

# ABSOLUTE TRUST

## DONOR CANNOT BE A BENEFICIARY

Before completing this Trust Deed you should take appropriate professional advice as to its suitability, ensuring it meets your needs and does not conflict with any other arrangements you have made. Please also ensure you complete and submit the **Tax Information Exchange Pack** along with this form.

Throughout this deed, 'we', 'our' and 'us' refers to either Utmost Limited or Utmost PanEurope dac depending on your bond provider.

Once complete please return this deed and any supporting documents to the relevant below address for your chosen product provider:

**Utmost Limited, Royalty House, Walpole Avenue, Douglas, Isle of Man, IM1 2SL, British Isles.**

OR

**Utmost PanEurope dac, Ashford House, Tara Street, Dublin 2, D02 VX67, Ireland.**

**Once all necessary information has been received and processing has been completed, we will then date the deed and note the Trust on our records.**

	PAGE	SECTION	TO BE COMPLETED BY	TICK SECTIONS COMPLETED
<b>Part 1 - The trust deed</b>	4	B - Definitions	The Donor	
	9	D - Signatures	Donor & Trustees & Witness	
<b>Part 2 - Our anti-money laundering requirement</b>	11	E - Politically exposed persons	Donor & Trustees	
<b>Tax Information Exchange Pack</b>	N/A	Separate form available from our website	Parties to the trust	

## A WEALTH *of* DIFFERENCE

Utmost Wealth Solutions is a trading name used by a number of Utmost companies. Utmost Trustee Solutions is the trading name used by Utmost Trustee Solutions Limited. This item has been issued by Utmost Limited and Utmost PanEurope dac.

The following companies are registered in the Isle of Man: Utmost Limited (No 056473C), Utmost Administration Limited (No 109218C) and Utmost Trustee Solutions Limited (No 106739C) which are regulated or licensed by the Isle of Man Financial Services Authority. Utmost Services Limited (No 059248C) is an appointed representative of Utmost Limited. Each has its registered office at: Royalty House, Walpole Avenue, Douglas, Isle of Man, IM1 2SL, British Isles. Utmost Limited is authorised in the UK by the Financial Conduct Authority (160418).

Utmost PanEurope dac (No 311420), trading as Utmost Wealth Solutions, is regulated by the Central Bank of Ireland. Its registered office is Navan Business Park, Athlumney, Navan, Co. Meath C15 CCW8, Ireland.

All promotional material has been approved by Utmost Limited who is authorised in the UK by the Financial Conduct Authority.

## IMPORTANT INFORMATION

The Trust Deed may be used by a single Donor or joint Donors who wish to place a new or existing bond into an Absolute Trust and where the initial investment is with Utmost Limited or Utmost PanEurope dac.

It is expected that an Absolute Trust will only be used when the Donor's intentions are certain because in this Trust the Beneficiaries, and their share of the Trust Fund, are fixed at outset and cannot be changed.

To be effective for UK Inheritance Tax, the person creating the Trust (the Donor) cannot benefit from it and this Absolute Trust is intended to exclude you (the Donor) from benefit.

It's important to note that when a new or existing bond is put into Trust it is given away completely. The Trustees then hold it on behalf of the Beneficiaries. You, as the Donor, are no longer entitled to any payments from the bond or its proceeds. The trust deed must **NOT** be used if you wish to have access to (or benefit from) any payments from the bond now or at any time in the future.

Therefore, please ensure you have:

- › checked that this trust deed meets your requirements and does not conflict with any other arrangements you have.
- › read all of the relevant product literature, including the relevant **Product guide** and any supporting documents, which are available from your financial adviser or from us.
- › read the '**Important Warning**' on page 4.

When completing this form please also ensure you:

- › complete all parts under section B (making sure to initial any corrections) and make sure you and all of the Trustees sign section D ensuring all signatures are witnessed.
- › attach any additional instructions or documentation securely to the back of this form.
- › discuss anything that you don't understand with your financial adviser before completing this form.
- › complete and submit the separate **Tax Information Exchange Pack**.

## HOW WE USE YOUR INFORMATION

Details about how we use your information, your rights over this information and how you can exercise your rights can be found in the applicable Privacy Notice (Isle of Man)/Privacy Statement (Ireland). We publish our Privacy Notice (Isle of Man)/Privacy Statement (Ireland) on our website at [www.utmostwealth.com](http://www.utmostwealth.com) or you can ring us on **+44 (0)1624 643 345** and request a copy. All persons whose details are collected in this form should read the Privacy Notice/Privacy Statement to understand how the data provided about them will be used.

## NOTES FOR COMPLETING THE TRUST DEED

Please complete this deed using **blue or black ink** and **BLOCK CAPITALS**. If you make a mistake, cross it out, put in the correct words and ensure you initial next to the correction. **Please do not use correction fluid.**

### SECTION A - DONOR'S DECLARATION

This is where the Donor (as applicant for a new bond or as owner of an existing one) declares that all the policies contained within the bond will be held by the Trustees, for the Beneficiaries, from the Effective Date of the Trust.

### SECTION B - DEFINITIONS

- 1 Effective Date** - This should be left blank. It will be completed by us.
- 2 Trust Fund** - The details of the policies which form part of the Trust Fund should be identified here. For existing bonds, please state the contract number of your bond. For new bonds, please state the date of your application for the bond. We will add the bond number when the bond is issued.
- 3 The Donor** - The details of the creator of the Trust should be included here.
- 4 The Trustees** - The details of the persons who will act as Trustees should be set out here. If the Donor is to be a Trustee they should be named again here. Where individuals are to act as Trustees at least two should be appointed, but where a corporate Trustee is appointed, one is sufficient.
- 5 The Beneficiaries** - The names of the persons who will benefit from the Trust Fund and their percentage share of the Trust Fund should be written here. These cannot be changed once the absolute trust is established. The Donor must **NOT** be included as a Beneficiary.

### SECTION C - TRUST PROVISIONS

This describes the terms of the Trust and the powers given to the Trustees. It is important that you and the Trustees are familiar with the trust provisions. **Your attention is drawn to the effect of clauses C3 and C9 of the trust provisions. Clause C3 limits the Trustee's duty of care, whilst clause C9 limits the Trustee's liability for breaches of trust and loss to the Trust Fund.** This means that the Trustees are not liable for any loss to the Trust Fund except that arising from their own fraud or dishonesty. If you have any questions about this or any other trust provision please discuss them with your legal adviser.

### SECTION D - SIGNATURES

The Donor and all the Trustees must sign in this section, and each signature should be witnessed by an independent person who is aged 18 or over, and is not a party to this trust deed or a Beneficiary.

**SIGNATURE** This symbol shows where the Donor, Trustees and witnesses must sign.

### CORRESPONDENCE

**Please name the Trustee who is to receive all future correspondence in the box below.**


## PART 1 – THE TRUST DEED

### IMPORTANT WARNING

This trust deed has been prepared in accordance with our interpretation of the law of England & Wales and HM Revenue & Customs practice as at 1 September 2016. We accept no responsibility for any loss incurred by the Donor, or any other person, arising out of the use of this trust deed. Legislation and practice regarding taxation are subject to change which cannot be foreseen and tax treatment will depend on individual circumstances. Before completing this trust deed, the Donor should take appropriate professional advice as to its suitability.

### A DONOR'S DECLARATION

The Donor named in part B3 hereby declares that from the Effective Date, the Trust Fund defined in part B2 will be held by the Trustees for the absolute benefit of the Beneficiaries subject to the trust provisions set out below. The Trust shall be irrevocable.

### B DEFINITIONS

In this Trust the following words will have the meanings set out below and unless the context does not permit the masculine will include the feminine and the singular will include the plural, and vice versa.

#### 1 'Effective Date'

This Trust is made on

d	d	m	m	y	y	y	y
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Please leave blank - to be completed by us.

#### 2 The 'Trust Fund' is comprised of the property described below

(a) All policies contained within the following bond

Bond provider (e.g. Utmost Limited)

Contract type (e.g. Evolution)

Date of application for new contracts

d	d	m	m	y	y	y	y
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Contract number (e.g. ABC1234567/1-12)

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Where this is a new contract, please leave blank to be completed by us.

(b) and any other property transferred to the Trustees to hold on the terms of this Trust, and

(c) all property representing the above.

### 3 The 'Donor'

The 'Donor' means the person or persons named below.

	Donor 1	Donor 2
Title (Mr, Mrs, Miss or Other)	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Name	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>
Maiden name or any previous names (if applicable)	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Residential address	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>
Postcode	<input style="width: 100%; text-align: center;" type="text"/>	<input style="width: 100%; text-align: center;" type="text"/>
Telephone number	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Email address	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Date of birth	<input style="width: 100%; text-align: center;" type="text"/>	<input style="width: 100%; text-align: center;" type="text"/>
Nationality	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Country of birth	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

### 4 The 'Trustees'

The 'Trustees' mean the persons named below for the time being acting under the Trusts declared in this Deed.

I/We (the Donor) hereby appoint Utmost Trustee Solutions to act as a sole Trustee.

Yes     No

If you have ticked 'yes' to appoint Utmost Solutions as Trustee you can leave the boxes below blank and proceed to B5 to provide details of the Beneficiaries.

You will however also need to complete **Utmost Trustee Solutions Appointment of Trustee form** which is available on request from us. Otherwise please provide details here of each individual Trustee to be appointed, including yourself if you wish to act as Trustee. At least two individual Trustees should be appointed, or one corporate Trustee.

	Trustee 1	Trustee 2
Title (Mr, Mrs, Miss or Other)	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Name	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>
Maiden name or any previous names (if applicable)	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Residential address	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>
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Telephone number	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Email address	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Date of birth	<input style="width: 100%; text-align: center;" type="text"/>	<input style="width: 100%; text-align: center;" type="text"/>
Nationality	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Country of birth	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

	Trustee 3	Trustee 4
Title (Mr, Mrs, Miss or Other)	<input type="text"/>	<input type="text"/>
Name	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Maiden name or any previous names (if applicable)	<input type="text"/>	<input type="text"/>
Residential address	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
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Nationality	<input type="text"/>	<input type="text"/>
Country of birth	<input type="text"/>	<input type="text"/>

## 5 The 'Beneficiaries'

The 'Beneficiaries' mean the person or persons named below in the shares specified. If no shares are specified the Beneficiaries will benefit in equal shares. **The Donor may not benefit under any circumstances and, for this reason, cannot be included in the list below.**

### The Donor(s) must not be named here.



Please provide the details of the person(s) who the Donor wishes to benefit under this Trust and indicate the shares in which they will benefit. Specified shares **must** add up to a total of 100%.

If there are more than **four** Beneficiaries, please photocopy this page and complete the additional details. The Donor must sign and date any additional pages and attach them securely to this form. Beneficiaries cannot be added or changed after this Trust is established.

	Beneficiary 1	Beneficiary 2
Title (Mr, Mrs, Miss or Other)	<input type="text"/>	<input type="text"/>
Name	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Maiden name or any previous names (if applicable)	<input type="text"/>	<input type="text"/>
Residential address	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
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Nationality	<input type="text"/>	<input type="text"/>
Country of birth	<input type="text"/>	<input type="text"/>
Specified share	<input type="text"/> %	<input type="text"/> %

	<b>Beneficiary 3</b>	<b>Beneficiary 4</b>																
Title (Mr, Mrs, Miss or Other)	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>																
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Specified share	<input style="width: 90%;" type="text"/> %	<input style="width: 90%;" type="text"/> %																

**C TRUST PROVISIONS**

**1 Transfer of assets into the Trust Fund**

Where the Trust Fund or any part of the Trust Fund consists of a bond, the Donor hereby assigns all the policies referred to in part B2, and all proceeds and benefits attached to the said policies to the Trustees jointly to hold subject to the Trusts and powers and provisions set out in this Deed.

**2 Beneficiaries' entitlements**

The Trustees shall hold the capital and income of the Trust Fund for the absolute benefit of the Beneficiaries and in the specified shares set out in B5, but if no shares are specified and there is more than one Beneficiary, in equal shares absolutely.

**3 Trustees' power to borrow, deal with and invest the Trust Fund as if they are the absolute beneficial owners**

The Trustees shall have all the administrative powers of an absolute beneficial owner over the Trust Fund. In particular:

- a) The Trustees may borrow with or without the security of the Trust Fund.
- b) The Trustees may surrender or assign any policy held in the Trust Fund.
- c) The Trustees may retain any policy held in the Trust Fund without being obliged to consider whether it should be surrendered or assigned.
- d) The Trustees may invest the Trust Fund in any way they think fit, including in property in any part of the world and in unsecured loans.
- e) In discharging their investment function the Trustees do not have any of the duties described in the Trustee Act 2000 ("the Act") or any similar duties however they arise and in particular:
  - (i) the duty of care in section 1 of the Act
  - (ii) the duty to take advice in section 5 of the Act
  - (iii) the duty to have regard to the standard investment criteria in section 4 of the Act
  - (iv) the duties in the Act concerning the appointment of an investment manager
  - (v) any duty to diversify the Trust Fund or to consider diversifying the Trust Fund
  - (vi) any duty to balance the interests of Beneficiaries with different interests
- f) The Trustees may delegate investment management responsibility or any aspect of it on any terms to any person or persons including the Donor or the Donor's adviser and they have no responsibility to supervise or monitor the way in which the delegate discharges that responsibility or to monitor the suitability of the delegation or of the delegate.
- g) The Trustees may consider advice or representations from any person they think fit in relation to investment or any other dealing with the Trust Fund but they do not have any obligation to act upon any such advice or representations.

**4 Receipt of benefits of the Trust Fund**

Where a company pays the proceeds of any policy or units, in accordance with the Trustees' instructions, this will be a full discharge for the company. The Trustees are responsible for passing benefits to Beneficiaries.

**5 Trustees' power to maintain minor Beneficiaries**

- a) Section 31 of the Trustee Act 1925 shall not apply to this Trust.
- b) Where the Trustees hold income or capital for a minor they may apply the whole or any part of it towards the minor's maintenance, education or benefit and will retain the remainder on Trust for the minor absolutely until they shall attain the age of majority.
- c) The Trustees may pay any sum of capital or income to the minor's parent or guardian for the minor's behalf and the receipt of the parent or guardian shall be a complete discharge to the Trustees.

**6 Appointment and Replacement of Trustees**

- a) The power to appoint new or replacement Trustees shall rest with the Trustees.
- b) A person may be appointed to be a Trustee notwithstanding that such person is not resident in the United Kingdom. Remaining out of the United Kingdom for more than 12 months shall not be a ground for the removal of a Trustee.
- c) The Trustees may remove or replace a Trustee who cannot be found provided that reasonable efforts have been made to find the Trustee being removed and all the remaining Trustees execute the deed of removal/replacement.

**7 Payments to Trustees**

- a) Trustees may be in a profession or business, for example as a solicitor or an accountant. If they or their firm does work in relation to the Trust in a professional capacity, they will be entitled to be paid all reasonable professional fees and charges for their work. This entitlement applies to all Trustees other than the Donor.
- b) Any Trustee is entitled to be reimbursed out of the Trust Fund for any reasonable expense incurred by that Trustee in respect of taking professional advice, including advice in respect of investments, in relation to this Trust and to recover all legal costs reasonably incurred in respect of the Trust. The timing of any repayment permitted under this clause will be subject to any legal or contractual restrictions placed on the assets of the Trust Fund. Any reimbursement permitted will be limited to the realisable assets of the Trust Fund.

**8 Power to vary administrative provisions**

When in the management or administration of the Trust Fund, the Trustees wish to carry out any transaction or dealing with the Trust Fund but they are advised that they do not have the necessary power to do so or where the Trustees wish to release or restrict any existing power they have, they may execute a deed giving themselves the necessary power or releasing or restricting their existing powers.





Please leave blank if appointing Utmost Trustee Solutions as Trustee.

	Trustee 1	Trustee 2																	
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In the presence of (Full name of witness)	<div style="border: 1px solid black; height: 20px;"></div> <div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div> <div style="border: 1px solid black; height: 20px;"></div>																	
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	Trustee 3	Trustee 4																	
Signed and delivered as a Deed by the said (Full name of Trustee)	<div style="border: 1px solid black; height: 20px;"></div> <div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div> <div style="border: 1px solid black; height: 20px;"></div>																	
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Permanent residential address of witness	<div style="border: 1px solid black; height: 20px;"></div> <div style="border: 1px solid black; height: 20px;"></div> <div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div> <div style="border: 1px solid black; height: 20px;"></div> <div style="border: 1px solid black; height: 20px;"></div>																	
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## PART 2 – OUR ANTI-MONEY LAUNDERING REQUIREMENT

### E POLITICALLY EXPOSED PERSONS

Under our current anti-money laundering obligations we are required to identify any persons associated with this trust who could be classed as a Politically Exposed Person (PEP). A PEP is a term used to describe someone who is currently, or has previously been, entrusted with prominent public functions or responsibilities, for example: a Head of State, a holder of a senior political or government post, a senior member of the Judiciary or the Military, a senior employee of a State Owned Corporation, or a board member of a Central Bank.

Please provide details in the box below of any persons that could be considered to be a PEP (as defined above) in relation to this trust, non-completion confirms that there are no associated Politically Exposed Persons:


### F NOTES

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