

Elements of Constructive Trusts

ELEMENTS	DESCRIPTION
Trust Property	Property in Question That Is the Subject of the Constructive Trust, Which May Have Been Acquired Through Wrongful Means, Such as Fraud or Breach of Fiduciary Duty
Beneficiary	Party Who Has a Claim to the Trust Property, Which May Be the Rightful Owner or Someone Who Has a Claim Due to Wrongdoing by the Trustee
Trustee	Party Who Holds the Trust Property and Is Responsible for Administering the Trust, Often the Party Who Wrongfully Acquired the Property in Question

Constructive Trusts

Graham Moffat



Constructive Trusts:

Equity and Trusts Alastair Hudson, 2005 *Equity and Trusts* has quickly established itself as a market leader due to its clarity, insight and accessibility in what is perhaps the most complex of legal areas. Hudson's scholarly account of the subject makes this text sufficiently authoritative for trust practitioners but also provides a comprehensible introduction for a student audience. As in previous editions, the traditional doctrines are analysed in the context of current issues and the book's progressive approach intersperses discussion of the core ideas with clear examples. This fourth edition has been extensively rewritten and includes new chapters on understanding the trust, certainty in the creation of express trusts, the rights of beneficiaries and the beneficiary principle, formalities in the creation of express trusts, constructive trusts, breach of trust, miscellaneous equitable remedies. Individual essays on the nature of express trusts, the law on fiduciaries, family law, human rights law and equity draw together the main principles while examining related questions of restitution and social justice. This book is essential reading for all those seeking a modern approach to this crucial area of law. Understanding Equity & Trusts Alastair Hudson, 2008 *Understanding Equity Trusts* provides an accessible, readable and comprehensive overview of the main themes in this dynamic area of the law. It will be of interest to students struggling to cope with the increasingly complex field of trusts law and to those revising for exams. **Explaining Constructive Trusts** Gbolahan Elias, 2002 Concerned with rationalizing the rules, Preface p. v of *Constructive Trusts* this reappraisal of the English law of trusts discounts two major existing theses regarding the rules: first, that based on the North American experience they should be considered as instruments of restitution; and second, that they are disorganized and advances Elias' new thesis that the rules should be regarded as instruments for the rational furtherance of three good aims: 1. making disponents abide by their dispositions; 2. making those who gain through loss to others give the gains up to those others; 3. making those who inflict losses on others repair those losses. Preface p. v. Trusts Law Graham Moffat, 2005-09-29 With its unique contextual emphasis and authoritative commentary, *Trusts Law: Text and Materials* is a book that no serious undergraduate on trust law courses can afford to be without. The book is divided into four main parts: trusts and the preservation of family wealth; trusts and family breakdown; trusts and commerce; and trusts and non-profit activity. Within each of these parts, leading cases, statutes and historical and research materials are placed alongside the narrative of the author's text to give emphasis both to general theories of trust concepts and to the practical operation of trusts. Attention is also given to important themes such as the developing relationship between trusts law and other areas of private law such as the Law of Restitution. This new edition takes account of all relevant judicial and legislative developments since the third edition and expands discussion of key themes in current developments of the law. **The Conflict of Laws as to Resulting and Constructive Trusts** Louise Julia McGovern, 1927 Cases & Materials on Trusts Mohamed Ramjohn, 2004 This new edition has been considerably revised to take account of recent major statutory and case law developments. The Contracts (Rights of Third Parties) Act 1999

introduced a significant improvement in the rights of third parties to enforce contracts The Trustee Delegation Act 1999 and the Trustee Act 2000 have had a profound effect in updating the law concerning trustees duties and powers Important new cases covered include Foskett v Mckeown tracing Pragon Finance Ltd v Thakerar constructive trusts Air Jamaica v Charlton resulting trusts Choithram International v Pagarani constitution of trusts Twinsectra Ltd v Yardley accessory liability Wight v Olswang exclusion clauses Southwood v AG charities Schmidt v Rosewood Trust disclosure of trust documents Pennington v Waine gifts of shares Le Foe v Le Foe indirect contributions to family assets Gwembe Valley Development Co Ltd v Koshy limitation periods Duggan v Governor of Full Sutton Prison intention to create a trust OT Computers Ltd v First National Tricity Finance Ltd certainty of objects and many more Each chapter includes an exposition of the fundamental principles of trusts law in a readable and intelligible form supplemented by extracts from judgments of leading cases References to other relevant cases statutes articles and official reports are also incorporated where appropriate Litigating Constructive Trusts Paul Golden (Lawyer),2022 Unlike traditional express trusts that are planned well in advance with all parties involved agreeing to roles as trustee and beneficiary a constructive trust is one created solely by a judge as a distinct remedy powerful nuanced and often complex and daunting Whether you are litigating in their favor or defending in such a case this book is an essential guide on the topic covering crucial considerations a practitioner will need to know including strategies for handling pleadings discovery motion practice and trials A Treatise on the Law of Trusts and Trustees Jairus Ware Perry,1911 **The Law of Trusts and Trustees and the Equitable Doctrines of Election, Performance, Satisfaction, Conversion and Marshalling** James Mitchell Ellis Garrow,1919 *Equity & Trusts* Alastair Hudson,2014-05-27 This new edition considers all of the academic commentary governing the area of equity and trusts in particular the emerging law of restitution and the raft of new case law over the 1990s It is suitable both as a sholarly reference and as a resource for students **Rationalising Constructive Trusts** Ying Khai Liew,2017-09-21 Constructive trusts significantly interfere with the rights of an apparent legal owner of property This makes it necessary for their imposition to be properly explained and justified Unfortunately attempts to rationalise constructive trusts as a whole as opposed to specific doctrines or particular aspects of constructive trusts have been few and far between Rationalising Constructive Trusts proposes a new structure for a coherent understanding of constructive trusts By using a combination of conceptual tools it provides answers to a number of crucial questions for example What are the ingredients of a constructive trust claim What are the limits of constructive trusts How can we rationalise the imposition of constructive trusts in particular situations Why do judges exercise varying degrees of remedial discretion in different doctrines From a wider perspective the structured understanding helps us to appreciate the precise ambit and role of express constructive and resulting trusts **The Missouri Gazetteer of the State of Missouri** Missouri Gazetteer Company,1914 **Australian Principles of Property Law** Samantha Hepburn,2006-02-28 This text examines basic tenets of property law such as the doctrine of estates legal and equitable interests methods of

registering and prioritising interests in property It also examines specific property interests and the way in which interest is conveyed registered and co ordinated The Law Relating to Private Trusts and Trustees Arthur Underhill,1896 **The American and English Encyclopædia of Law: Implied trusts to Injunctions** ,1889 **Constructive and Resulting Trusts** Charles Mitchell,2010-03-03 Constructive and resulting trusts have a long history in English law and the law which governs them continues to develop as they are pressed into service to perform a wide variety of different functions for example to support the working of express trusts and other fiduciary relationships to allocate family property rights and to undo the consequences of commercial fraud However while their conceptual flexibility makes them enormously useful it also makes them hard to understand In the twelve essays collected in this volume the authors shed new light on various aspects of the law governing constructive and resulting trusts revisiting current controversies bringing new historical material to the fore and offering new theoretical perspectives **Handbook of the Law of Trusts** George Gleason Bogert,1921

Constructive Trusts Malcolm Cope,1992 Constructive Trusts and Unjust Enrichment Sir Nicolas Browne-Wilkinson,1991 *Judicial and Statutory Definitions of Words and Phrases* ,1914

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