

TRUST FORMATION

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How do we create a trust?

- * There are 3 stages:
 - * Satisfy the 3 certainties
 - * Complete the statutory requirements
 - * Transfer the property into the trust

The 3 Certainties

- * Certainty of **Intention** – *the settlor's intention must be clear*
- * Certainty of **Subject Matter**- *you must be able to identify the property that is being put into trust - there must be no ambiguity.*
- * Certainty of **Objects** – *you must be able to identify the beneficiaries*

Statutory requirements

- * Choose a trustee
- * Can be one corporate trustee or two individuals. Must satisfy the “four eyes” criteria
- * If it is a transfer of trustee from an existing trust company, you need to complete a Deed of Retirement and Appointment (DORA)
- * There must be a Trust Deed
- * You can have a Letter of Wishes (optional)
- * You can have a Protector (optional)