



P. MACAULAY & ASSOCIATES INC.

120 Adelaide St. West, Suite 2500 Toronto, ON M5H 1T1

P 416.642.6010 E pmacaul@pmacaulay-assoc.com

Foiled by the Font

Mr. Gerald McGoey made an assignment into bankruptcy. He and his wife took the position that two of their properties were excluded from the bankrupt estate by virtue of being held in trust for their children. They rely upon trust documents created in 1995, and 2004. The trustee in bankruptcy sought a declaration that these two properties were assets of the estate, and subject to realization for the benefit of the creditors.

The trustee called an expert in design and typography. He testified that the fonts used in the 1995 and 2004 documents did not reach the general public until 2007.

Based on this, and other evidence, the court found that the two purported trusts were void as being sham trusts, or alternatively were fraudulent conveyances.

So – make sure that you’ve got experts on your side.