This chapter examines the proprietary claims and remedies relevant to a breach of trust or fiduciary duty by a trustee or fiduciary. It explains that a proprietary claim in Equity requires the claimant to show that the defendant has received an asset in which the claimant has an equitable proprietary interest while a proprietary remedy enables the claimant to assert proprietary rights against property that is in the defendant's possession. This chapter also proposes a framework for understanding the law relating to proprietary claims and describes different types of remedy that are available with respect to equitable proprietary claims, specifically the recognition that property is held on constructive trust, the equitable lien, and the remedy of subrogation.
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