

Property Administration of The Elder and Potential Role of Trust Banks as Trustees

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It is said that trust is a suitable device for property administration of the elder. Because even in case of settlor's incapacity or death, or beneficiary's incapacity, trust is still valid and works as function to protect beneficiary's right.

In this paper, Guardianship for Adult amended in December, 1999, is surveyed focusing on Voluntary Guardianship (Enduring Powers of Attorney) legislated in December, 1999 and the reason why it is said that trust is a suitable device for property administration of the elder, is examined in comparison with voluntary guardianship.

Then it is suggested that practical use of trust to administrate the property of the elder in combination with Voluntary Guardianship.

In conclusion I suggest the potential role of trust banks in Japan as a professional trustee of property management.

