IRREVOCABLE TRUST defined: Trust which may not be revoked after its creation as in the case of a deposit of money by one in the name of another as trustee for the benefit of a third person (beneficiary). Black’s Law Dictionary Sixth Edition (page 1512)

BENEFICIARY “Cestui Que Trust”

CESTUI QUE TRUST defined: The person for whose benefit a trust is created or who is to enjoy the income or the avails of it. See Beneficiary. Black’s Law Dictionary Sixth Edition (page 1511)

CESTUI QUE USE defined: He for whose use and benefit lands or tenements are held by another. The cestui que use has the right to receive the profits and benefits of the estate, but the legal title and possession (as well as the duty of defending the same) reside in the other. 2 Bla.Comm. 330; 2 Washb. Real Prop. 95. Black's Law Dictionary Fourth Edition (page 289)

PRIVATE TRUST defined: One established or created for the benefit of a certain designated individual or individuals, or a known person or class of persons, clearly identified or capable of identification by the terms of the instrument creating the trust, as distinguished from trusts for public institutions or charitable uses. Black’s Law Dictionary Sixth Edition (page 1512)

Trusts, with their separation of legal and equitable property interests, arose under English law. Historically, England had two court systems, courts of law and courts of equity or chancery. Law courts applied fixed rules, whereas the equity courts applied more flexible principles of justice based on considerations of equity or fairness.

Law courts handled claims for money or property, whereas equity courts handled questions whether a person should be required to do certain acts, and under what conditions. Most States have abolished the separate courts of law and chancery, but many vestiges of the separate systems remain. Restatement § 2 Comment f.

By statute, the State court of jurisdiction for trusts is often a special court known as Probate, Surrogate, or Orphan’s Court. Black's Law Dictionary, "probate court." These courts have jurisdiction over probate of wills and administration of trusts and estates, as well as cases involving guardianships and minors.

TRUST defined: contracts, devises. An equitable right, title or interest in property, real or personal, distinct from its legal ownership; or it is a personal obligation for paying, delivering or performing anything, where the person trusting has no real right or security, for by, that act he confides altogether to the faithfulness of those entrusted. This is its most general meaning, and includes deposits, bailments, and the like. In its more technical sense, it may be defined to be an obligation upon a person, arising out of a confidence reposed in him, to apply property faithfully, and according to such confidence. Willis on Trustees, 1; 4 Kent, Com. 295; 2 Fonb.
Trusts were probably derived from the civil law. The fidei commissum, (q.v.) is not dissimilar to a trust. Trusts are either express or implied. 1st. Express trusts are those, which are created in express terms in the deed, writing or will. The terms to create an express trust will be sufficient, if it can be fairly collected upon the face of the instrument that a trust was intended. Express trusts are usually found in preliminary sealed agreements, such as marriage articles, or articles for the purchase of land; in formal conveyances, such as marriage settlements, terms for years, mortgages, assignments for the payment of debts, raising portions or other purposes; and in wills and testaments, when the bequests involve fiduciary interests for private benefit or public charity, they may be created even by parol. 6 Watts & Serg. 97. 4.-2d. Implied trusts are those which without being expressed, are deducible from the nature of the transaction, as matters of intent; or which are superinduced upon the transaction by operation of law, as matters of equity, independently of the particular intention of the parties. 5. The most common form of an implied trust is where property or money is delivered by one person to another, to be by the latter delivered to a third person. These implied trusts greatly extend over the business and pursuits of men: a few examples will be given. 6. When land is purchased by one man in the name of another, and the former pays the consideration money, the land will in general be held by the grantee in Trust for the person who so paid the consideration money. Com. Dig. Chancery, 3 W 3; 2 Fonb. Eq. book 2, c. 5, Sec. 1, note a. Story, Eq. Jur. Sec. 1201. 7. When real property is purchased out of partnership funds, and the title is taken in the name of one of the partners, he will hold it in trust for all the partners. 7 Ves. jr. 453; Montague on Partn. 97, n.; Colly. Partn. 68. 8. When a contract is made for the sale of land, in equity the vendor is immediately deemed a trustee for the vendee of the estate; and the vendee, a trustee for the vendor of the purchase money; and by this means there is an equitable conversion of the property. 1 Fonb. Eq. book 1, ch. 6, Sec. 9, note t; Story, Eq. Jur. SSSS 789, 790, 1212. See Conversion. For the origin of trusts in the civil law, see 5 Toull. Dr. Civ. Fr. liv. 3, t. 2, c. 1, n. 18; 1 Brown's Civ. Law, 190. Vide Resulting Trusts. See, generally, Bouv. Inst. Index, h.t. A Law Dictionary Adapted To The Constitution And Laws Of The United States Of America And Of The Several States Of The American Union by: John Bouvier Revised Sixth Edition, 1856

TRUSTEE defined: estates. A trustee is one to whom an estate has been conveyed in trust. 2. The trust estate is not subject to the specialty or judgment debts of the trustee, to the dower of his wife, or the curtesy of the husband of a female trustee. 3. With respect to the duties of trustees, it is held, in conformity to the old law of uses, that perrnacy of the profits, execution of estates, and defense of the land, are the three great properties of a trust, so that the courts of chancery will compel trustees, 1. To permit the cestui que trust to receive the rents and profits of the land. 2. To execute such conveyances, in accordance with the provisions of the trust, as the cestui que trust shall direct. 3. To defend the title of the land in any court of law or equity. Cruise, Dig. tit. 12, c. 4, s. 4. 4. It has been judiciously remarked by Mr. Justice Story, 2 Eq. Jur. Sec. 1267, that in a great variety of cases, it is not easy to say what the duty of a trustee is; and that therefore, it often becomes indispensable for him, before he acts, to seek, the aid and direction of a court of equity. Fonb. Eq. book 2, c. 7, Sec. 2, and note c. Vide Vin. Ab. tit.
LEGAL defined: That which is according to law. It is used in opposition to equitable, as the legal estate is, in the trustee, the equitable estate in the cestui que trust. Vide Powell on Mortg. Index, h.t. 2. The party who has the legal title, has alone the right to seek a remedy for a wrong to his estate, in a court of law, though he may have no beneficial interest in it. The equitable owner, is he who has not the legal estate, but is entitled to the beneficial interest. 3. The person who holds the legal estate for the benefit of another, is called a trustee; he who has the beneficiary interest and does not hold the legal title, is called the beneficiary, or more technically, the cestui que trust. 4. When the trustee has a claim, he must enforce his right in a court of equity, for he cannot sue any one at law, in his own name; 1 East, 497; 8 T. R. 332; 1 Saund. 158, n. 1; 2 Bing. 20; still less can he in such court sue his own trustee. 1 East, 497. A Law Dictionary Adapted To The Constitution and Laws of the United States of America and of the Several States of the American Union by John Bouvier Revised Sixth Edition, 1856

PUBLIC TRUSTEE defined: County official who is appointed to act for the public in administering deeds of trust. Black’s Law Dictionary Sixth Edition (page 1232)

PUBLICUM JUS defined: In the civil law, public law; that law which regards the state of the commonwealth. Black’s Law Dictionary Sixth Edition (page 1232)

EXECUTED TRUST defined: A trust of which the scheme has in the outset been completely declared. A trust in which the estates and interest in the subject-matter of the trust are completely limited and defined by the instrument creating the trust, and require no further instruments to complete them. Black’s Law Dictionary Sixth Edition (page 1511)

FIDELITY AND GUARANTY defined: insurance. A contract of fidelity or guaranty insurance is one whereby the insurer, for a valuable consideration, agrees, subject to certain conditions, to indemnify the insured against loss consequent upon the dishonesty or default of a designated person. Guaranty insurance, used in its broad sense, also includes credit insurance, and title insurance, as well as the numerous forms of surety bonds. The contract partakes of the nature both of insurance and of suretyship. Hence, even in the absence of terms so providing, the contract is avoided by the failure of the insured to disclose to the insurer, at the time of making the contract, any known previous acts of dishonesty on the part of the employee, or any dishonest practices that may occur during the currency of the policy. But the insured is not required to give notice of mere irregularities not involving moral turpitude; nor, in the absence of agreement to that effect, does the insured owe to the insurer any duty of watching the conduct and accounts of the employee concerned. Black’s Law Dictionary Sixth Edition (page 624)

personal honesty of officer furnishing indemnity against his
defalcation or negligence. Phillips v. Board of Education of Pineville,
283 Ky. 173, 140 S.W.2d 819, 822. A contract whereby, for a
consideration, one agrees to indemnify another against loss arising
from the want of honesty, integrity, or fidelity of an employee or
other person holding a position of trust. Liberty Mut. Ins. Co. v.
Thunderbird Bank, 25 Ariz.App. 201, 542 P.2d 39, 41.. See also Bond;
Fidelity and guaranty insurance; Insurance. Black’s Law Dictionary
Sixth Edition (page 624)

FIDUCIARY BOND defined: Type of surety bond required by court to be
filed by trustees, administrators, executors, guardians, and
conservators to insure proper performance of their duties. Black’s Law
Dictionary Sixth Edition (page 625)

FIDUCIARY CAPACITY defined: One is said to act in a "fiduciary
capacity," or to receive money or contract a debt in a "fiduciary
capacity," when the business which he transacts, or the money or
property which he handles, is not his own or for his own benefit, but
for the benefit of another person, as to whom he stands in a relation
implying and necessitating great confidence and trust on the one part
and a high degree of good faith on the other part. The term is not
restricted to technical or express trusts, but includes also such
offices or relations as those of an attorney at law, a guardian,
executor, or broker, a director of a corporation, and a public officer.
Black’s Law Dictionary Sixth Edition (page 625)

FIDUCIARY defined: The term is derived from the Roman law, and means
(as a noun) a person holding the character of a trustee, or a character
analogous to that of a trustee, in respect to the trust and confidence
involved in it and the scrupulous good faith and candor which it
requires. A person having duty, created by his undertaking, to act
primarily for another's benefit in matters connected with such
undertaking. As an adjective it means of the nature of a trust; having
the characteristics of a trust; analogous to a trust; relating to or
founded upon a trust or confidence. A term to refer to a person having
duties involving good faith, trust, special confidence, and candor
towards another. A fiduciary "includes such relationships as executor,
administrator, trustee, and guardian." ABA Code of Judicial Conduct,
Canon 3C(3)(b). A lawyer is also in a fiduciary relationship with the
client. A person or institution who manages money or property for
another and who must exercise a standard of care in such management
activity imposed by law or contract; e.g. executor of estate; receiver
in bankruptcy; trustee. A trustee, for example, possesses a fiduciary
responsibility to the beneficiaries of the trust to follow the terms of
the trust and the requirements of applicable state law. A breach of
fiduciary responsibility would make the trustee liable to the
beneficiaries for any damage caused by such breach. The status of being
a fiduciary gives rise to certain legal incidents and obligations,
including the prohibition against investing the money or property in
investments, which are speculative or otherwise imprudent. Many states
have adopted the Uniform Fiduciaries Act, and the Uniform Management of
Institutional Funds Act. See also Fiduciary capacity; Fiduciary or

FOREIGN FIDUCIARY defined: A trustee, executor, administrator, guardian
or conservator appointed by a jurisdiction other than the one in which
FIDUCIARY CONTRACT defined: An agreement by which a person delivers a thing to another on the condition that he will restore it to him.

FIDUCIARY DEBT defined: A debt founded on or arising from some confidence or trust as distinguished from a "debt" founded simply on contract. Montgomery v. Phillips Petroleum Co., Tex.Civ.App., 49 S.W.2d 967, 973.

FIDUCIARY DUTY defined: A duty to act for someone else's benefit, while subordinating one's personal interests to that of the other person. It is the highest standard of duty implied by law (e.g., trustee, guardian).

FIDUCIARY OR CONFIDENTIAL RELATION defined: A very broad term embracing both technical fiduciary relations and those informal relations which exist wherever one person trusts in or relies upon another. One founded on trust or confidence reposed by one person in the integrity and fidelity of another. Such relationship arises whenever confidence is reposed on one side, and domination and influence result on the other; the relation can be legal, social, domestic, or merely personal.


A relation subsisting between two persons in regard to a business, contract, or piece of property, or in regard to the general business or estate of one of them, of such a character that each must repose trust and confidence in the other and must exercise a corresponding degree of fairness and good faith. Out of such a relation, the law raises the rule that neither party may exert influence or pressure upon the other, take selfish advantage of his trust, or deal with the subject-matter of the trust in such a way as to benefit himself or prejudice the other except in the exercise of the utmost good faith and with the full knowledge and consent of that other, business shrewdness, hard bargaining, and astuteness to take advantage of the forgetfulness or negligence of another being totally prohibited as between persons standing in such a relation to each other. Examples of fiduciary relations are those existing between attorney and client, guardian and ward, principal and agent, executor and heir, trustee and cestui que trust, landlord and tenant, etc. See also Confidential communications.

PROBATE defined: Court procedure by which a will is proved to be valid or invalid; though in current usage this term has been expanded to generally refer to the legal process wherein the estate of a decedent is administered. Generally, the probate process involves collecting a decedent's assets, liquidating liabilities, paying necessary taxes, and distributing property to heirs. These activities are carried out by the executor or administrator of the estate, usually under the supervision of the probate court or other court of appropriate jurisdiction. See Letters; Probate court; Probate jurisdiction. In the canon law, "probate" consisted of probatio, the proof of the will by the executor, and approbatio, the approbation given by the ecclesiastical judge to the proof.

PROBATE COURT defined: A court having general powers over probate of
wills, administration of estates, and, in some states, empowered to appoint guardians or approve the adoption of minors. Court with similar functions is called Surrogate or Orphan's Court in certain states. See also Court of Orphans; Probate jurisdiction. Black’s Law Dictionary Sixth Edition (page 1202)

PROBATE ESTATE defined: The property of a decedent that is subject to administration by the executor or administrator of an estate. Black’s Law Dictionary Sixth Edition (page 1202)

Sui Juris, known as: John, of the genealogy of Doe, freeborn spiritual being on the land state the facts contained herein are true, correct, complete, and not misleading, to the best of my personal first hand knowledge and belief. Being of sound mind, competent, over the age of 18. This my free will, voluntary act and deed to make, execute, seal, acknowledge and deliver under my hand and seal with explicit reservation of all my unalienable rights and my specific common law right not to be bound by any contract or obligation which I have not entered into knowingly, willingly, voluntarily, and without misrepresentation, duress, or coercion, whereby I did not sign nor consent. I am not now nor have ever been a CITIZEN nor a U.S. Citizen nor a Fourteenth Amendment Federal Citizen nor Employee, I am not bound by sworn oath or oath of office. Whereas I hereby disclaim Clauses One and Two of Section One to the Fourteenth Amendment, together with Article Four Section Three Clause Two. I do hereby certify, verify, state, claim and declare forever without abandonment; Real Property (on Earth); Personal Property (body); and Ecclesiastical Property (soul) together with all trusts, probate, rights, titles, interests droit, droit both absolute and contingent, “Without the U.S.” Should this not be true then let the record be corrected or it will stand as truth. Time is of the essence.

Veracity; In my Private Capacity as General Executor/Eecutrix of said Cestui Que Trust account Droit, Droit, This serves Notice that your offer has been Accepted as Valuable Consideration and Returned for Value. This property is Exempt from Levy. Please Adjust this Account for the Proceeds, Products, Accounts and Fixtures and Release The Order(s) of The Court to Me Immediately. Make adjustment and close this account immediately, with prejudice. I accept your Oath, Oath of Office Security Agreement, Constitutions as by-laws, and Malfeasance Bond and place you in the Private commencing this self-executing binding contract between you and I. Further, I appoint you trustee “Fully Personally Liable Now” on your honor and solemn Oath to perform your obligations and duties to Protect My un-a-lien-able Rights in your Fiduciary Capacity against any and all claims, legal actions, orders, warrants, judgments, demands, liabilities, losses, foreclosure, depositions, summonses, lawsuits, costs, fines, liens, levies, penalties, taxes, damages, interests, and expenses whatsoever, both absolute and contingent, as are due and as might become due, now existing and as might hereafter arise, and as might be suffered by, imposed on, and incurred by Debtor for any and every reason, purpose, and cause whatsoever. Please honor Obligation of Good Faith in Performance of your Duties. Quid Pro Quos, an equal exchange or substitution.
International Registered Mail Number:

This my free will, voluntary act and deed true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver under my hand and seal, explicitly reserving all rights without prejudice;

By:__________________________________________

Sui Juris known as; John of the genealogy of Doe Bailor for JOHN DOE Bailee

Probatio plena; Ran, Roe Third Party Witness
"Sealed and delivered in the presence of us."

Probatio plena; James, Roe Third Party Witness
"Sealed and delivered in the presence of us."

STATE OF ILLINOIS )
) SS:
COUNTY OF COOK )

CERTIFICATE OF ACKNOWLEDGMENT
On this date the individual named above, in his/her stated capacity, personally appeared before me to execute this acknowledgement that this instrument was signed, sealed, and delivered as their free will, voluntary act and deed to make, execute, seal, acknowledge and deliver under their hand and seal verified and authenticated for the uses and purposes therein mentioned.

____________________                                          _________________________________
DATE                                 Signature of NOTARY PUBLIC

AFFIX

NOTARY SEAL                                        Date Commission Expires _________________
IF REQUIRED

NOTICE: Public acts defined: are those which have a public authority, and which have been made before public officers, are authorized by a public seal, have been made public by the authority of a magistrate, or which have been extracted and been properly authenticated from public records. Black’s Law Dictionary Sixth Edition (page 26)