

International estate planning discussion post 7

Law



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International E Planning Affiliation International E Planning International e planning is subject to many provisions that are provided for under the Asset protection Trust. In these cases, a trust situs is selected in order to hold the asset in trust of his siblings who's the father thinks they are not capable of managing their finances. However, it has been argued that selecting an offshore situs to hold in trust the proper creates an improper purpose. The conditions provided that governs a trust situs are determined by the trustees dwelling, the laws that govern issues of trust in that country and where they are administered (Bost, 2006). Various issues are further considered when selecting the trust situs such as the states rules on issues of fraudulent transfers, conflicts of laws and restraints of alienation, as well as, transfer situs. Therefore, the country that the selected trust situs is located should have provisions for the same.

In case, there is a need to change situs in relation to asset protection trust the instrument that is created in relation to the trust should provide for the same under the specific circumstances. In that the Situs can be changed through termination, modification and decanting or recreation of a new trust. Therefore, in order for David to grant Felicity Trust situs in a foreign country he must ensure that there is no conflict of laws between the provisions of creating a trust in the United States and the country of residence of her daughter (Gau, 2005). Additionally, he should ensure that the country provides for a transfer or change of trust situs to allow any modifications or recantation of the person making the trust fund. This is because a person may change their mind after a while about the person they want to be the trustee of their children finances.

References

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