This chapter shows how the laws governing the interests in the family home have developed. It first discusses the deserted wife’s equity, which was one of the first attempts to provide an answer to a dispute about the family home. Next, the chapter considers cases regarding proprietary interests in the home, some of which later built up to the present law. It also returns to the topic of resulting trusts, showing how limitations in resulting trust analysis led to the use of common intention constructive trust principles when dealing with ownership of the family home. This form of constructive trust has the advantage of greater flexibility than resulting trusts with the ability to resolve issues about ownership both at the time of acquisition of the family home and later.
11. The evolution of rights in the family home

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