

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 15.
USES AND TRUSTS.

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CHAPTER 15. USES AND TRUSTS.

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CHAPTER 15. USES AND TRUSTS.

§ 42-1501. LEGAL ESTATE IN CESTUI QUE USE; EXCEPTION.

Where lands, tenements, or hereditaments are conveyed or devised to one person, whether for years or for a freehold estate, to the use of or in trust for another, no estate or interest, legal or equitable, shall vest in the trustee, but the person entitled, according to the true intent and meaning of such instrument, to the actual possession of the property and the receipt of the rents and profits thereof, in law or in equity, shall be deemed to have a legal estate therein of the same quality and duration and subject to the same conditions as his beneficial interest, except where the title of such trustee is not merely nominal but is connected with some power of actual disposition or management of the property conveyed.

(Mar. 3, 1901, 31 Stat. 1432, ch. 854, § 1617.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1101.

1973 Ed., § 45-1201.

§ 42-1502. WHERE SEVERAL ARE JOINTLY SEIZED OF LANDS TO USE OF ANY SO SEIZED, LATTER DEEMED TO HAVE POSSESSION AND SEIZIN ALONE.

Where divers and many persons be, or hereafter shall happen to be jointly seized of and in any lands, tenements, rents, reversions, remainders, or other hereditaments, to the use, confidence, or trust of any of them that be so jointly seized, in every such case those person or persons which have or hereafter shall have any such use, confidence, or trust in any such lands, tenements, rents, reversions, remainders, or hereditaments, shall from henceforth have, and be deemed and adjudged to have only to him or them that have, or hereafter shall have such use, confidence, or trust, such estate, possession, and seizin, of and in the same lands, tenements, rents, reversions, remainders, and other hereditaments, in like nature, manner, form, condition, and course, as he or they had before in the use, confidence, or trust of the same lands, tenements, or hereditaments; saving and reserving to all and singular persons, and bodies politic, their heirs, and successors, other than those person or persons which be seized, or hereafter shall be seized of any lands, tenements, or hereditaments, to any use, confidence, or trust, all such right, title, entry, interest, possession, rents, and action, as they or any of them had, or might have had before the year 1535.

(27 Hen. 8, ch. 10, § 2, 1535; Kilty's Rep. 231; Alex. Br. Stat. 294; Comp. Stat. D.C., 537, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1102.

1973 Ed., § 45-1202.

§ 42-1503. EFFECT OF PURCHASE FOR VALUE WITHOUT NOTICE OF TRUST; WHERE EXPRESS TRUST NOT DECLARED IN CONVEYANCE.

No implied or resulting trust shall be alleged or established to defeat or prejudice the title of a purchaser for a valuable consideration and without notice of such trust; and where an express trust is created, but is not contained or declared in the conveyance to the trustee, such conveyance shall be deemed absolute in favor of purchasers from the trustee for value and without notice of the trust.

(Mar. 3, 1901, 31 Stat. 1432, ch. 854, § 1618.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1103.

1973 Ed., § 45-1203.