



**NEVIS ISLAND ADMINISTRATION
REGISTRAR OF FOUNDATIONS**

EXPLANATORY NOTES

Notes in brackets and italics are for explanatory purposes only and full reference must be had to the provisions of the Ordinance

FORM 71(2)

Statement given in respect of an application for conversion of an existing Nevisian entity into a multiform foundation

pursuant to section 71(2) of the Multiform Foundations Ordinance, 2004

Name of Nevisian entity

Registration number of Nevisian entity (if applicable)

Date of establishment

Proposed name in full as a multiform foundation

(Note: The name must include the word "Foundation" or the abbreviation "FDN" at the end and prior thereto the relevant prefix for the stated multiform as required by the Ordinance)

Name and address of proposed registered agent in Nevis

(NOTE: A registered agent must be authorised or licensed in Nevis to act as an agent with respect to the incorporation or establishment of an entity in Nevis)

Address of proposed registered office in Nevis

(NOTE: Only complete, if different from above, but this must be an address in Nevis of the registered agent)

Description of assets or property of the overseas foundation (include assets and liabilities). If this is to remain confidential, insert a statement confirming that the overseas foundation has positive net assets and is not insolvent

(NOTE: If disclosed, an unaudited statement of the assets and liabilities of the overseas foundation made up to the latest practicable date not less than 28 days prior to the giving of this statement may be attached)

Please mark the appropriate box with an X - ONLY ONE box can be marked

Initial stated multiform

(NOTE: If no multiform is selected, then the multiform will be unclassified and upon registration the multiform foundation will be an ordinary foundation. The constitution of a foundation must correspond to its multiform in accordance with regulations made under this Ordinance)

Ordinary Foundation

Trust Foundation

Company Foundation

Limited company

Unlimited company

Limited liability company

Partnership Foundation

General partnership

Limited partnership

Limited liability partnership
(or limited liability company
to be treated as a partnership)

Please indicate by marking the appropriate box with an X of the details and filings relating to the multiform foundation which ARE to be made available for public inspection on the Register.

Members of the management board

Members of the supervisory board

By-laws

(NOTE: The information will NOT be made available unless indicated with an X)

Proper law governing the by-laws as stated in the memorandum of establishment

(NOTE: in the absence of any other proper law expressed, the proper law is assumed to be the law of Nevis)

Particulars of secretary, management board and supervisory board

Please complete and attach the Consent Schedule to this Form 71(2)

DECLARATION

I [] of [] In my status of Proposed [member of the management board][secretary] [registered agent] * +

* Please delete as appropriate + If a registered agent does not give the declaration, the consent of the registered agent must appear below

HEREBY declare that I am a proposed [member of the management board] [secretary] [the registered agent acting on behalf] * of the Nevisian entity in respect of its conversion into a multiform foundation and the statements in this Form 71(2) and the attached Consent Schedule to be delivered to the Registrar of Foundations under section 71(2) of the Multiform Foundations Ordinance, together with the attached supporting documents referred to under section 74(2) of the Ordinance, duly signed and legally acknowledged as attachments to this declaration, and all the requirements of the said Ordinance in respect of the conversion of the existing Nevisian entity into a multiform foundation and of matters precedent and incidental to it are true and complete and have been complied with; and the existing Nevisian entity is authorised under its governing ordinance and its constitution to convert into a multiform foundation and FURTHER HEREBY declare that at the date of this declaration the existing Nevisian entity is solvent and is able to discharge its debts as they fall due.

AND I make this declaration believing the same to be true before

SIGNED as the act and deed of the declarant

[] Date []

WITNESSED BY

(NOTE: This declaration, if made by a member of the management board or the secretary must be legally acknowledged before a notary public or commissioner for oaths or other person authorised to take acknowledgements, and if made by or on behalf of a registered agent, witnessed by another registered agent of Nevis or the Registrar of Foundations or any of his officers in accordance with the provisions of the Ordinance)

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Undertaking

For tax resident foundations only

(Please complete the appropriate Form 93(3) - Application for Tax Resident Certificate with this application)

If the multiform foundation ceases to be tax resident I/we, the above signed, agree to give notice in the prescribed form, Form 93(3)Cessation, to the Minister of Finance in accordance with regulation 17 of the Multiform Foundations Regulations, 2005

Consent of registered agent

(NOTE: only complete is registered agent is NOT providing the declaration)

I/We consent to act as the registered agent of the proposed multiform foundation

Consent Signature [] Date []

This FORM 71(2) and the completed and attached CONSENT SCHEDULE, together with (1) the plan of conversion referred to in section 71(1) of the Ordinance, (2) the new memorandum of establishment and by-laws (if any) or constitution of the existing Nevisian entity signed by all the members of the management board or equivalent officers of the Nevisian entity, e.g. trustees, foundation council, directors, partners, etc, and (3) a copy of the certificate, or an irrevocable undertaking that application has been made, for the discontinuance or dissolution or striking off of the existing Nevisian entity on the existing register in Nevis for the entity, if applicable, duly signed by a proposed member of the management board or secretary of the existing Nevisian entity and legally acknowledged or signed by the registered agent and duly witnessed (as evidenced by attaching the same to the above declaration) must be delivered to the Registrar of Foundations at either the Nevis Foundation Registry or at any subregistry established under the Ordinance