

Equity And Trusts Law Express

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this textbook is an ambitious and engaging introduction to the more advanced writings on equity and trusts primarily designed to allow students to get under the skin of the topic and begin to build their critical thinking and analysis skills each chapter is structured around key questions and debates that provoke deeper thought and ultimately a clearer understanding the aim of the book is therefore not to present a complete overview of theoretical issues in equity and trusts but rather to illustrate the current debates which are currently going on among those working in shaping the area the text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading

this book brings together leading legal scholars and practitioners from across the asia pacific region to probe the ways in which trusts law has been adapted by various jurisdictions and to analyse their causes and effects the contributions discuss how the trust structure with its inherent malleability has been adapted to meet a diverse set of local needs including social religious economic commercial or even historical needs but in most instances those needs and the ways in which trusts law has been adapted to meet them are not unique to a single jurisdiction they often coincidentally or otherwise find much in common with others by making its readers aware of the commonality of needs in asia pacific this book also aims to encourage coordination and cooperation in utilising trusts law to address shared concerns across the region

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this book is designed for law school courses covering trusts the cases problems and questions are drawn extensively from texas materials and attempt to provide the student with a comprehensive understanding of how trust creation administration and enforcement are handled in texas resulting trusts constructive trusts and trust accounts are also discussed

law express question and answer equity and trusts is designed to help you get the most out of every answer you write by improving your understanding of what examiners are looking for helping you to focus in on the question being asked and showing you how even a good answer can be improved

trusts cross borders when they do real difficulties may arise will the understanding of what a trust is be different in a foreign state will the rights powers and duties of the trustee and settlor be the same what rights will the beneficiary be able to assert to what extent will the trust assets be safe from the claims of creditors forced heirs or third parties which legal system will be applied to the trust within what limits what if the trust needs to be recognised in a state which does not have the institution of the trust in its domestic law the hague trusts convention enacted into english law by the recognition of trusts act 1987 seeks to ameliorate the situation by providing harmonised choice of law rules for trusts created voluntarily and evidenced in writing it also provides for the recognition of trusts in contracting states those contracting states should recognise the trust even if they do not have the institution in their domestic law this book is the first published in england to devote itself to a detailed analysis of the convention it is aimed at academics and practitioners at private international lawyers and at trust lawyers frequent reference is made to the position in civil law states especially in the contracting states of italy and the netherlands and in other trust states both offshore and onshore the hague trusts convention deals with the operation of the trust itself it does not deal with the preliminary steps needed to create a trust these preliminary matters

raise highly complex and uncharted choice of law issues detailed discussion of these matters is also provided and appropriate solutions suggested

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