

## Instructions to Establish Hybrid Trust

### YOUR DETAILS

Date	
Name	
Company Name	
Street Address	
Billing Address (if different)	
Telephone	
Fax	
Email	

Authorised by: \_\_\_\_\_ Signature: \_\_\_\_\_

### NAME AND ADDRESS OF SETTLOR

Note: This is the person who establishes the trust. They should be someone who is a relative or a close friend of the family but cannot be a beneficiary of the trust once it is established.


### NAME OF TRUSTEE

Note: It is wise to have a separate company as the trustee of the trust. That company should do nothing but run the trust. If you already have a company that can do this then insert details here. If not then contact us about establishing a new company for you on 02 8296 6222.

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### ACN OF TRUSTEE

(Not applicable if Trustee is a person)

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### ADDRESS OF TRUSTEE


The

**DIRECTORS OF TRUSTEE COMPANY ATTENDING DIRECTORS MEETING**

Insert the names of the directors of the trustee company who will attend the first meeting of the Trust and indicate which of them will be the chairman


**DATE OF DEED**

Insert here any required date for the commencement of the trust deed. If no special date is necessary then leave blank.

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## **CLASS OF UNITS**

The Trust Deed of the Fund allows the Fund to be divided into 13 classes of units labelled "A" Class Units, "B" Class Units, "C" Class Units, "D" Class Units, "E" Class Units, "F" Class Units, "G" Class Units, "H" Class Units, "I" Class Units, "J" Class Units, "K" Class Units, "L" Class Units and "M" Class Units.

These different classes have the following rights:

### **"A" Class Units**

"A" Class Units carry an entitlement

- to share in the Trust Fund in priority to all other classes of units when the trust is wound up,
- to share in the distribution of income of the Trust in equal proportion to the Unit Holder's unit holding in the Trust,
- to be paid interest at a rate agreed to from time to time between the Unit Holders and the Trustee however in the event that they are unable to reach agreement at any time then during any period when there shall be no agreement at a rate equal to the rate being paid by the National Australia Bank for 90 day bank bills of an amount equal to the amount of the premium at the relevant time on the amount of any premium,
- to one vote for each "A" Class Unit held and
- to receive repayment of any premium paid at subscription prior to any return of capital on winding up of the Trust.

### **"B" Class Units**

"B" Class Units carry an entitlement

- to a share in the Trust Fund on winding up of the Trust,
- to a share in the distribution of income of the Trust and
- one vote for each "B" Class Unit held.

### **"C" Class Units**

"C" Class Units carry an entitlement

- to a share in the distribution of income of the Trust, and
- on winding up of the Trust, a share of the Trust Fund no greater than \$1.00 for each "C" Class Unit held,
- but do not confer any right to vote at any meeting of Unit Holders whatsoever.

### **"D" Class Units**

"D" Class Units carry an entitlement

- to share in the distribution of the income of the Trust arising during each financial year,
- but do not otherwise confer on the holder any right to any part of the Trust Fund or any right to vote at any meeting of Unit Holders whatsoever.

### **“E” Class Units**

"E" Class Units carry an entitlement

- to receive such proportion of the net income arising from the Trust Fund during each financial year as the Trustee may in the Trustee's absolute and unfettered discretion determine, and
- on termination of the Trust, to receive such proportion of the Trust Fund as the Trustee in the Trustee's absolute and unfettered discretion determine,
- but do not otherwise confer upon the holder thereof any right to any part of the Trust Fund or any right to vote at any meeting of Unit Holders whatsoever.

### **“F” Class Units**

"F" Class Units carry an entitlement

- to receive such proportion of the net income arising from the Trust Fund during each financial year as the Trustee may in the Trustee's absolute and unfettered discretion determine,
- but do not otherwise confer upon the holder any right to any part of the Trust Fund or any right to vote at any meeting of Unit Holders whatsoever.

### **“G” Class Units**

"G" Class Units confer upon the holder thereof on the Vesting Day:

- the right to receive such proportion of the Trust Fund as the Trustee may in the Trustee's absolute and unfettered discretion determine provided that prior to the Vesting Day the holder of a "G" Class Unit has no interest whatsoever in the Trust Fund save except a right to require the Trustee to repurchase the unit at the price at which the unit was allotted to the Unit Holder and shall have no voting rights whatsoever.

### **“H” Class Units**

"H" Class Units carry an entitlement:

- to receive such proportion of the Trust Fund as the Trustee may at any time and in the Trustee's absolute and unfettered discretion determine provided however that in the absence of such determination, the holder of "H" Class Units has no interest in nor is beneficially entitled to the Fund or any part thereof and has no voting rights whatsoever.

### **“I” Class Units**

"I" Class Units carry an entitlement:

- exclusive of all other Unit Holders to receive interest at the rate (if any) set out in the Certificate issued to such Unit Holder and such interest is a fixed first charge on the income of the Trust Fund and is cumulative if that interest is not paid in accordance with the terms and conditions set out for payment in the Certificate.
- The Trustee has the right by written notice to redeem the "I" Class Units or any part of them at face value together with any unpaid interest up to the date of redemption within 30 days of the date of service of a notice advising of an intention to redeem.
- The units carry the right to a first fixed charge on the assets of the Trust Fund for the payment of all moneys due on redemption in the manner (if any) set out in the Certificate issued for the unit provided however that

such units are not entitled to share in the surplus assets or income of the Trust Fund and have no interest and are not beneficially entitled to any part of the Trust Fund and have no voting rights whatsoever.

### **“J” Class Units**

"J" Class Units carry an entitlement on termination of the Trust

- to receive from time to time distributions of capital made at the sole and unfettered discretion of the Trustee on termination of the Trust in common with all holders of all other units entitled to share in the capital of the Trust, being a rateable portion of the Trust Fund, but do not otherwise confer upon the holder any right
- to any portion of the Trust Fund or
- to vote at any meeting of Unit Holders whatsoever.

### **“K” Class Units**

"K" Class Units carry an entitlement

- to such right benefit or interest as the Trustee may determine at the time of issue, such rights and entitlements being as set out in the Certificate issued to such Unit Holder but do not otherwise confer upon the holder any right to any part of the Trust Fund or any right to vote at any meeting of Unit Holders whatsoever.

### **“L” Class Units**

"L" Class Units carry an entitlement

- to a share in the Trust Fund upon the termination of the Trust,
- to a share in the distribution of income of the Trust in equal proportion to the Owner's Unit Holding in the Trust and,
- to one vote for each "L" Class unit held.

### **“M” Class Units**

"M" Class Units carry an entitlement

- to a share in the Trust Fund upon the termination of the Trust,
- to a share in the distribution of any capital of the Trust in equal proportion to the Owner's Unit Holding in the Trust in the event of a distribution of capital prior to the termination of the Trust and
- to one vote for each "M" Class Unit held.
- but do not confer upon the Owner any entitlement to share in the income of the Trust.

**INITIAL UNITHOLDERS**

If more than 2 Unitholders please attach separate sheet with identical details of additional Unitholders.

<b>First Unitholder</b>			
Individual Surname or Company Name			
Given Names or ACN			
Former Names			
Address			
	Suburb	State	P/Code
No./Class of units			

<b>Second Unitholder</b>			
Individual Surname or Company Name			
Given Names or ACN			
Former Names			
Address			
	Suburb	State	P/Code
No./Class of units			

