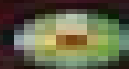


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rights of a trust beneficiary the beneficiary is entitled under the Due Process Clause of the Fourteenth Amendment to notice and an opportunity to be heard This case also discusses the various consequences attendant to the failure to provide such notice *Hector v Bank of N Y Mellon* where the court having in part looked to the Restatement Third for guidance held that the designated passive corporate trustee of a securitized fund of mortgage backed notes would not be personally at fault and therefore not personally liable for any injuries to the tenants of a certain parcel of real estate title to which the trustee had acquired via foreclosure that might be occasioned by their exposure to lead paint in and about the premises *Murphy v Trustee of Star Financial Bank* a case discussing the unfortunate linkage of survivorship and per stirpes to their surviving children per stirpes The court held that the way in which surviving and per stirpes were linked rendered the provision itself ambiguous in that the condition of survival negates the right of representation inherent in a per stirpes distribution

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