

®



**GRUPO JOMAR**

**Financial Trust Services**



Copyright © GRUPO JOMAR®



### Confidencial

Este documento es propiedad de GRUPO JOMAR® . Reservados todos los derechos. Este documento es confidencial y está redactado exclusivamente para su destinatario.

Está prohibida toda difusión de este documento o toda publicación total o parcial del mismo, sin la debida autorización expresa de GRUPO JOMAR® .

### Confidential

This document is owned by GRUPO JOMAR® . All rights reserved. This document is confidential and prepared solely for the recipient.

It is not allowed to disseminate this document or any publication of all or part thereof, without the express authorization of GRUPO JOMAR® .

## Types of Trusts

There are three types of financial trusts: administration trust, investment trust and guarantee trust. These, in turn, are classified into subtypes that can be from the combination of the three or, stock market, business, real estate, restricted area, source of payment, testamentary, self-financing.

"There can be as many as the imagination and business need of each individual require."

## Requirements for creating a Trust

- ❖ Name and Surname.
- ❖ Nationality.
- ❖ Place and date of birth.
- ❖ Activity to which it is dedicated.
- ❖ Criminal Certificate.
- ❖ Residence Certificate.
- ❖ VAT or Id.
- ❖ Passport.
- ❖ Marital status and matrimonial property regime.
- ❖ Phone.
- ❖ Email.
- ❖ RWA Letter of the Funds.
- ❖ Financial Genealogy or traceability of the funds.

## Who participate in the constitution of a Trust

The financial trust is implemented through the conclusion of a signed international contract, governed by the laws of the Country where its jurisdiction permits, and in which the following subjects are individualized:

- ❖ **Trustor:** It is the one who transmits to the fiduciary the assets that make up the estate of the trust.
- ❖ **Fiduciary:** It is that natural or legal person in charge of a trust and the property of the assets that comprise it, at the request of a trustee and for the benefit of a third party, whether this trustee or beneficiary.
- ❖ **Trustee or Beneficiary:** It is the natural or legal person that has the necessary capacity to receive the benefit that results from the object of the Trust.
- ❖ **Technical Committee:** The Technical Committee will be composed of the persons designated by the Trustor and Fiduciary, who do not necessarily have to be parties. Among the decisions taken by the technical committee are:
  - ❖ Review and approve the annual budget.
  - ❖ Review and, where appropriate, become aware of the accounting and financial information.



## Trust Administration

In general, the administration of the trust is performed by the Trustee designated in the contract. The fiduciary has the primary commitment to manage and fulfill the role of the trust being forced to act with the prudence and diligence of the good businessman who acts on the basis of trust placed in him, not being able to be dispensed contractually from the obligation to render Accounts, or guilt or willful misconduct.

## Trust Extinction

The financial trust is extinguished by:

- ❖ The fulfillment of the term or condition to which it has submitted.
- ❖ The revocation of the trustor if it has expressly reserved that faculty.
- ❖ Any other cause foreseen in the contract.

In the liquidation of the trust, the procedure established in the contract must be observed, presenting the final balance of liquidation.

## Trust Property

The Trust Law is broad in enabling the assets of the trust to be constituted by assets (existing or future). These goods must be individualized in the contract or, in the event that this is not possible, the description of the requirements and characteristics to be gathered must be recorded. In this sense and, if applicable, the contract will determine the manner in which other assets may be incorporated into the trust.

It should be noted that the assets of the trust will constitute assets separate from the assets of the trustee for all legal purposes and may not be sequestered or embargoed, except for obligations incurred or for damages caused during the execution of the trust, or third parties when Have transferred or retained the goods with fraud and to the detriment of their rights.



## Trust Securities

Within the framework of a Financial Trust may be issued:

- ❖ Debt securities (VD): These are a right to collect what is produced by the trust and under the conditions established in the prospectus, which are guaranteed by the assets of the trust.
- ❖ Certificates of participation (CP): They grant a right of participation or ownership of the trust assets.

In order to improve the collection possibilities, fiduciary values can count on other guarantees, including:

- ❖ Assignment of assets in addition to the trust so that there is an over-hedging of risks, personal guarantees by the trustor or a third party, real guarantees and / Or assignment of assets to a guaranty trust.

## Advantages that provides create a Trust

Specialists in the field of different institutions ensure that the Trust product has several advantages over other financial instruments.

- ❖ Prevents your investment from being subject to a legitimate or testamentary succession.
- ❖ It prevents the freezing of the Investment by the banking institutions or brokerage houses while resolving the succession in the Court.
- ❖ No charge for notary fees.
- ❖ Avoid risks by appointing two or more co-owners.
- ❖ Beneficiaries may be appointed as desired and may designate substitute beneficiaries.
- ❖ The terms and conditions of delivery of products and capital are established.
- ❖ There is friction between beneficiaries.
- ❖ It protects the patrimony of the abuse of third persons or the inexperience of the beneficiaries.
- ❖ Future heritage is safeguarded.
- ❖ The contract is revocable in life and irrevocable from the death.
- ❖ Comfort, security and productivity of investment.

## More Advantages of Financial Trust

- ❖ It allows to recover liquidity and makes it possible to derive the implicit risk in liquid assets to third parties.
- ❖ It is a separate heritage asset affected both the trustee and the settlor and therefore, the trust assets are protected from possible action by creditors of the settlor and the trustee.
- ❖ The trust assets are separated from the risk of the company that originated them, which allows, depending on the type of asset, to obtain a higher risk rating for the fiduciary securities than the company.
- ❖ It avoids intermediation, since funds are received directly from investors without the intervention of any financial intermediary.
- ❖ It allows to obtain funds without incurring debts, that is to say, without increasing the liabilities of the company because it is an off-balance sheet or off-balance sheet financing source.
- ❖ The structure of the financial trust allows the participation of several entities as trustors, which may lead to a decrease in investment risks.
- ❖ The Trust securities issued under a financial trust that have a public offer authorization can obtain tax benefits.

®



**GRUPO JOMAR**

