A person can make a conditional gift or make a gift subject to a charge. One example of an expressly created trust is a transfer of property to one person on trust for another. That property owners can dispose of their property as they choose can be a source of great uncertainty. ‘Three certainties’ must be satisfied before a court will acknowledge that a settlor or testator has created a private express trust: certainty of intention to create a trust, certainty as to the subject (property) of the trust, and certainty as to the object (beneficiaries or purposes) of the trust. This chapter, which deals with expressly created trusts, first considers the capacity to create a trust before turning to trusts established for private purposes, donations to unincorporated associations, and the construction of dispositions.
3. Trusts created expressly

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