

Wang v Johnstone 8/4/02, Chisholm J, HC Christchurch M277/01

Successful application to identify beneficiaries of trust - W sought a declaration that land they held in trust was for the sole benefit of first defendants - W claimed the trust was created for the benefit of defendants and they are now entitled to distribution - W sought removal of a caveat lodged by second defendant ("J") - J claimed the land was being held on trust for him by W so he could resettle the trust for the benefit of defendants - J argued that W wanted to distribute the trust inconsistently with the purpose in which it was initially created.

Held, it is hard to reconcile the two claims made by J, as he first claims to have purchased the section for the benefit of his children and then claims the section is held for him on trust by W - there is no point to transfer the trust to J to hold on benefit for defendants as they are of an age to have the trust distributed to them now - it is appropriate to make a declaration that W holds the land for defendants as beneficiaries - application granted.