

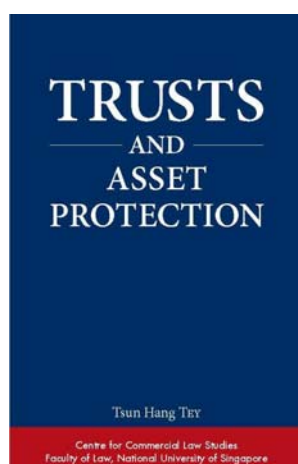
FACULTY ANNOUNCEMENT

8 October 2010

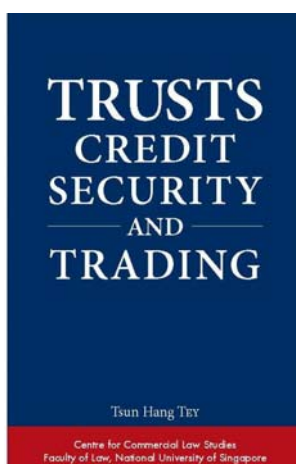
New Publications- Trusts and Asset Protection, Trusts Credit Security and Trading, Trusts and Forced Heirship, Trusts and Shared Property

Asset Protection Trusts are treated with a certain degree of suspicion and unease, particularly by those concerned about maintaining the integrity and viability of creditor interests and rights. **Trusts and Asset Protection** takes a comparative look at how these trusts work, and assesses to what extent such suspicion and unease are justified.

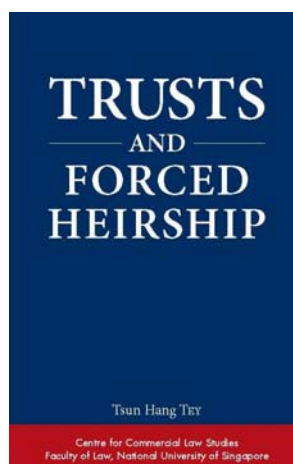
The orthodox method of distinguishing between property and obligation often used to prioritise insolvency claims results, at times, in ill-fitting equitable remedies – being designed to resolve legal difficulties between two parties, rather than to deliver the multi-party policy goals of insolvency law. The goals of trusts law are based on doctrinal principles. Yet they frequently have to give way when faced with compelling policy ends. **Trusts Credit Security and Trading** takes in the *Quistclose* trusts, *De Mattos v Gibson* principle, resale proceeds retention of title and trading trusts in seeking to illustrate in what manners, and for what reasons, proprietary remedies should be constrained and modified by policy considerations.



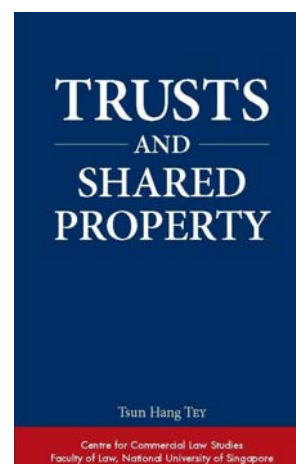
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Forced heirship laws affect the dispositive powers of an asset owner – inter vivos and testamentary. The various models of anti-forced heirship legislation in the offshore financial centres have brought about a significant impact on the operation of forced heirship laws, and pose a number of serious concerns. The Hague Convention on the Law Applicable to Trusts and on their Recognition and the Hague Convention on the Law Applicable to Succession to the Estates of Deceased Persons have been shown to be ineffective in addressing these concerns. **Trusts and Forced Heirship** seeks to analyse the concerns and proposes possible reforms.

Cohabitation arrangements and shared property pose persistent doctrinal arguments. **Trusts and**

Shared Property looks at the various legal devices that have been used and articulated upon – Proprietary Estoppel, Resulting Trust and Consulting Trust – to assess which best addresses and fulfills the needs of Equity, justice, doctrinal coherence and social priorities.

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