**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE A: DESCRIPTION OF ADDITIONAL PROPERTY\*

|  |  |
| --- | --- |
| **Quantity** | **Description** |
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**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE B: BENEFICIAL INTEREST HOLDERS\*

**[OUT OF 100 TOTAL CERTIFICATES]**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Cert. # | Name: | Address: | Issue Date: | Number of Units: |
| **101** |  |  |  |  |
| **102** |  |  |  |  |
| **103** |  |  |  |  |
| **104** |  |  |  |  |
| **105** |  |  |  |  |
| **106** |  |  |  |  |
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| **121** |  |  |  |  |
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| **124** |  |  |  |  |
| **125** |  |  |  |  |
| **126** |  |  |  |  |
| **127** |  |  |  |  |
| **128** |  |  |  |  |
| **129** |  |  |  |  |
| **130** |  |  |  |  |

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE C: CAPITAL INTEREST HOLDERS\*

**[OUT OF** ∞ **TOTAL CERTIFICATES]**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Cert.# | Name: | Address: | Issue Date: | Number of Units: |
| **101** |  |  |  |  |
| **102** |  |  |  |  |
| **103** |  |  |  |  |
| **104** |  |  |  |  |
| **105** |  |  |  |  |
| **106** |  |  |  |  |
| **107** |  |  |  |  |
| **108** |  |  |  |  |
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| **111** |  |  |  |  |
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| **114** |  |  |  |  |
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| **117** |  |  |  |  |
| **118** |  |  |  |  |
| **119** |  |  |  |  |
| **120** |  |  |  |  |
| **121** |  |  |  |  |
| **122** |  |  |  |  |
| **123** |  |  |  |  |
| **124** |  |  |  |  |
| **125** |  |  |  |  |
| **126** |  |  |  |  |
| **127** |  |  |  |  |
| **128** |  |  |  |  |
| **129** |  |  |  |  |
| **130** |  |  |  |  |

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE D: TRUST OFFICERS\*

|  |
| --- |
| Position: Executive Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Secretary Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Treasurer Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Administrative Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Trustee of Records |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: |
| Name of Officer: |
| Appointment Date: |

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE E: SUCCESSOR TRUST OFFICERS\*

|  |
| --- |
| Position: Successor Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Successor Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Successor Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Successor Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Successor Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Successor Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Successor Trustee |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: Successor Trustee |
| Name of Officer: |
| Appointment Date: |

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE F: ADDITIONAL TRUST OFFICERS APPOINTMENTS\*

|  |
| --- |
| Position: |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: |
| Name of Officer: |
| Appointment Date: |

|  |
| --- |
| Position: |
| Name of Officer: |
| Appointment Date: |

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| Position: |
| Name of Officer: |
| Appointment Date: |

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| Position: |
| Name of Officer: |
| Appointment Date: |

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| Position: |
| Name of Officer: |
| Appointment Date: |

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| Position: |
| Name of Officer: |
| Appointment Date: |

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE G: OATH OF OFFICE SUBSCRIPTION\*

I solemnly swear (or affirm) as a divine creation of God, that I will faithfully execute the Office of Trustee of [Trust Name], and will to the best of my ability, preserve, protect and defend the Trust Constitution and Bylaws of [Trust Name].

**Trust Officer, autograph:**

by: date: / /

[Trustee True Name] [Trustee Family Name]

In the capacity of free inhabitant

**NOTARY ACKNOWLEDGMENT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State in \_\_\_\_\_\_\_\_\_\_\_\_\_\_ County

The foregoing instrument was acknowledged before me via ❏ physical presence OR ❏ online notarization this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_ and the above-named individual(s) produced identification identifying each as the same.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

[notary seal]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My Commission Expires

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE H: MINUTES, RESOLUTIONS & BANKING\*

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE I: PROPERTY AND VEHICLE USE AGREEMENTS\*

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE J: MISCELLANEOUS RECORDS\*

**[Trust Name]**

A Private Express Trust Organization

### \*SCHEDULE Z: DEFINITIONS OF TERMS USED\*

**ALTER EGO (TRUST):** This is the doctrine that treats a corporation and those who own its stock to be identical. It is applied with no regard to the corporate entity in order to further justice. (In trust form, it turns anything that does not pass The Control Test into a statutory Grantor Trust.)

**ATTORNEY-IN-FACT:** A person who is authorized to perform business-related transactions on behalf of someone else (no license is necessary to perform such duties) such as the principal of a company. In order to become someone's **attorney-in-fact**, the principal must sign a power of **attorney** document.

**ATTORNEY OF RECORD:** Any **lawyer** or barrister (requiring BAR licensing) recognized by a court as representing (and therefore responsible to) a party to **legal** proceedings before it. ... The **attorney of record** is the **attorney** who formally appears before the court, whether in person or by means of signed documents, on behalf of a party.

**BOARD OF TRUSTEES:** An appointed or elected group of individuals with fiduciary and management responsibilities for an entity or organization.

**CERTIFICATE OF CAPITAL INTEREST:** (also “**Certificate of Capital Units**”) means a

certificate representing a share of the corpus of the Express Trust. Any exchanger/investor shall receive representation of assets deposited into the trust corpus by a certificate of capital interest. Capital units may legally consist of the movable or immovable “*res*” (trust corpus), according to the terms of the declaration. Each capital unit has no legally determinable value until sold. Taxation on gains is therefore avoided unless the holder redeems the certificate in cash.

**CESTUI QUE TRUST:** Cestui que vie is French for he who lives. It is a legal term for an individual who is the beneficiary of a trust or an insurance policy, with rights to property and the income and profits that the property provides. A cestui que trust is the person entitled to an equitable, rather than legal, trust in the estate assets. Thus, if land is granted to A, for the use of B while in trust, with remainder to C when the trust terminates, A is the trustee, B is cestui que use, and C the cestui que trust. The concept is used in modern life and health insurance policies, where cestui que vie is an individual whose life measures the duration of the insurance contract. In these contracts, cestui que vie is known as the policyholder, insured, or policy owner. Often this trust takes the name of the Settlor for his/her use, while the trustees control the assets.

**CONSTITUTION:** A body of fundamental principles or established precedents according to which an entity or organization is acknowledged to be governed by contract. *See Indenture.*

**COMMON LAW:** The part of English law that is derived from custom and judicial precedent rather than statutes.

**COMPLEX TRUST:** A complex trust may not distribute principal unless all income has first been distributed.

**DISCRETIONARY TRUST:** Gives the trustee the power to choose how and when, if at all, to distribute trust property to beneficiaries. A discretionary trust may provide significant tax benefits to beneficiaries, since no beneficiary has an interest in trust assets until they are distributed.

**EXHAUSTIVE DISCRETIONARY TRUST:** Means that the settlor requires the trustees to pay all of the income from the trust to the beneficiaries every year.

**GRANTOR TRUST or ORIGIN TRUST:** A trust which is statutory by nature and occurs when Grantor/Settlor and Trustee are the same person; or the Trustee relationship is in persona conjuncta, meaning the relationship is too close by blood or nearness. A true Express Trust requires it to pass the “Control Test” and has assigned an “Adverse Party” to separate control. It is best to NOT use a person’s name for the trust.

**INCORPORATED:** A company, organization or entity formed into a legal corporation per US Constitution Article I Section X Clause I.

**INDENTURE:** The legal agreement, contract or document.

**LAW AGAINST PERPETUITIES:** The accepted common-law rule is (1) when the interest is created, it is certain to vest (beneficiaries become absolutely entitled to all of its assets and income) *or* terminate no later than 21 years after the death of an individual then alive; *or* (2) the interest either vests *or* terminates within 90 years after its creation.

**LEGAL vs LAWFUL:** I think it's worth noting that “legal” and “lawful” are not properly defined as the same thing (although some legal dictionaries might have one believe otherwise). Legal means it's a creature of the code, while lawful means it has a right to exist and operate. So, if ANY country says a trust is not a “legal” entity, they are correct regarding their jurisdiction. That does not prevent one, however, from lawful operation of a private express trust. Typically, a private express trust is not interested in being a part of the “legal” system or being recognized as a “legal” entity, as such recognition would confer jurisdiction to the public forum when no such jurisdiction over the trust is usually desired.

**NATURAL LAW:** A body of unchanging moral principles regarded as a basis for all human conduct. A rule of conduct arising out of the natural relations of human beings, established by the Creator, and existing prior to any positive precept.

**NON-EXHAUSTIVE DISCRETIONARY TRUST:** Means that the settlor gives the trustees the discretion to distribute the income or retain it as they feel appropriate.

**NOMINEE TRUST:** Trust controlled by the direction of the beneficiary to the trustees.

**PERSONA CONJUNCTA:** A personal connection [literally, a united person, union with a person] is equivalent to one's own interest; nearness of blood is as good a consideration as one's own interest. (The Control Test states a Grantor and Trustee may not be related by blood or marriage, common law or legal, or the trust risks becoming a statutory Grantor Trust.)

**SPECIAL DEPOSIT:** Account opened by the depositor according to the laws and administrative regulations and rules for the management or use of its special-purpose fund, with an obligation of the bank to return the identical thing deposited; the depositor retaining title.

**SPENDTHRIFT CLAUSE:** A clause designed to limit or prevent access to trust assets by a beneficiary’s creditors, as long as the assets remain in the trust. This Constitution contains this clause under 9.08.