

## FIDUCIARY SERVICES

Fortunate Brokers CC Fiduciary Services offers a comprehensive range of estate planning, advisory and fiduciary services through our network of specialists.

Our fiduciary specialists provide bespoke estate planning advice to ensure that your estate planning instruments and your financial planning requirements are aligned to achieve your estate planning and asset protection objectives. In addition, our services include will drafting and safe custody, trust formation, trust administration and professional trustee services and deceased estate administration.

### 1. Will drafting and consultation

With Fortunate Brokers CC's Fiduciary Services, drafting a will is simple and convenient. We guide you through each step to ensure that your will achieves your wishes and is practical to implement. Our will drafting and safe custody service covers the receipt of instructions to draft your will, preparation of the document, dispatch for signature and receipt and retention of your will in safe custody

<b>Service</b>	<b>Fee excl. VAT</b>
Single will (Fortunate Brokers CC appointed as executor)	R500.00
Single will (Fortunate Brokers CC not appointed as executor)	R1,600.00
Joint will or two similar wills (Fortunate Brokers CC appointed as executor)	R500.00
Joint will or two similar wills (Fortunate Brokers CC not appointed as executor)	R1,600.00



## 2.

Will consultation with a fiduciary specialist of up to 1 hour at our offices R1,600.00

Safe Custody if Fortunate Brokers CC is appointed as executor R0

### 2. Trusts deed drafting and registration

Trusts remain one of the most flexible and tax effective vehicles to facilitate the estate planning and asset protection objectives of affluent and high net worth families. Our fiduciary specialists can advise you of the benefits of a trust in relation to your particular circumstances and needs. Our service includes the drafting and registration of *inter vivos* (family) trusts, special trusts (for minors or for beneficiaries suffering from a disability), charitable trusts and other specialist types of trusts.

<b>Service</b>	<b>Fee excl. VAT</b>
Trust establishment consultation with a fiduciary specialist of up to 1 ½ hours at our offices (in relation to the general advantages and disadvantages of setting up a trust and how trusts function), drafting and finalizing trust and registration with Master	R7,200.00
Additional consultations, written advice and calculations regarding the legal, tax and other cost implications of the various methods of transferring specific assets to a trust(s)	R2,000.00 per hour
Trust deed amendment (third party drafted deed)	R7,200.00
Trust deed amendment (minor changes)	R1,500.00
Drafting of resolutions	R1,250.00
Ad hoc Master's Office submissions	R 600.00

### 3.

Drafting documents in order to amend letter of authority, attending at Master's Office to obtain amended letter of authority	R3,000.00
Drafting of documents in order to terminate a trust at the Master's Office and attending thereto	R3,500.00
Drafting of documents in order to obtain copies at Master's Office (if applicable)	R1,250.00
Obtaining copies of documents at Master's Office	R1,000.00

### 3. Trusts - risk, audit and governance review

All trusts require regular reviews to ensure that they are up to date, both in relation to your family's circumstances and needs, as well as in relation to legal changes resulting from judgments handed down by our courts and changes to the tax treatment of trusts by the South African Revenue Service. In addition, the vast majority of trusts in South Africa are not administered correctly leaving them at risk of being attacked as invalid. Such an attack, if successful, can leave your family's assets vulnerable to creditors and result in punitive tax consequences.

<b>Service</b>	<b>Fee excl. VAT</b>
Legal compliance review of trust deed	R3,000.00
Risk and governance audit of a trust's administrative affairs (includes legal compliance review of the trust deed)	R4,500.00
Implementation of recommendations	R 600.00 per hour

#### **4. Professional trustee and/or administration services**

As an appointed trustee/administrator on a trust, in partnership with you, Fortunate Brokers Fiduciary Services can assist with the following:

##### **4.1 Take-on procedures**

- For a new trust that we set up:  
Drafting and registration of the new trust, client due diligence and take on process and initial meeting with co-trustees.
  
- For an existing trust:  
Risk and governance audit of the trust, substitute trust deed, trusteeship changes (resignations and acceptances), liaison with the Master's Office, client due diligence and take on process and initial meeting with co-trustees.

##### **4.2 Independent trustee service**

Acceptance of the appointment of Fortunate Brokers CC as an independent professional trustee and administrator of the trust by the Master of the High Court (includes the administration services set out below).

##### **4.3 Administration service**

- Secretarial: Drafting the agenda and minutes for the annual trustees meeting, arranging for signature and implementation of decisions made at the meeting.
- Annual trustees meeting: Arrange, attend and chair the meeting at our offices.
- Monitor and attend to trust income to be collected and trust payments to be made.
- Resolutions for the administration of the trust: Drafting and arranging signature and submission to the Master (where necessary).
- Distributions to beneficiaries: Verification, FICA, and accounting to each beneficiary for tax compliance purposes.
- Legal: Identifying agreements required for the proper administration of the trust.
- Investments: Appointment of trust's financial adviser, updating of asset values on a quarterly basis.

- Tax Compliance: Appointment of the trust's tax compliance officer; ensuring that the trust's tax returns are submitted to SARS timeously by the trust's tax compliance officer.
- Accounting: Appointment of the trust's accountant; ensuring that accounting records are kept for the trust and that annual financial statements are drawn up by the trust's accountant.
- Maintenance of the loan account from the founder/donor.
- Trust's minute book: Maintenance and safe custody.
- Trust's compliance file: Maintenance and safe custody.

#### **4.4 Termination procedures**

The termination of a trustee or administrator relationship includes drafting necessary resolutions, drafting documents and liaison with the Master to amend the Letters of Authority (where necessary), liaison with beneficiaries, financial adviser, accountant and new independent trustee, transfer of compliance documents to the new independent trustee and further incidental legal and administrative tasks.

#### **4.5 Fees and Services**

	<b>Fee excl. VAT</b>
Take-on fee only applicable for new trusts	R3,000.00
Professional trustee and administration service	From R7,000.00 per annum
Additional administrative services not included in the above fees	R500.00 per hour
Additional resolutions	R600.00
Additional consultations, drafting or review of legal documents, and legal or tax advice	R2,000.00 per hour

**NOTE:** The fees above apply only to *inter vivos* (family) trusts. Our fees will also differ where we are required to administer or set up a specialist trust such as a testamentary trust, charitable trust, BEE trust or a S37A mining trust, and are quoted on a case by case basis and will depend on the risk profile, nature and value of the trust assets and whether we are appointed as trustee and administrator, or just as administrator. In some cases a percentage fee of the assets under management may be negotiated rather than an hourly fee.

## 5. Deceased estate administration

Fortunate Brokers CC Fiduciary Services provides deceased estate administration and executorship services, either as the appointed executor or as agent.

<b>Service</b>	<b>Fee excl. VAT</b>
Estate administration and winding up (fee as a percentage of gross value of estate)	3.5%*

*\*Subject to negotiated discounts depending on the nature and value of the estate*

## 6. Estate planning advisory services

Fortunate Brokers CC Fiduciary Services provides specialised bespoke estate planning advice to qualifying high net worth individuals. Our estate planning services cover advice relating to will drafting, trust formation, business and offshore assets, asset protection, minimizing estate related taxes and costs and exchange control. We also review and amend existing estate planning instruments.

We work in partnership with your financial adviser to ensure that you obtain holistic advice in relation to both your estate planning and financial objectives. This ensures that all aspects of your financial affairs are aligned with one another. The objective is always to ensure that your future goals and objectives can be met and implemented easily and cost effectively.

## **7. Consultation and advice process**

A free initial meeting with you is held at our offices to assess your personal circumstances and requirements. Your fiduciary specialist will then provide you with an engagement letter setting out the fee estimate for the work required. Work commences upon the return of the engagement letter signed by you.

## **8. Estate planning fees**

Other than an initial meeting at our offices, all time spent on your mandate (e.g. consultations, research, providing written or telephonic advice, liaising with any of your other professional advisers etc.) is chargeable at our prevailing hourly charge out rates. After the first meeting, your fiduciary specialist will provide you with a fee estimate based on the anticipated time required to fulfil your mandate. Fees for provision of these services tend to vary between **R4,000.00 – R9,000.00**, depending on the complexity and nature of your requirements.

## **9. Tax, exchange control and other professional advice**

Fortunate Brokers CC Fiduciary Services can provide tax, exchange control and other professional advice as required by clients from time to time by using specialists in our network. This type of advice is charged for on an hourly basis at our prevailing charge out rates.

## **10. Review or drafting of a legal agreement**

The business unit's services include the review of legal agreements or documents as well as the drafting of legal agreements and documents. These services are charged for on an hourly basis. Fee estimates for specific services may be provided upfront by your fiduciary specialist.

## **11. Hourly charge out rate**

Our hourly charge out rate for all consultations and advisory services is **R2,000.00** per hour (excl. VAT).

**12. Place of consultation**

Our fiduciary specialists consult from our offices 458 Judith Street, Waterkloof Glen, Pretoria. Our travel time and expenses may be charged where we are required to consult at premises other than at our office.

**NOTE:** Fees for drafting of last Will & testament, administration of estate, tax opinions and other related services available upon request per quotation.