

## CHAPTER VI

### EXTINGUISHMENT OF A TRUST

§ 145. **Various Ways in Which a Trust May Be Extinguished.** Wherever the entire legal title and the entire equitable interest unite in one person, the trust interest is extinguished, because one can not be trustee for himself or have an equitable chose in action against himself. The various ways in which a trust may be extinguished may be enumerated as follows:

- (1) By surrender of the legal title by the trustee to the *cestui que trust*.
- (2) By release by the *cestui que trust*—if *sui juris*—to the trustee.
- (3) By conveyance by the trustee and *cestui*—if *sui juris*—to a third person.
- (4) By the *cestui* inheriting the legal title from the trustee or the trustee inheriting the equitable interest from the *cestui*.
- (5) By revocation where by terms of the creation of the trust the power of revocation has been reserved.
- (6) In some jurisdictions, by statute, where the purposes of a trust are accomplished, and the trust becomes a dry or passive trust, the title of the trustee is passed by operation of law to the *cestui que trust*.

In all cases, the student must be careful not to confuse the termination of a trust with the termination of the duties of a trustee. For sufficient cause, such as sickness, or removal from the jurisdiction, or by consent of parties, a trustee may be relieved from the performance of duties imposed in connection with the execution of a trust. But even without trustees a trust will continue to exist, and it is in the power of a court of equity to appoint new trustees or to substitute for one trustee who has been relieved another person competent and qualified to act.