



**THE ULTIMATE GIFT: Setting you & your family up for life!**

How to set up fire-walled, judgment proof asset protection for yourself & your family.

## Table of contents:

	Page
What procrastinators have said.....	1
Would you like to know?.....	3
The EquityProtect® approach.....	4
The misconceptions.....	5
Asset Protection Expert.....	6
What structure is right for your business.....	7
EquityProtect® Fire-walled trust.....	10
Protection after you are gone.....	12
Why now?.....	13
Its your move.....	14

### © 2010 SHANE ELLIS

SENIOR CONSULTING LAWYER

Phone: (07) 5530 7319

Mobile: 0414 450 503

Email: shane@shane-ellis.com

Web: www.shane-ellis.com

Postal: PO Box 5272  
Robina Qld 4230

## What procrastinators have said...

"I'll look into it later in the year, no time just now..."

"I've done some reading up on trusts and company structures and its pretty complicated..."

"I leave that sort of thing to my accountant and my bookkeeper..."

"My lawyer says I'm covered but I just don't see how it will actually work to be honest..."

"The stamp duty alone would kill me..."

"Its my top priority for next year...but I have been saying that for a few years now..."

"The lawyer who did my conveyancing set up a business trust for me but if all the business assets are in it I think those assets are still at risk"



**Ever had trouble sleeping at night?** Tossing & turning, with your mind racing? Thinking about the future, a little worried, a little excited?

Have you caught yourself thinking about what you have done and what you are going to do? Reliving the risks you have taken, and the wins you have had...

Did your mind drift onto the **deals you have in play right now**, the risks, the possibilities?

Do you ever awaken knowing that you need to lock in your wins, to protect your hard fought for gains, your accumulated assets, before tackling your next challenge?

Did you ever stop while reading the newspaper the next morning and think that you need to protect you and your family's future, right now, right here, today? **You're not alone...**

...and the answer is in this booklet ➤



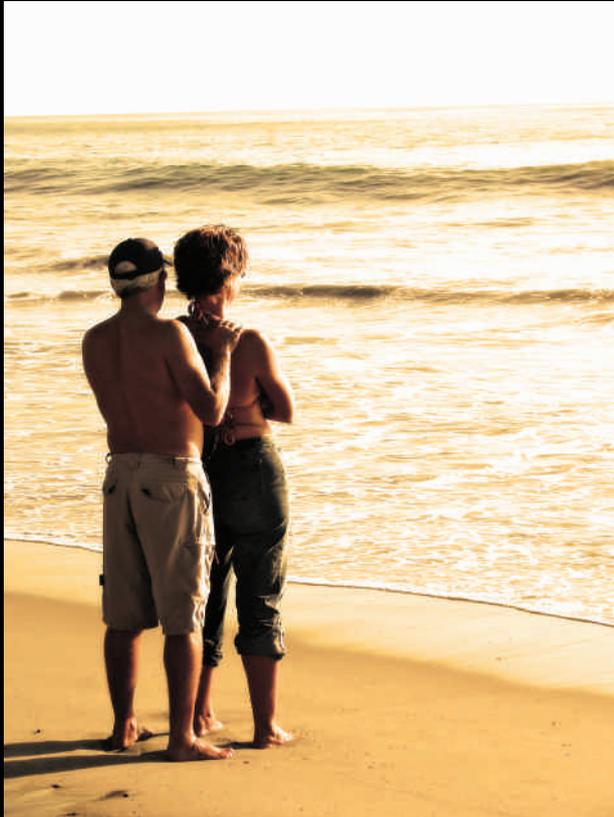
## Would you like to know...

- How to protect your personal assets without transfer or other associated costs like stamp duty?
- What business structure is best for personal asset protection and business continuity?
- How to protect your business assets, intellectual property and business value?
- How to ensure your estate goes to who you want it to go to?

...the answers are inside ➤

## **The EquityProtect® approach:**

- ☑ NO STAMP DUTY
- ☑ NO CAPITAL GAINS TAX
- ☑ NO TRANSFER COSTS
- ☑ NO ADVERSE TAX IMPACT
- ☑ TAILORED SOLUTION
- ☑ PROTECTED LIFESTYLE
- ☑ IN PLACE WITHIN 14 DAYS
- ☑ EXPERTLY EXECUTED



## The misconceptions...

One of the biggest misconceptions that still exists in Australia is that an asset must be fully transferred across to a family trust before it can be asset protected.

It is further misconceived that you have to incur Stamp Duty costs, the triggering of Capital Gains Tax, transfer costs, and the possible loss of concessions such as your principal place of residence status to do so.

The unfortunate position is that these transfer costs can run into tens or even hundreds of thousands of dollars.

There is also the misunderstanding that protection for negatively geared properties is almost impossible.

These assertions are simply NOT correct!



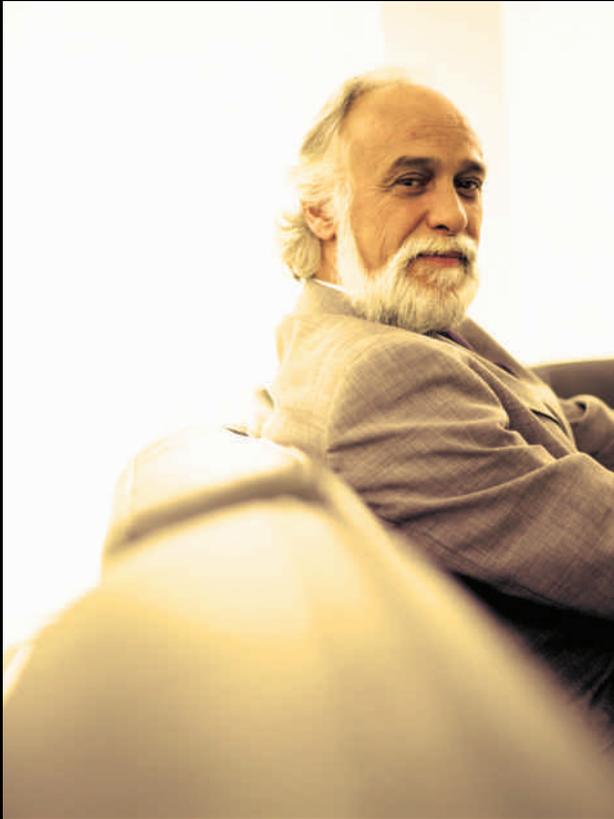
## Asset Protection Expert Shane Ellis...

"As a Senior Consulting Lawyer specialising in Asset Protection, I know that your assets can be safe guarded without the need for any of these transfer costs or loss of concessions. You can rest quietly at night knowing that if the unexpected should occur your assets are protected.

This is done by following the Beta Gifting Strategy<sup>®</sup> in favour of your Family Safety Trust<sup>®</sup> that I will build for you specifically. The legacy you have worked so hard to build for your family will finally be safe.

I have set up these structures for many clients & their families over quite a number of years. The EquityProtect approach stands the test of time, complies with superior court rulings and provides the ultimate peace of mind."

*Shane Ellis*



## What structure is right for your business?

At law there are a variety of different structures that you can operate your business under.

You could choose to operate as a sole trader, but that places you personally responsible for any and all losses and claims associated with the business.

You could choose to operate in a partnership with one or a number of partners, but that places you and each of your partners personally responsible for any and all losses and claims associated with the business, and if you have assets and your partners don't you could be held liable and they could walk away without any loss.

You could operate as a proprietary limited company. A company is a business person just like you or I. But it does have its limitations...

If the business goes bad the company may be able to be wound up and your own assets may not be at risk. That is, unless you vouched the credit worthiness of the company in circumstances where it could not pay its debts or did not pay its taxes. If the company unwittingly traded while insolvent, as a company director you can be held financially responsible.

Again there has to be a better way.

One of the best and easiest of business structures to operate with is as a Trust. At law a trust is an entity where the business is operated by a trustee for and on behalf of the beneficiaries of the trust.

So you could wisely have a company as the trustee of your trust operating the business for and on behalf of the beneficiaries of your trust.

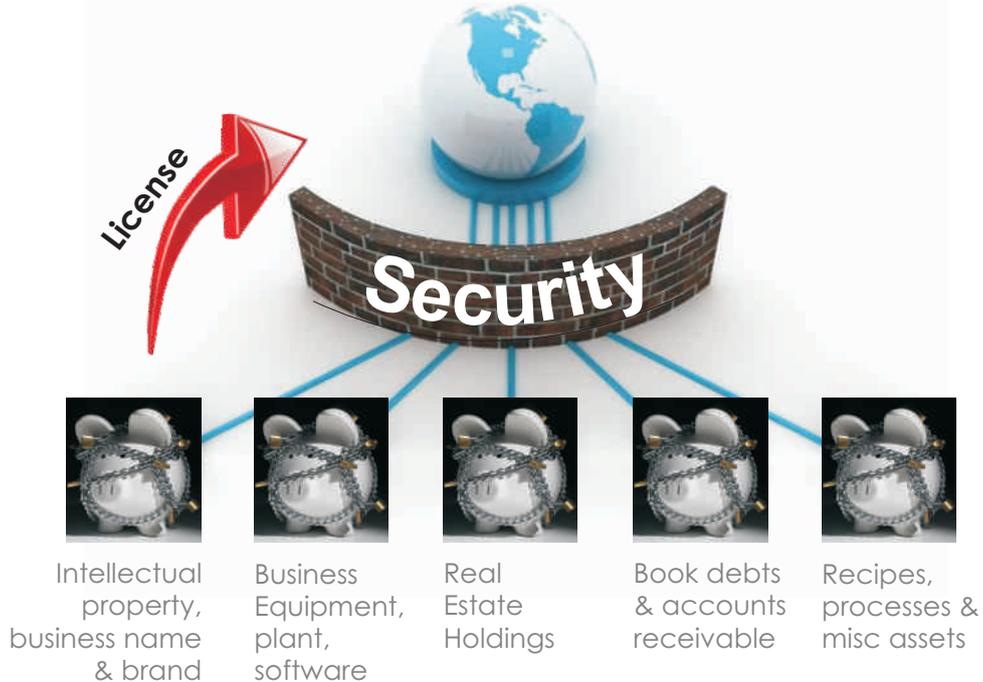
The beneficiaries of the trust would be you, your spouse & family and all of your associated family and business entities.

Trusts have some tax flexibility that your accountant can explain to you. Many businesses and business people have trusts already in operation.

Sadly while they have massive equity protection capabilities, many are poorly designed, poorly executed and end up not really protecting the principals and their assets at all...

...that is of course unless the trust has been designed as an **EquityProtect Firewalled Trust!**

Your Pty Ltd as trustee for your operating trust as your trading entity operating in the world:



**Protected assets held by your Family Safety Trust.**

## EquityProtect® Fire-walled Trust:

Please look at the diagram to the left. Your EquityProtect® Fire-walled Trust places the ownership of the assets behind the asset protection firewall.

All of the assets, Intellectual Property (IP), property and plant & equipment associated with the business, including business names, are licensed to your trading trust.

When the unexpected arises causing the trading trust to be sued, prosecuted, or be at a loss due to the actions of another party, the trading trust must notify your Fire-walled Trust of what has taken place and that it cannot pay its bills, including those to your fire-walled trust.

Under the terms of the license agreement between your trusts, your EquityProtect® Firewalled Trust asks for its *secured* assets to be returned to it.

The trading trust gets wound up in accordance with the law, and your family is at liberty to license its business assets to a new trading entity. Specifically, you don't get dragged down the gurgler because of the actions of someone else, such as a supplier, client or fraudulent employee!

**For example**, say you run a tiling business and have just completed 4 floors of a highrise building for a long established and well respected developer. The next morning the project manager walks in and says the developer has gone broke. You have done nothing wrong but the developer doesn't pay you and you can't pay your tile supplier or your workers.

If you don't have a firewalled structure in place you will then have to go home and tell your wife & kids that the last 15 to 20 years of hard work just went out the door.

With an EquityProtect Firewalled Trust in place you will live to trade another day, with your personal assets in place and your family security assured!



## Protection after you are gone...

EquityProtect also safeguards your assets after you're gone, ensuring those you truly wish to benefit from your accumulated wealth rightly receive it.

EquityProtect can include Testamentary Trust Wills & an Enduring Power of Attorney (EPA) as part of your firewalled asset protection structures. The peace of mind flowing from establishing such measures ensures that your loved ones are taken care of regardless of how future relationships and family units change after you are gone.

It protects your legacy and most importantly the family line with your own kids. The EquityProtect process can include structuring affairs as a family unit if you choose to. We can work with the older, present, and younger generations of your clan to get things right for everyone!



## Why Asset Protection & Why Now?

The Global Financial Crisis caused many long term, well established businesses to unexpectedly go broke and the domino effect wiped out many others. Our financial systems possess a great degree of uncertainty.

There are plenty of spruikers promoting get rich quick, wealth creation and money making programs. This booklet and EquityProtect is not about that. EquityProtect is all about **keeping the wealth you have created and will create in the future!**

It doesn't matter how your affairs or assets are structured now. We can untangle what currently exists and put in place what you and your family need to be protected. We happily work with your tax advisors to ensure that the structure stands up not only for asset protection purposes, but also for tax and business effectiveness.



## Its your move...

The process is straight forward. To take the first step, we need to meet, face to face and fully review your assets, liabilities, existing business and trust structures (if any).

This will result in the formulation of a strategy to fully protect your assets. You will be presented with the plan with costs to execute: no hidden charges, fees, taxes or levies. You'll know what you're up for before you press 'go'.

**Equity protection can be put in place in as little as 14 days!**

Fill in the form on the opposite page and send it to us. We'll contact you to make arrangements for a mutually suitable time to meet. **Shane Ellis is one of a handful of asset protection lawyers throughout Australia** to be licensed in the Beta Gifting Strategy and use of the Family Safety Trust to protect your assets.

## ■ Yes, I am ready to take the first step in protecting our family's assets!

The first step is the EquityProtect, face to face, asset & structure review and protection strategy formulation session for \$295. We will contact you to arrange a mutually suitable time and date to conduct the review.

First Name

Surname

Address

Suburb

Mobile

Email

Preferred Time/s for appointment

Preferred Day/s for appointment

**Phone: 0414 450 503**

**Or Post to: Shane Ellis LLB. Senior Consulting Lawyer**

**Email: [shane@shane-ellis.com](mailto:shane@shane-ellis.com)**

**PO BOX 5272 ROBINA TOWN CENTRE Q 4230**

The review session payment can be made by Visa, Mastercard or directly to Shane Ellis Law Practice Trust Account BSB 484 799 A/c No 085483395. Please email confirmation that this has been done so that a receipt may be issued to you when cleared funds are to hand. The systems used in EquityProtect® & Asset Protection structures are trademarked & copyrighted. Shane Ellis is one of a handful of asset protection lawyers throughout Australia to be licensed in the Beta Gifting Strategy and use of the Family Safety Trust to protect your assets.

A year from now you may wish you had started today...

Without EquityProtect



With EquityProtect



The booklet "THE ULTIMATE GIFT: Setting you & your family up for life!", the processes and procedures described and all other related materials are © Shane Ellis 2010.

**Learn more by visiting [www.shane-ellis.com](http://www.shane-ellis.com)**

**Phone: (07) 5530 7319**

**Mobile: 0414 450 503**

**Email: [shane@shane-ellis.com](mailto:shane@shane-ellis.com)**

**Postal: PO Box 5272, Robina Town Centre Qld 4230**