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3 Under English law
where the receipt is
unauthorised the
property will be held on
trust: FHR European
Ventures LLP v Cedar

Capital Partners LLC
[2014] UKSC 45;
[2015] A.C. 250.Where
the receipt is
authorised the terms of
the relationship will
determine whether the
property is held on
trust upon receipt, or
simply makes the
fiduciary personally
liable to his principal,
Paragon Finance v ...

**3 Under English law
where the receipt is
unauthorised the ...**

The relevance of
proprietary claims in
the context of
insolvency is that a
person with a
proprietary interest is
not affected by pari
passu sharing (at least
not with those
creditors who have
only claims in contract,
tort, or restitution, that
is, personal rights): it is
the debtor's assets
which are used for

distribution among his creditors, not the assets of other persons.

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Similarly, such common intention as to termination and proprietary rights in assets transferred by arm's length market participants should be enforced by equity through the common

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with deciding whether
a claimant should have