

**WHAT SOLUTIONS  
DOES SAMOA PROVIDE  
TO MEET YOUR WISHES AND NEEDS  
FOR ESTATE PLANNING?**

**1. Family succession and protection:**

Samoa has a wide and modern **Trust Law** (2014), which will be very attractive to you for achieving succession and protection for you and for your family.

Samoa will soon have a **Foundation Law** which will provide similar benefits.

**2. Ongoing control:**

2.1 A **Trust** may contain reservation of powers to you and/or others of the ongoing control you wish.

2.2 A **Foundation** may also reserve powers to you and/or to others of the ongoing control you wish.

2.3 Where appropriate, you may have your own **company** or **Foundation** to act as Trustee.

2.4 There is a **special form of Trust** (the Samoa International Special Trust Arrangement – “SISTA”), which enables Trustees of a Samoan Trust to hold the shares of a Samoan company and permit the directors of that company to control that company day to day without the Trustees interfering or being liable.

2.5 **Samoan Trust Law** (and in future **Samoan Foundations Law**) permits a Samoan Trust (and in future a Samoan Foundation) to hold the interest of a Limited Partner in a Limited Partnership and permit the General Partner (probably a company owned and controlled by you and/or your family) to hold and to control the assets without the Trustees (or those concerned with running the Foundation) interfering or being liable.

**3. Asset Protection:**

3.1 **Samoan Trust Law** provides that, if a creditor’s cause of action arises more than 2 years after the creation of a **Trust** or the transfer of assets to it, those assets will be protected from claims by that creditor.

3.2 **Samoan Foundations Law** will have a similar asset protection rule.

3.3 **Samoan Trust Law** provides for the non-enforcement of foreign judgments, including those concerning claims to assets following divorce and claims by reason of foreign succession rights.

3.4 **Samoan Foundations Law** will have similar non-enforcement provisions.

#### **4. Avoidance of Probate:**

The use of a **Samoan Trust**, often combined with the use of a company or companies, or of a **Samoan Foundation** will provide for the avoidance of the future need for Probate of a Will or Wills in respect of the assets transferred by you to such **Trust, company or companies or Foundation**, because those assets cease by such transfer to be part of your estate.

#### **5. Legal mitigation of taxation:**

5.1 **Samoan Trust Law** provides for taxation exemption for Trust structures where the Settlor and the Beneficiaries are not tax resident in Samoa.

5.2 There will be a similar exemption in the **Samoan Foundations Law**.

5.3 Careful, proper and entirely legal estate planning may mitigate present or future taxation elsewhere by the use of **Trusts or Foundations**.

**NOTE:** This Memorandum is provided for your assistance but you should always take professional advice before acting. Circumstances and needs differ considerably from one person or family to another.

**This Memorandum was last updated on 30<sup>th</sup> July 2015**