



#QuickFacts

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A BEXs KNOWLEDGE SHARING INITIATIVE

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THREE TRUSTEES AND A MAJORITY VOTE REQUIRED:

SO EASY TO GET IT WRONG

The judgment deals with disputes that arose when a Trust purported to cancel one agreement of sale and proceeded to sell the property to a next purchaser. The disgruntled first purchaser, in an attempt to interdict transfer to the second purchaser raised the argument that the Trust was not properly before the Court as the resolution, signed by two of the three trustees (the trust document requiring a majority vote), was inadequate. The question answered here is whether in such circumstances, if two trustees, constituting the required majority, agree on action to be taken, is the input of or meeting with the third trustee at all necessary? The outcome is significant for every trustee acting on behalf of a trust, whatever the transaction.

Henque 1273 CC v Du Plessis and Others (2119/2020) [2020] ZAFSHC 160 (7 September 2020)

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https://stbb.co.za/wp-content/uploads/2020/10/stbb_plu21-2020_s1.pdf

