

# Private Client & Contentious Trust Practice

The private client and contentious trust team is well positioned within Trott & Duncan to liaise with the Property, Matrimonial, Corporate and Litigation departments where necessary to provide a thorough and informed service to all our clients.

## Our Team

Our private client and contentious trust team has extensive experience in advising both local and international clients on a range of issues including estate planning, asset protection, matrimonial issues, corporate and family governance issues and tax advice. Trott & Duncan Limited has also developed expert experience in assisting with multi-jurisdictional clients and have developed practiced knowledge on laws regulating wealth management in the various Offshore Jurisdictions.

## Our Clients

- We act for institutional trustees and HSBC Bank Bermuda Limited's international panel and Capital G's panel. We also undertake work for and on behalf of Bank of N.T. Butterfield & Son Limited;
- Private Trust Companies, both domestic and international;
- Family Offices;
- English and U.S. private client and matrimonial counsel;
- Beneficiaries of Bermuda Trusts;
- Settlers, protectors and beneficiaries.

## Active Instructions

Our attorneys are presently instructed in these matters.

- Acting for Monaco trustees and holding companies in relation to Bermuda aspects of Kingate litigation;
- Acting for a large institutional trustee in "Category 2" blessing and dealing with family governance and corporate governance issues arising from corporate trust asset which is a \$2.5B company and one of the world's largest privately held corporations;
- Acting for foundation and family office of a high net worth individual in recovering \$65M of Madoff related losses from Bermuda domiciled hedge funds;
- Acting for institutional trustee in obtaining a Beddoe order from Bermuda Courts to enable trustee to take steps in relation to Swiss proceedings;
- Acting for second and third generation beneficiaries who together with 40 other beneficiaries obtained a "category 2" blessing for the division of \$5B of assets in numerous family businesses;
- Acting for the foundation of a well known American family in recovering damages in the liquidation of insolvent counterparty arising from a multi-million dollar verbal trade of a distressed debt;
- Acting for the beneficiary of a well known Bermudian trust in pursuing complaints against Bermuda trustee and U.S. tax advice in relation to a \$5M settlement.

## Recent Cases

Our attorneys have a depth of experience with high profile cases involving contentious trust matters, including Beddoe applications “Category 2” blessings and other applications and breach of trust cases.

- *Perinchief v Raynor* 1993 Civil App. No. 28 [1995] Bda LR 19. Court of Appeal decision on proprietary estoppels; cohabitation; whether property purchased jointly; whether beneficial interest in property; common Intention;
- *Re Star I (Revised) and Star II (Revised) Trusts, Von Knieriem v Bermuda Trust Company Ltd and Grosvenor Trust Company Ltd* 1994 Civil Jur. No. 154 [1994] Bda LR 50. One of the leading commonwealth cases on protectors of trusts and the valid exercise of trustee powers;
- *Bermuda Commercial Bank Ltd v Horizon Bank International Ltd and others* [2005] Bda LR 5. Supreme Court decision on fraud; interim relief for tracing claim; interpleader action; beneficial owner of 1st Defendant; accounts in bank with fluctuating balances; equitable remedy; jurisdiction; burden of proof; constructive trust. *Jennings v Jennings* Bda Civil jurisdiction [2009] No 301. One of the leading Commonwealth cases on letters of request from UK Supreme Court; examination of witness; ancillary relief; trust assets owned by the parties; application to set aside; whether letter of request is oppressive; Cayman Islands law; whether the case of *Charman v Charman* 2005 EWCA required a different approach to be taken in ancillary relief proceedings following divorce;
- *High Tech International AG & Ors v Oleg Deripaska* [2006] EWHC3276, QB whether high net worth Russian was domiciled in England for the purposes of jurisdiction to pursue a libel action.
- *Jennings v Jennings* [2009] Bda LR 73; [2010] WTLR 215 reversing previous Bermudian decision in *Charman v Charman* on permissible scope of letter of request to Bermuda trustees in the context of substantial British matrimonial proceedings.

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## Trust Administration

Affiliated with Trott & Duncan Limited is Westport Trust Company Limited, which provides a comprehensive range of trustee services for both personal and corporate clients. Some of those services include, but are not limited to:

- Trustee for domestic and off-shore trusts;
- Trustee for pension funds;
- Trust Protectorships for existing trusts;
- Administration of private trust companies, underlying companies, and nominees to hold property for beneficial owners;
- Corporate and Family Governance;
- Executors and Trustees of wills;
- Administration of estates.

## Contacts

If you would like to know more about these services, or to generally discuss any of the issues raised in this document, please contact one of the following:

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