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Update Summary

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UPDATE 206

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THE LAW OF TRUSTS

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"External liabilities of trustees" has been comprehensively reviewed and updated by Dr Darryn Jensen.

Highlights of the update feature new and revised commentary, including in the following paragraphs:

"External liabilities of trustees" has been comprehensively reviewed and updated by Dr Darryn Jensen.

Highlights of the update feature new and revised commentary, including in the following paragraphs:

- Trustee is ordinarily liable personally for liabilities associated with trust, see [14.010], adding reference to *Octavo Investments Pty Ltd v Knight* (1979) 144 CLR 360
- Adding a new sub-heading: "Former trustee's right to indemnity" to the paragraph "Trustee's right to recoupment or exoneration out of the trust assets" and adding *Naaman v Jaken Properties Australia Pty Ltd* [2025] HCA 1, see [14.110]
- Trustee losing office or control of trust assets, see [14.370], also adding *Naaman v Jaken Properties Australia Pty Ltd* [2025] HCA 1
- Possible alternative claim against beneficiary in some cases, see [14.1270], adding reference to *Balkin v Peck* (1998) 43 NSWLR 706 and *Countryside (No 3) Pty Ltd v Best* [2001] NSWSC 1152.