5. Resulting trusts

The Law of Trusts (11th edn)
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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 considers resulting trusts. It first discusses the two basic kinds of resulting trusts: ‘automatic’ resulting trusts (ARTs) and presumed resulting trusts (PRTs). PRTs fall into two categories: voluntary transfer PRTs and purchase contribution PRTs. Both the PRT and the ART are bare trusts, so the legal title holder has essentially only one duty: to hold the property for the resulting beneficiary (or his successors). This is obvious in the case of the ART. In the case of the PRT this is so because the presumption only goes so far as to presume the location of the beneficial interest—no further trust terms are presumed. Any further terms of an intentional trust must be proved without the benefit of the presumption.
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