ST MARY’S UNIVERSITY

TWICKENHAM, LONDON

LLB LAW, LLB LAW WITH CRIMINOLOGY AND BUSINESS LAW Degree Examination students registered for

Level **SIX**

Title: **Equity & Trusts**

Code: **LAW6014**

Semester: **ONE**

Date: **January 7th 2019**

Time: **1:30 – 4:00PM**

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

Answer **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. Critically discuss whether it is true that Equity can be described but not defined.
2. Critically consider whether it is possible to find a unified legal basis for the doctrine of the resulting trust.
3. The equitable maxim ‘Equity will not perfect an imperfect gift’ is very clear and cases such as *Jones v Lock* (1865) LR 1 Ch App 25 illustrate the position. Critically consider whether the doctrine of Proprietary Estoppel can be employed as a mechanism to perfect an otherwise imperfect gift with reference to decided cases.
4. Critically analyse the distinguishing features of a charitable trust and explain how it has changed since 2006.
5. Gareth and Jessie met at a work event in Russia in June 2018. In November they decided to live together and found a mews house near Gloucester Road tube station valued at £2 million pounds. As Gareth paid the full purchase price, they decided to put the property in Gareth’s name. Gareth assured Jessie that this was a mere formality. Gareth told Jessie ‘This house is your house; what is mine is yours and we will be together forever’.

On moving in Jessie took unpaid leave and repainted the whole house, both inside and outside. Jessie worked tirelessly and put in a new kitchen for their Christmas festivities. Jessie paid for all the food for their first Christmas together as a couple.

However, just after midnight on New Year’s Eve, Jessie discovered Gareth in their bed with Jordan. On confrontation, Gareth said to Jessie ‘Pack your stuff and get out!’

Jessie seeks your advice as to whether she has any claim in the Mews House.

1. Danny and Alli married in December 2017. Both brought a substantial amount of money to the marriage. They agreed to make mutual wills, with the survivor leaving the remainder to Danny’s son, Kieran.

Tragically Danny died after developing food poisoning after eating a kebab from a fast food outlet in Twickenham last month. Alli was devastated and sought solace in the arms of Ashley. Last week the pair flew to Florida for a holiday where Alli was devoured by an alligator.

Ashley has just been informed by Alli’s solicitor that Alli changed his will before their holiday and that Ashley is the sole beneficiary under Alli’s will. Kieran is furious and has said that he will challenge the will.

Advise Ashley as to his legal position.

1. Raheem settled £2 million on his nephew Harry last year, with strict instructions on how the trust should operate. He appointed Jamie and Eric as trustees. Raheem died two months ago, and Harry has discovered that both Eric and Jamie have been using the trust fund to buy properties in Central London. Eric is living in one those properties. Advise Raheem as whether they have breached the trust and on whether it will be possible to remove them.
2. On Marcus’s death he left £200 000 to Kyle in his will ‘for the purpose we have discussed’. Kyle worked with Marcus years ago and has not seen him since a football reunion in 2015. He has no idea as to what this may mean.

On Marcus’s deathbed he said to his friend John ‘You’ve always been a good friend to me, take the keys to my Maserati, it’s yours’. Marcus put the keys in John’s hand and breathed his final breath. In the glove compartment of the car was a set of keys, one opened a safe deposit box in Harrods containing £10 million in cash and another that gave access to a yacht moored in the Bahamas.

Advise both Kyle and John as to their legal position.

**END OF EXAMINATION**