacity: ☐
appointor/guardian: continuing: ☐ retiring: ☐ replacement: ☐ additional: ☐ not in any capacity: ☐
Present at Meeting ☐ Not Present at Meeting ☐
Select each check box that is relevant for the roles performed by all individuals
2. Full Name: DOB:
Street Address:
Suburb/Postcode:
Select roles: **director:** of continuing trustee: ☐ of retiring trustee: ☐ of replacement trustee: ☐ not in any capacity: ☐
individual trustee: continuing: ☐ retiring: ☐ replacement: ☐ additional: ☐ not in any capacity: ☐
appointor/guardian: continuing: ☐ retiring: ☐ replacement: ☐ additional: ☐ not in any capacity: ☐
Present at Meeting ☐ Not Present at Meeting ☐
3. Full Name: DOB:
Street Address:
Suburb/Postcode:
Select roles: **director:** of continuing trustee: ☐ of retiring trustee: ☐ of replacement trustee: ☐ not in any capacity: ☐
individual trustee: continuing: ☐ retiring: ☐ replacement: ☐ additional: ☐ not in any capacity: ☐
appointor/guardian: continuing: ☐ retiring: ☐ replacement: ☐ additional: ☐ not in any capacity: ☐
Present at Meeting ☐ Not Present at Meeting ☐
4. Full Name: DOB:
Street Address:
Suburb/Postcode:
Select roles: **director:** of continuing trustee: ☐ of retiring trustee: ☐ of replacement trustee: ☐ not in any capacity: ☐
individual trustee: continuing: ☐ retiring: ☐ replacement: ☐ additional: ☐ not in any capacity: ☐
appointor/guardian: continuing: ☐ retiring: ☐ replacement: ☐ additional: ☐ not in any capacity: ☐
Present at Meeting ☐ Not Present at Meeting ☐

F. CURRENT COMPANY TRUSTEE DETAILS:

Company Name: ACN:
Street Address:
Suburb/Postcode:

G. NEW COMPANY TRUSTEE DETAILS:

Company Name:			
Street Address:			
Suburb/Postcode:			
ACN:		Date of Incorporation:	

H. CURRENT APPOINTOR/GUARDIAN DETAILS:

Name:			
Street Address:			
Suburb/Postcode:			
ACN: (if a company)		Date of Incorporation:	

I. NEW APPOINTOR/GUARDIAN DETAILS:

Name:			
Street Address:			
Suburb/Postcode:			
ACN: (if a company)		Date of Incorporation:	

J. FOR MINUTES OF MEETING:

Place of Meeting:		Address of Trustee Company or 1st Individual Trustee unless otherwise stated
Name of Chairperson:		1st Director or Trustee unless otherwise stated

If the following is **not** completed, it will be presumed that all individuals were present at any necessary meetings.

Were all Trustees/Directors present at Meeting? Yes ☐ No ☐

If No, provide details of absentees in Part L. Additional Information

If not all Trustees/Directors were present at Meeting you **must** select one of the following options:

☐ The absent Trustees/Directors attended by telephone
(provide details of absentees in Part L. Additional Information)

OR

☐ Circulating Resolutions required for signature by all Trustees/Directors
(See Part P. Important Information)

K. REPRESENTATIVE CAPACITY:

Is any trustee acting as the legal personal representative of a member? Yes ☐ No ☐

If Yes, provide details in Part L. Additional Information

L. ADDITIONAL INFORMATION:

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M. DOCUMENT DELIVERY:

Prepared documents are to be sent by: email: ☐ mail: ☐ express post: ☐
Additional Fee of \$10.50 applies

N. PAYMENT DETAILS:

Payment of Invoice is required before document package delivery unless other arrangements are in place.

Credit Card and bank deposit/internet banking options will be set out in the Invoice.

O. COMPLETED INSTRUCTIONS:

Please forward completed instructions to MJHC Legal:

email: mjhc@mjhclegal.com

mail: PO Box 412, Mount Waverley VIC 3149

Print and review your instructions before submitting and retain printed copy for your file. Adobe Reader will not allow you to save the data in this form.

The Email button will forward your completed Instruction Form to MJHC Legal.

The Reset button will clear all data in the form.

In submitting the completed Instruction Form, the person described in Part A authorises MJHC Legal to prepare the new trust documentation and agrees to pay the Fee payable for the new Trust. You understand that typing/spelling errors or incorrect information given is your responsibility.

Print Form

Submit by Email

Reset

P. IMPORTANT INFORMATION:

Effective Dates

The Trust must resolve to appoint new Trustees and/or Founders of the Trust. The date the parties meet will also be the date of the deed of appointment. However, the date on which the appointment takes effect can be a past or future date. For example, you should ensure that the effective date of the appointment is a date prior to the new Trustee/Founder participating in Trust administration.

Meeting & Resolutions

It is not always a legal requirement that individuals physically attend a meeting of trustees or directors of a corporate trustee. Most modern trust deeds and company constitutions permit teleconferencing. Attendance by telephone can be a convenient method of meeting where parties are physically separated. You must indicate whether or not a party was or will be physically present at a meeting.

A circulating resolution is an alternative to attendance at a meeting in person or by telephone. A circulating resolution requires all parties to sign and date the resolution. It is also necessary for the parties to be provided with all relevant material relating to the resolution. This may not always be convenient or a secure means of safeguarding the material.

Importantly, a circulating resolution does not have any legal effect until the resolution is signed and dated by all required parties. It will also only be effective from the date on which the last signature is obtained to the circulating resolution. For these reasons, physical or telephone attendance at a meeting is preferred over a circulating resolution.

DISCLAIMER:

MJHC Legal prepares documentation based on your written instructions. MJHC Legal is not licensed to provide financial product advice. The rules concerning Self Managed Superannuation Trusts change and it may be advisable to request specific advice.

Liability limited by a scheme approved under Professional Standards Legislation.