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**Course Title:** Resulting Trust – Who Proves It? And Managing Conflicts of Interest in Property Transactions

**Speakers:** Kelvin Lee - Founding Director, WNLEX LLC  
Justin Wee – Founding Director, WNLEX LLC

**Duration:** 90 minutes

**Course description:** Managing conflicts of interest and the concept of resulting trusts are two areas which lawyers have historically grappled with. In the present era where the global landscape and interrelations between parties has been flattened, this age-old problem is ever more prevalent. In order to deal with them, one must continue to learn and to understand the practical application of the theoretical safeguards.

Whilst the resulting trust, an old beast born of equity, may appear deceptively simple, the rules concerning the proving of such a trust are complicated. In the mix are the rules of presumption of advancement and other evidential rules. The case of *Chia Kok Weng v Chia Kwok Yeo and another* [2017] SGCA 54 and other recent developments of equity's landscape will be discussed.

This programme aims to provide practitioners with a working understanding of the resulting trust and an updated understanding of equitable claims. It will also delve into the ethical considerations in acting in cases of conflicts of interest.

### About the speakers:



#### **Kelvin Lee - Founding Director, WNLEX LLC**

Kelvin is one of the founding directors of WNLEX LLC and leads the Litigation and Dispute Resolution team. WNLEX LLC specialises in complex deals and commercial law.

Kelvin's depth of experience extend to complex commercial cases involving intellectual property, minority shareholder disputes and oppression claims, trusts and equity issues and contentious matrimonial work.

Kelvin appears regularly in the Court of Appeal. Some of his recent successes there are reported in the law journals owing to the important points of law involved. They include the following:-

He acted for the successful appellant in a landmark case where the Court of Appeal clarified the legal concept of "burden of proof" in a civil case (***SCT Technologies Pte Ltd v Western Copper Co Ltd* [2015] SGCA 71**)

He successfully represented an ousted director in regaining control of the conduct of a legal action commenced by the company. The Court of Appeal agreed with him that it was unlikely that the remaining directors would prosecute the action diligently. This is now regarded as a leading case in relation to s 216A Companies

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Act (***Chong Chin Fook v Solomon Alliance Management Pte Ltd and others and another matter [2017] SGCA 5***)

He successfully persuaded the Court of Appeal that his client was entitled to the return of his 1/3 share in a property valued at \$5 million which the client had transferred to his brother some 30 years earlier. This is now one of the leading cases in the area of property law (***Chia Kok Weng v Chia Kwok Yeo and another [2017] SGCA 54***).



### **Justin Wee – Founding Director, WNLEX LLC**

Justin is one of the founding directors of WNLEX LLC. He leads the Real Estate, Conveyancing and Banking team and is known for his commercial finesse and ability to broker complex deals.

Justin has great depth of experience in real estate, conveyancing and banking transactions. He is a specialist in Collective Sales type of transactions having represented owners of various types of developments including mixed and commercial buildings as well as for developers in the land acquisition and financing processes. He is also engaged in multi-faceted advisory work on all areas of real estate and their related matters.

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