

# Process for Establishing A New Bank Trust

The process for establishing a new 50 year Bank Trust requires two main steps. First, cancel current trust with Banamex and second, set up a new one with a different trustee. It is important to be aware of who are the beneficiaries appointed in each trust, as different requirements apply for individuals and United States Limited Liability Companies (LLC) or entities.

## I. Canceling with Banamex

### A. For a Trust currently setup by individuals, You will need the following information from the Main Beneficiaries (Main beneficiaries are defined as the title holders):

1. - Original letter of instruction addressed to Banamex, S.A., duly signed in front of a notary public. If it is a US notary public, the document needs to be apostilled. This letter is to be provided by your attorney. (A scanned copy of an Apostille from the Secretary of State's Office is included at the end of this document.)
2. - Color copy of passport (current and signed).
3. - Copy of driver's license (current and signed).
4. - Fill in the form that contains personal information:
  - A) Name (No abbreviations)
  - B) Place of birth
  - C) Date of birth
  - E) Nationality
  - F) Occupation (if the person is "retired", they will need to indicate the name of the company or place where they worked before they retired).
  - G) Marital status
  - H) Address
  - I) E-mail address
5. -Fill in the forms for Banamex with the complete information required by them and sign.
6. - Copy of a recent utility bill (water, power company, telephone company. Banamex, does not accept statements from insurance, bank or any other services than the indicated). Note: Hard or Scanned copies are accepted; pictures of said bills are not an option.

**B. For a trust currently set up by United States LLC's, You will need the following information from the LLC and Manager(s):**

1. Original letter of instruction signed in front of a notary public. If it is a US notary public, the document needs to be apostilled. This letter is to be provided by your attorney.
2. Certified articles of organization with apostille
3. Certified certificate of good standing with apostille
4. Operating agreement of the LLC
5. Tax ID number of the LLC ("TIN")
6. From the manager of the LLC, we need the following information:
  - a. Copy of manager's passport
  - b. Complete name (first, last and middle).
  - c. Occupation
  - d. Nationality
  - e. Place of birth and country
  - f. Date since he/she accepted the designation of manager
  - g. Telephone ( home and cell phone)
  - h. E-mail address
  - i. Address (must match LLC)
  - j. Copy of a recent utility bill of his/her address at USA (must match LLC).
  - k. Permanent or temporary resident card from immigration or FMM.
  - l. CURP from the manager of the LLC (this document is only provided by immigration once that the person has the migratory card approved).
7. Copy of a recent utility bill under the name of the LLC (must be from the same address as the LLC documentation).

**II. Setting Up A New Bank Trust With Other Bank (Trustee) For Trusts With Individuals Or With an LLC from the United States**

**A) You will need from the Main Beneficiaries (Title Holders):**

1. The same information as listed in Section I- A or B above.
2. Original letter of instruction addressed to the new trustee, duly signed by the main beneficiaries. (This

document may not be requested to be certified by Notary Public. It will depend on the new trustee's policy.)

3. Fill in the forms for the new trustee with the complete information required by it and sign.

#### B) You will need from the Substitute Beneficiaries (your heirs to the property):

1. Color copy of passport (current and signed).
2. Copy of driver's license (current and signed).
3. Fill in the form that contains personal information:
  - ) Name (No abbreviations)
  - ) Place of birth
  - ) Date of birth
  - ) Nationality
  - ) Occupation (if the person is "retired", they will need to indicate the name of the company or place where they worked, before they retired).
  - ) Marital status
  - ) Address
  - ) E-mail address
3. Copy of a recent utility bill (water, power company, telephone company).
4. **Note:** if the main beneficiaries appoint the same substitute beneficiaries as the current trust, and their last name has changed as the result of marriage, they must prove this to the bank with a certified copy of the marriage license, apostilled.
5. Fill in the forms with the complete information required by the bank including bank references.

### **III. Canceling your current trust as an individual and you decide to set up new Bank Trust with a United States Limited Liability Company (LLC)**

If you are interested in changing the current status of the ownership of your trust rights, which is currently under individuals, and want to appoint a United States LLC, you will need all of the above requirements and most importantly, you must consider payment of transfer tax and possible capital gains, as the property is technically changing hands.

**IV. Listed below are the cost items that you may be required to pay for the processes detailed in Sections I, II, III:**

<b>ITEM #</b>	<b>COSTS</b>
1	Banamex, S.A. Cancellation fee
2	Permit cancellation with Foreign Affairs Office
3	New Permit with Foreign Affaris Office
4	New Trustee. (trust set up, annual fee and signature)
5	National Registry for Foreign Investments fee
6	Transfer tax, 2%
7	Capital gains per sale
8	Capital gains per acquisition
9	Property taxes
10	Public Registry
11	Certificate of no liens
12	Private or commercial appraisal
13	Notary Public
14	Unpaid Dues for Asociación de Vecinos de Las Conchas, A.C.
15	City's appraisal and blue print
16	Banamex, S.A. Trust fees (2014 or older)
17	Attorney fees
18	Fiscal strategy fee
19	Miscellaneous
20	CFE, Water, OOMISLIM (Any unpaid balances)
21	Translations
22	Power of Attorney
23	Escrow company
24	Agent's commission (In case of sale through realtor)

## V. Cancelling Current Bank Trust And Establishing A Mexican Company

The process and requirements for cancelling with Banamex, are the same as described above. The second step is to execute or set up a Mexican Company. This Mexican Company will become the title holder for the property. A new trust is not needed because the creation of a Mexican company allows you to acquire a fee simple title. Discuss this option with your attorney.

You will be required:

- 1.- To set up a Mexican Company. (Talk to your attorney for details and requirements)
- 2.- From the members of the company:
  - ) Name (No abbreviations)
  - ) Place of birth
  - ) Date of birth
  - ) Nationality
  - ) Occupation (if the person is "retired", they will need to indicate the name of the company or place where they worked, before they retired).
  - ) Marital status
  - ) Address
  - ) Copy of a recent utility bill (water, power company, telephone company).
- 3.- Cancel current trust with Banamex, providing the trustee with the information described in Sections I and II.

The cost items that may be required for this transaction are as follows:

<b>ITEM #</b>	<b>COST S</b>
1	Banamex, S.A. Cancellation fee
2	Permit cancellation with Foreign Affairs Office
3	Execution of Mexican L.L.C. (Notary Public fees)
4	CPA's annual fee for filing before IRS (Mexican)
5	Migratory Visa, FMM (individually)
6	Transfer tax, 2%
7	Capital gains per sale
8	Capital gains per acquisition
9	Property taxes
10	Public Registry
11	Certificate of no liens

- 12 Private or commercial appraisal
- 13 Notary Public (Fee simple cost)
- 14 Unpaid HOAs with Asociación de Vecinos de Las Conchas, A.C.
- 15 City's appraisal and blue print
- 16 Escrow company
- 17 Attorney fees (Includes 16% IVA)
- 18 Fiscal strategy fee (Includes 16% IVA)
- 19 Miscellaneous
- 20 CFE, Water, OOMISLIM (Unpaid Balances)
- 21 Translations
- 22 Power of Attorney

# EXAMPLE OF APOSTILLE



## ARIZONA Department of State



### APOSTILLE

( Convention de La Haye du 5 octobre 1961 )

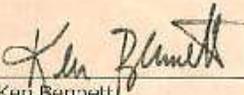
1. Country: United States of America  
This public document
2. has been signed by JODI A. JERICH
3. acting in the capacity of Executive Director - Corp. Comm.
4. bears the seal/stamp of JODI A. JERICH - Executive Director - Corp. Comm.

### CERTIFIED

5. at Phoenix, Arizona
6. on Wednesday, December 4, 2013
7. by the Secretary of State, State of Arizona
8. No. 374582
9. Seal / stamp

10. Signature



  
Ken Bennett  
Secretary of State