**ST MARY’S UNIVERSITY**

**TWICKENHAM, LONDON**

LLB, CRIMINOLOGY & BUSINESS LAW Degree Examination students registered for Level **SIX**

Title: **Equity & Trusts**

Code: **LAW6014**

Semester: **One**

Date: **January 8th 2020** Time: **9:30 AM – 12 noon**

TIME ALLOWED: **TWO** AND A **HALF** HOURS

Answer any THREE (3) questions. All questions carry equal marks

The examination for this module is open-book.  This means you will be able to take into the exam an **unmarked** and **un-annotated** copy of Meryl Thomas, *Blackstone’s Statutes on Property Law.*  **No other books or materials (including text books containing case law) will be allowed.**

1. Donald was very superstitious. Last month he visited Teresa, a fortune-teller, who told him that he did not have long to live. Donald was convinced that Teresa’s prediction would come true. He told his daughter, Ivanna, the number to his combination safe and said that everything inside it was hers. Donald telephoned Hilary, someone he felt he had wronged, and told her to come and collect the keys to his Maserati, as he no longer had need for it and wished her to have it.

Two weeks ago, Teresa was exposed by the *Daily Gossip* newspaper as being a fraud. Donald felt so deceived that he tried to kill himself, but by mistake swallowed a bottle of indigestion tablets. He was taken to York New Hospital and on arrival in the Accident & Emergency Department a fire broke out in the kitchen and Donald died in the flames.

In his will, Donald had left all his worldly belongings to his friend Kim. Kim wishes to drive the Maserati and take the contents of the safe. However, Ivanna emptied the contents of the safe immediately after her father died. The safe contained millions of pounds worth of gold, fabulous jewellery and a key to a safe deposit box in Cotts Bank. However, Hilary had felt confused by the telephone call and did not visit Donald whilst he was alive. She is ambivalent as to whether she should claim the Maserati.

Advise Kim as to his rights to the contents of the safe deposit box and the Maserati.

1. Last year Meg moved into Hal’s bachelor pad, a penthouse apartment which overlooked Chelsea Bridge. Hal would like to marry Meg, but he is worried that his family will not approve because she is penniless, whereas he is from an extremely wealthy family. Meg is unhappy about the situation and has threatened to leave him. Two months ago Hal felt very guilty about the situation and assured Meg that the flat and its content were hers and that he would marry her ‘soon’. Reassured by these words, Meg repainted the whole penthouse and installed a hot tub and wood fired pizza oven. She gave up her job as a lawyer and began planning their wedding.

Last week Meg felt very upset about the fact that Hal had still not produced a ring, so whilst Hal was away on family business, she invited her old boyfriend, Will, around for a pizza dinner. Later that night Hal returned to find Meg and Will naked in the hot tub together and told Meg to ‘get your things and get out!’

Meg is devastated and has tried to explain that nothing happened. Hal is so furious that he will not listen. Meg is homeless and seeks your advice as to whether she can claim any interest in the property.

Advise Meg as to her rights.

1. Consider the effect of the following gifts contained in the will of Martin who died last month:-

£1 million on trust to fund research that the earth is flat

£1 million on trust to provide scholarships for children of council employees wishing to go to university

£1 million on trust to prove Queen Elizabeth I wrote *Romeo and Juliet*

1. ‘To create a valid trust the three certainties must be present’. Critically discuss this statement with reference to the three certainties.
2. Piers and Susanna are elderly, frail siblings. Each had separate wills leaving their estates to different people: Susanna had left her all her property to her best friend Lorraine and Piers had left all his property to his best friend Ben.

Two years ago, they decided that it would be sensible if Susanna moved into Piers’ sheltered housing flat with him. Over the past two years, they have become increasingly frail. Two weeks ago, they decided that they ought to sort out their affairs and make wills; leaving all their property to the survivor and that on the survivor’s death, they should leave the remainder of the estate to their last surviving relative, a distant cousin, Jeremy.

They rang a solicitor they saw advertised on daytime television and instructed them to make the wills. The solicitor, Esther, told them that she would draw up the wills, get her secretaries to fill in the witness part and then send it to them to sign at home. Susanna, who had studied for an LL.B degree in her distant youth, had some doubts about the legality of doing this. She fretted so much that she suffered a stroke in the night and was taken to hospital.

Esther was determined to collect her fee, so visited Susanna in hospital. Susanna was extremely weak and disorientated but managed to sign the will. Sadly, Susanna died twenty minutes later. When Piers rang Jeremy to tell him of Susanna’s death, Jeremy laughed and said he was too busy to attend the funeral. Piers was furious. On a piece of paper, he wrote that he left his estate as he originally intended: to Ben. Piers asked two elderly neighbours to witness this new will, which they did. Piers was so angry that he had a heart attack that night and died.

Jeremy wishes to collect all the contents of the flat immediately, which includes valuable Picasso’s, but both Ben and Lorraine are appalled by his haste and wish to stop him. Advise Lorraine and Ben as to their legal position.

1. Forty years ago, Angela had a secret love child called Buzz. Buzz was sent to live in France with a family friend. No one knew about Buzz except for Angela, the French family friend and Angela’s parents.

Angela is now very ill and facing death. She decided to make a will and leave all her money to Buzz. She told her best friend, Neil, and asked him to keep the secret safe and to act as a secret trustee. Neil agreed.

Angela visited her solicitor, Claude, explained the situation and they drafted the following will: “I leave my entire estate to my trusted friend Neil’.

Angela died two months later. Neil has decided to keep the estate for himself. Advise Buzz as to any potential claim he may have.

1. Critically examine what a ‘use’ was and how it developed.
2. Critically explain the significance of the role of trustees in relation to the management of trust property.