

Ardan Portfolio Account

Avoiding Isle of Man Probate

THIS GUIDE EXPLAINS HOW USING THE BENEFICIARY TRUST NOMINATION WITH AN ARDAN PORTFOLIO ACCOUNT CAN HELP THE EXECUTOR(S) HAVING TO MAKE AN APPLICATION FOR ISLE OF MAN PROBATE.

What is Isle of Man Probate?

Isle of Man Probate is a legal document granted and administered by the General Registry within the Isle of Man Courts of Justice. It identifies who is permitted to give instructions to an Isle of Man institution in respect of Isle of Man assets following the death of the owner.

When is Isle of Man Probate required?

As assets held within an Ardan portfolio account are held in the name of an Isle of Man company (Ardan Nominees Limited), Isle of Man Probate would be required should the account holder die and any of the portfolio accounts have not been written into a trust.

How long does the application process take?

The process of applying for Isle of Man Probate can take many weeks or months depending upon the estate making the application. The cost to file a claim with the Court will vary depending on the gross value of any Isle of Man held assets.

Where the portfolio account(s) is/are the only Isle of Man asset, the fees will vary from GBP30.00 where the value does not exceed GBP10,000, up to GBP8,914.50 where the portfolio account value exceeds GBP1,000,000.

Do I need Isle of Man Probate if the portfolio account is held in trust?

When a trust is used, the Trustees are the legal owner of the portfolio account. The Trustees as the legal owners can continue to provide instructions to sell the underlying holding and distribute funds to a beneficiary, or transfer the ownership of the assets into a portfolio account in the name of the beneficiary.

The trust avoids the requirement for an application for Isle of Man Probate.

What trusts are available for use?

The Beneficiary Trust Nomination is draft trust deed that is available for use with the Ardan portfolio account. This is a discretionary trust that allows the account holder to select Named Beneficiaries as well as Contingent Named Beneficiaries if required.

There is no cost to the account holder for using the draft Beneficiary Trust Nomination.

How does the Beneficiary Trust Nomination help?

The Beneficiary Trust Nomination is a simple trust structure. The account holder appoints Trustees to be the owner of the portfolio account and receive all portfolio account benefits following the death of the last surviving account holder. With a Beneficiary Trust Nomination, Ardan International Limited will:

- Accept instructions from the Trustee(s) in respect of the portfolio account as if they were the original owner; and
- Pay any/all portfolio account value or benefits to the Trustee(s)

As the trust is only created following the death of the last surviving account holder, the account holder remains in complete control of the portfolio account during their lifetime. This allows them to make amendments to, or withdraw funds from, the portfolio account without seeking any authority from the Trustee(s).

Important Notes

For financial advisers only. Not to be distributed to, nor relied on by retail clients.

The information contained within this document is based on our understanding of Isle of Man legislation, law and practice as at December 2023. Whilst every care has been taken, we cannot accept responsibility for its interpretation or any subsequent changes.