

ESSENTIALS OF A VALID TRUST REVISITED IN THE LIGHT OF***Khabola v Ralithabo* [2011] ZAFSHC 62*****A Vorster******JP Coetzee*******SUMMARY**

The trust is universally recognised and used. It is generally accepted that trust deeds meet the basic requirements. However, it is not always that simple and the courts are repeatedly forced to take deeds of trust under scrutiny. In such cases the court has to rule on the validity of the trust, the *locus standi* of the parties, trust administration, the intent of the parties or what the implications of an invalid trust are for previous and current agreements. Similar problems arose in *Khabola v Ralithabo*. The authors discuss this verdict and show that there is still much uncertainty on how certain trust aspects have to be dealt with, and emphasise the importance of testing every trust deed according to the essential requirements of a valid trust.

KEYWORDS: trust; trust deed; valid trust; basic requirements.

* *Khabola v Ralithabo* (5512/2010) 2011 ZAFSHC 62 (24 March 2011).

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