

## **PRESENTER**



### **Jeremy Johnson, Wynn Williams, Christchurch**

Jeremy specialises in commercial, equity and trust law. He frequently acts in contentious trust cases, including the litigation around Christchurch Cathedral and also for private clients in disputes relating to trusts that hold significant business assets.

*The statements and conclusions contained in this paper are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.*

# CONTENTS

<b>KEEPING THE FARM IN THE FAMILY: ISSUES IN SUCCESSION PLANNING .....</b>	<b>1</b>
INTRODUCTION .....	1
<i>Key principles</i> .....	1
TRUSTS – ISSUES AND RISKS.....	2
<i>Introduction</i> .....	2
<i>The Jervois Family</i> .....	3
<i>Loans and limitation periods</i> .....	3
<i>Loans and the FPA</i> .....	4
<i>What about the other children as discretionary beneficiaries?</i> .....	5
<i>Dispositions into trusts under the PRA</i> .....	6
<i>What if the JFT is a long-standing family trust?</i> .....	6
<i>Section 182 claims</i> .....	7
<i>Constructive trust claims</i> .....	8
<i>Conclusion</i> .....	10
COMPANIES – ISSUES AND RISKS .....	10
<i>Introduction</i> .....	10
<i>Trusts and companies</i> .....	10
<i>When can a company be useful?</i> .....	11
<i>Section 21 agreements</i> .....	12
<i>Conclusion</i> .....	13