

PRESENTERS



Catherine Atchison, Martelli McKegg, Auckland

Catherine has wide experience in wills, trusts and estates, as well as an increasing elder law practice. She is an executive member of STEP and has presented papers for NZLS CLE on trusts, estates and elder law issues.



Chris Kelly, Greg Kelly Law, Wellington

Chris is co-author of *Garrow and Kelly Law of Trusts and Trustees* (6th & 7th editions) and *Dobbie's Probate and Administration Practice* (5th & 6th editions). He has presented many trust papers and has chaired NZLS CLE Elder Law Conferences.

CONTENTS

DRAFTING TRUST DEEDS: SOME MORE THINGS TO THINK ABOUT	1
SELECTING NEW TRUSTEES	1
<i>CLAYTON v CLAYTON – AGAIN</i>	4
THE TRUSTEES – WHO SHOULD THEY BE?.....	5
<i>So how do you choose a Trustee?</i>	5
APPOINTMENT AND REMOVAL OF TRUSTEES.....	6
ADVISORY TRUSTEES	7
PROPOSED REFORM	7
USING A SPECIAL TRUST ADVISOR	7
PROTECTIVE TRUSTS	8
<i>Form of protective trust.</i>	9
<i>Family trusts.</i>	10
<i>Sub-trust</i>	10
FAMILY PROTECTION CONSIDERATIONS	11
LETTERS OF WISHES	11
MUST TRUSTEES CONSIDER THE LETTER OF WISHES AT ALL?.....	12
THE LAW RELATING TO DISCLOSURE OF TRUST INFORMATION TO BENEFICIARIES CURRENTLY	13
THE PROPOSED CHANGES	15
<i>Identifying Beneficiaries</i>	16
<i>Beneficiaries seeking information</i>	16
<i>Disclosing reasons for dispositions</i>	16
<i>Minutes and Resolutions</i>	17
<i>What can be done to mitigate or qualify the requirements to disclose information to all beneficiaries when drafting a trust deed?</i>	18
<i>The Qualifying Beneficiary</i>	18
<i>Trustees must keep core documents</i>	19
WILL A NEW TRUSTS ACT CHANGE THE WAY WE DRAFT TRUST DEEDS?.....	20