

Remedial Trusts

Resulting Trusts

If a trust fails in some way or the trust property is not completely distributed, then requires the trustee to return it to the settlor or the settlor's estate. If a testamentary trust fails, a resulting trust is imposed for the benefit of the beneficiary of the residuary clause.

Constructive Trust

Used to prevent unjust enrichment, usually has to be some wrongful conduct. The unclean hands doctrine will apply to estop a party from arguing for the creation of a constructive trust.

Gift-Over Clause

Provides for the disposition of trust property in case the trust fails. Get mixed treatment by courts, but many will honor a gift-over clause before performing a different equitable remedy.