11. Breach of trust

Titles in the Core Text series take the reader straight to the heart of the subject, providing focused, concise, and reliable guides for students at all levels. This chapter discusses cases involving breach of trust. It first deals with the trustee’s personal liability for breach of trust. A trustee can breach the trust in two basic ways. First, by misapplying the trust property, e.g., the trustee gives the property away to someone who is not a proper object of the trust. Secondly, the trustee can breach his duty to act with care and skill in the administration of the trust causing the trust loss. Next, it considers the case where a third party dishonestly assists in the breach of trust. This is followed by a discussion of the proprietary claims that the beneficiaries can make against the trustee and strangers to the trust who receive trust property.
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