

ASSET PROTECTION TRUSTS



[CAPITALFIRSTTRUST.COM](https://www.CapitalFirstTrust.com)

ABOUT CAPITAL FIRST TRUST

Capital First Trust Company (“**Capital First**”) is an independent, South Dakota chartered trust company with its principal office located in Sioux Falls, South Dakota and an office in Milwaukee, Wisconsin. With roots extending back to 1984, Capital First now administers more than 1,400 trusts serviced by an experienced staff of more than 25 trust professionals.



ASSET PROTECTION TRUSTS

An **Asset Protection Trust** is an irrevocable grantor trust that provides for the grantor while protecting the trust’s assets from creditors. The common goal of an Asset Protection Trust is to shield the interest of the beneficiary in such a way that the trust’s **assets are firmly protected against creditor claims.**

A South Dakota Asset Protection Trust, when properly constructed, can **protect one’s assets from domestic claims** as well.

TRUSTS WITH
CAPITAL FIRST
ADHERE TO
SOUTH DAKOTA’S
TOP-RANKING
BANKING LAWS.

BENEFITS OF ASSET PROTECTION TRUSTS

SOUTH DAKOTA STATE TAX BENEFITS:

- No tax on capital gains
- No tax on dividends
- No tax on interest income
- No tax on intangible property

ASSET PROTECTION BENEFITS:

- No requirement for trust documents or document updates to be filed publicly; privacy is priority
- Creditor protection for self-settled trusts
- Protection from ex-spousal claims such as alimony and/or child support
- Protection from judicial foreclosure and creditor attachment on beneficial interests in trusts, powers of appointment held by beneficiaries, and reserved powers by a beneficiary
- Power of appointment in a trust is specifically excluded as a property interest

FLEXIBILITY BENEFITS:

- Permits trust grantor to also be a beneficiary
- Trust can have unlimited duration providing continued protection for generations
- No limit on the types of assets that can be transferred into a trust
- No requirement that the grantor be a South Dakota resident
- No requirement that the property be located in South Dakota





IT'S A MATTER OF TRUST



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