



ATTORNEY FEE DEFERRAL PLAN

Settlement Solutions for a Secure Tomorrow¹

We specialize in providing strategic solutions for Attorneys and their firms, navigating the financial implications of legal settlements.

Havelet provides carefully designed and dynamically invested periodic payment solutions to Attorneys and their firms who wish to structure receipt of their contingent fees, personal injury or otherwise, in a tax-efficient manner. Our world class legal, investment and annuity counterparties enable Havelet to offer unbiased solutions for our clients.

The Havelet Plan may be appropriate for any Attorney who receives contingent fees, provided the fees are not immediately required and the Attorney has not entered into a court approved settlement agreement in respect of that fee, unless a pre-settled and funded qualified settlement fund is being utilized. The nature of the case is irrelevant; Havelet can accept assignments of periodic payment liabilities in personal injury as well as non-personal injury cases. As a part of the settlement, it is not necessary for the plaintiff to structure their award.

The Havelet Plan allows Attorneys to defer receipt of their contingency fees until such time as the funds are required. These fees are invested in a portfolio based on your personal risk parameters and time horizons which are subject to market fluctuation, both positive and negative. Our clients may use their existing financial advisor, provided certain conditions are met.

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Key Take Aways

- Suitable for qualified and non-qualified cases
- Flexible deferral and payment terms
- Secure flow of funds
- Legally documented strategy
- Unbiased annuity investment opportunities

¹ Havelet and its affiliates do not provide tax, legal or accounting advice. This material has been prepared for informational purposes only, and is not intended to provide, and should not be relied on for, tax, legal or accounting advice. You should consult your own tax, legal and accounting advisors before engaging in any transaction.

Attorney Fee Deferral Plan

Havelet's flow of funds procedure is carefully designed to avoid constructive receipt and does not rely on shortcuts such as cash funding mechanisms to be compliant. Havelet purchases an annuity contract which enables it to fulfill its obligations under the assignment contract. An irrevocable instruction is given to Havelet's bank to immediately transfer any money it receives to purchase the annuity, thereby securing all monies will be applied according to the terms of the assignment contract. The Attorney is named as the annuitant under the annuity contract and Havelet remains the owner. Once the assignment contract has been completed and the money has been transferred to the annuity provider, the annuity provider will invest the sum in the appropriate investment portfolio.

Payments under the assignment contract will be made directly by the investment manager via written instruction from Havelet, the annuity provider and/or trustee. This multi-signatory process provides checks and balances to secure funds are distributed in accordance with the assignment and annuity contracts.

US tax code imposes a withholding tax up to 30% on earnings of dividends and realized capital gains within all investment accounts. Havelet can mitigate these taxes by 'wrapping' each account with a

private placement annuity per Article 18 (2) of The US / Barbados Tax Treaty. Furthermore, Havelet is compliant with IRS § 72(u) meaning our clients are able to obtain distributions, without the imposed 10% penalty, before age 59 ½. In short, assignments through Havelet have more flexibility than those offered through domestic assignment companies which are subject to withholding tax and IRS§ 72(u).

Our clients can nominate a beneficiary and contingent beneficiary, have the right to decide whether the beneficiary should receive a lump sum or continue to receive the remaining scheduled periodic payments upon death. There are no death or other insurance benefits associated with the Havelet Plan.

Importantly, Havelet provides a flexible, tax efficient solution. Our clients participate in market rates of return, have customized deferral and payment terms, select beneficiaries and contingent beneficiaries, and receive monthly investment statements.

FOR MORE INFORMATION

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