

Custody or Trust

If someone gives his property to another person, and tells him that it is deposited in a trust, and the latter accepts it, they both must abide by the following rules.

The Rules Regarding Custody or Trust

Issue 405: If someone will not be able to look after a deposited thing, and the person making the deposit is unaware of this, then the person must not accept the (responsibility) of the deposit.

Issue 406: Someone who deposits something as a trust, whenever he wants to take it back, he is able to; and the person who accepted to look after the thing, whenever he wishes to give it back to its owner, he too is able to do this.

Issue 407: Someone who accepts to look after something, if he does not have a safe and suitable place to keep the item, he must prepare one.

Issue 408: The person taking care of the trust must look after the item in such a way that the people would not say that he is being disloyal, or that in the protection of the item, he has fallen short in looking after it.

Issue 409: In the event that the trust of a person is lost:

If the person looking after the trust did not pay attention in taking care of the trust, he must give or repay the owner for that which was lost.

If in the taking care of the trust, one was not negligent, and for other reasons that property got lost; for example, a wind took the item away, then the person who was the caretaker of the item, will not be responsible to pay it back to the owner.

Issue 410: The person taking care of a property is not allowed to use the item, except with the permission of its owner.

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