

King v Smail [1958] VR 273

<http://lawcasesummaries.com/knowledge-base/king-v-smail-1958-vr-273/>

Facts

- Husband transfers property to his wife before entering into a deed with creditors
- Smail as trustee in bankruptcy acquires an equitable interest to the property
- Wife registers
- Does the wife's title give her indefeasibility against the trustee?

Held

- No – because volunteers in that jurisdiction did not get indefeasibility of title
- Therefore the equitable interest won out

Note: It is important to check the individual jurisdiction for whether this applies

Law case summary from www.lawcasesummaries.com