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Wills, Trusts, and Estates for
Legal Assistants

Sixth Edition



Chapter 23

CONSTRUCTIVE TRUSTS

Chapter Objectives

- Describe the circumstances that may cause a court to impose a constructive trust
- Define a secret trust



Constructive Trust

- An equitable remedy imposed by the court to prevent unjust enrichment.



Conduct Giving Rise to a Constructive Trust

- Fraudulent conduct
- Abuse of confidential relationships
- Unperformed promises made in contemplation of death



Secret Trust

- An agreement between a testator and a beneficiary that the beneficiary will hold the property in trust, even though the will purports to make an absolute gift