



CONTENTIOUS TRUST SERVICES

Given the elevated complexity of family arrangements that often surround high value trust structures, it is not surprising that there continues to be an increase in the volume of contentious trust disputes. When disputes arise in the context of trusts or estates it is important for clients to know that they are represented by highly responsive and expert trustees.

R&H Trust & Corporate (operating as The R&H Trust Co. Ltd.) has developed an outstanding breadth of skill and expertise in this area and are supported by an affiliate dynamic restructuring and dispute resolution team and forensic accounting specialists.

As an independent trust company with over 45 years in the jurisdiction, the Firm has a wealth of experience and is uniquely placed in the industry to offer services to trusts with contentious matters or disputes. During this time, our clients have benefitted from support and leadership provided through their various litigious matters. R&H Trust & Corporate ("RHTC") has also been able to serve as a replacement trustee in conflicted or disputed situations. Our trust group embraces a cross-departmental approach to addressing disputes and works closely with our dedicated restructuring and insolvency team to ensure clients benefit from the array of tools and experience on offer. This support is especially crucial in cases where there is a need for asset tracing and recovery services or in distressed entity situations.

The primary emphasis when dealing with contentious matters is providing a premier level of personal service tailored to the particular needs of each client. At RHTC we endeavor to take a rational and commercial approach to trust disputes and recognise that the best results can often be achieved without the need for full court proceedings. Indeed, mediation can be appropriate in many trust disputes and can provide a speedy, discreet and cost efficient solution which can be in the best interests of all parties.

Having an experienced specialist trustee working with the legal team in contentious matters ensures the fundamental focus remains on preserving the trust fund and acting in a fiduciary manner.

A full range of contentious trust private client services is offered through RHTC, which is a licensed trust company under the local Banks and Trust Companies Act and is wholly owned by the local Rawlinson & Hunter partnership.

Our Services

The RHTC is able to act as trustee to all types of trust structures, as well as deal with all aspects of the trust's administration. Contentious trust services for private clients include:

- taking an appointment as replacement trustee in conflicted situations;
- provision of independent trustee services to new or restructured groups in anticipation of, or following, divorce or separation;
- assisting the legal advisors with the preparation and review of applications to court for direction or construction questions;
- defending the trust against hostile claims or validity challenges;
- pursuing claims of breach of trust, negligence or fraud;
- provision of expert witness services to a court or arbitration tribunal;
- provision of director services to established private trust companies and/or underlying managed companies;
- working closely with all stakeholders and advisors to ensure the correct and most responsible course of action is taken;
- advising on and reviewing trust documents. Every trust is different and great care is required to ensure that the terms of each trust are adhered to, particularly in contentious cases;



- rationalisation of the structure to include the establishment of new trusts or entities as well as the effective termination of obsolete entities;
- preparation of trust and company accounts, forensic accounting and asset tracing if necessary;
- the ongoing maintenance of trust and company structures following resolution.

Where RHTC acts as trustee in contentious trust structures, it is involved in all aspects of the trust's administration, including the maintenance of its accounting records and reviewing the performance of its investments. The aim is that the trust structure can reach full resolution of the dispute and parties will have the confidence to continue the renewed trustee relationship for generations to come.

The importance of good communication between advisors and beneficiaries cannot be underestimated and regular meetings are encouraged, especially in contentious situations.

RHTC does not provide investment advisory or management services, delegating this responsibility instead to qualified specialist investment managers with the requisite expertise in this area. This ensures that the management of trust assets can be monitored thoroughly and independently.

If you would like to find out more about our contentious trust services or other private client services, please email or call us, we would be pleased to answer any questions you may have.

The R&H Trust Co. Ltd.