A comparative study of Devotion in Iran's rights with Trusts in England law

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INTRODUCTION

Devotion institutions have played a major role in the development of Iranian and Islamic civilization. The history and origin of devotion, others believe that it is devotion as an Islamic facility [1]. In contrast, some believe that there is no a legal reality for the devotion of the institution existed before the rise of the Nation of Islam [2]. It seems to be an innate kindness and benevolence, and through it, people devotion a portion of their wealth to charity. Therefore, it can be seen as the origin of the creation of such institution devotion before the advent of Islam however, in the proper sense of religious devotion, especially the Islamic legal system which had been the source of so much in the past. However, the current situation is devotion less efficient than in the past, it has several weaknesses. With an overview can be said, most endowments are in the form of immovable property and the manner of its use, and benefit summaries to rent and sometimes in cultivated land in farms. Among the factors that have affected the entity can be pointed to government intervention, rigid rules and imperfect, lack of transparency in accounting endowments, limited the powers of the directors all of these factors have been willing to stop at the new endowments and endowments are not functioning well enough. The same institution is increasing in western countries and is welcomed by the people. Trust is one of these institutions. Despite the agency's legal system is important enough that it will be remembered as Anglo-Saxon guardian angel. Although the product is more difficult conditions, social and inefficient regulations in England during the middle Ages as people are established for the purpose of evasion of taxes on inheritance and land ownership by the feudal government, however, would have led to an impetus for the formation of the trusts charitable causes.

Among the institutions of Iran's rights, devotion is the institution closest to trust at first sight. Therefore, a comparative study of these two institutions can contribute to the improvement and growth of each of these institutions as different cultural origins and can be use the strengths of the Trust and can be taken at an institution devotion to pathology and eliminate weaknesses in the laws and practices of management. In this paper, we attempt to compare the two institutions together for a concept management process and limits the powers of the directors then check them against each other.

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**Concept of Trust, and its various elements:**

The review and understand the issue, we must first and foremost understand their meaning and legal institutions are no exception to this rule. Knowing the definition of a legal entity to disclose the extent and nature of its dimensions, so we are going to describe and explain the concept of trust, and then we examined the endowment.

**Definition of Trust:**

Trust is the word properly means a strong belief well and something or someone is responsible for the maintenance and operation of a sequential property for others, trust, reliability, substitution, trust and corporate alliances [3]. The term is a right of property (whether movable or immovable) which is made by one party to the other party's favor [4] or is it the obligation placed upon a person as a result of his self-interest in maintaining an honest and trustworthy one (Martin, 1999).

As can be seen, some trust obligation knows others have considered it right to the reliability of financial right of Property. Due to the lack of a legal definition of trust, most lawyers believe that trust is easier to describe than to define it more prominent feature is basically considered the transfer of property subject to the trust property and the separation Testator this property to property and real property law. In fact, the creation of trusts testator or settlor (who took his own life settlor creates a trust is called) (Who after her death under a will creates a trust is called the Testator). The transfer of legal ownership of the trust, a commitment puts the interests of his obligation to deliver property to the consumer interest. As a result of the creation of trusts, dual ownership takes decomposition citing the trust property is transferred; it is required to maintain property to interested parties but not belong to her property interests but also the interests of the owner of interested parties [5]. In this regard, the effect of legal ownership of the subject property trust can be seen in the office of the Trust, the trust has the right to seize and sell property and invest it. Although Testator shall respect the terms and conditions of the trust deed and respect the rights of the person or persons concerned in his actions however, the main effect of interest is an interest in the enjoyment of the trust property, however, interested parties had absolutely no right to interfere in the management of the trust that it is the duty of Trust [6]. Important legal ownership of the subject property trusts Testator is not a part of her property as a result; it can be seized by creditors Private First Trust. Secondly, in the case of a trust, the Trust has not entered into his wand to reach the subject property to her heirs and in this case determined Testator other [7]. Note that although the general thrust is created by the will of the Creator through a legal relationship between him and trusts but this is a unique creation of trusts and trusts created in accordance with the law or court cases. Thus, regardless of the origin of the Trust in respect of its nature, some believe that the origin of Trust, it is our commitment that we as a contractual obligation, however, is the nature of a specific contractual obligation [5].

**Pillars of Trust:**

Not mentioned in the owner's trust as its foundation. Unlike devoted, one of the pillars of its benefactor, the more explaining three pillars are (David John et. al., 2004):

**Trustification:**

He is person who is responsible for the administration of the trust in respect of property that the owner has specified. Trustification relationship of trust with the property owner has a legal relationship with their property. In other words, the Trust is also the administrative authority and the power to transfer property to the trust. Along with all of the rights and obligations of trust, this will be discussed later (Butter Worths, 1994).

**Beneficiary Trust:**

Since the law of England as having a right to profit beneficiary of the trust is the owner of property trusts and property trusts iniquity; it is beyond the powers of the holder of rights and the right to benefit consumers. In other words, the owner of the trust property unfairly, puts him in a privileged position that can find information on how to manage property and is required to maintain their rights to take action and be able to litigate [8].

**Property the Trust:**

There is no limit on trusts and property type. So, whether movable or immovable property, interests, rights, including religious rights such as the right to object or seek, shares of the company, as well as intellectual property rights such as copyright and patents can be a trust issue (Macdonald & Evans, London, 1976). England lawyers have not mentioned property viability of the Trust for the benefit of the property condition of the Trust however, in most cases remain property of the Trust for the benefit. On the other hand, the Trust can swap it with someone else's property and the replacement that is due to become available.
Types of trusts:

Trust is generally divided into two credits. Trust that its purpose is to validate the benefit of getting to specific individuals or public purposes is divided into two categories private trust and public trust sometimes trust is defined in terms of the way the three forms are express trust, implied trust and constrictive trust. Since the Trust generally only done explicitly, so it can be said trusts or certain trusts may be general or specific and explicit, implicit or decree [8].

The implicit trust creates a trust in his lifetime, or by will, for after his death, in order to gain financial or directions to another person or persons to be explicitly passed [9]. Trust is implicit in the creation of which is based on the intention to create a trust. In other words, the circumstances and conditions governing the issue of the parties' behavior can be inferred that the cause, the Trust is going [9]. Most trusts implicitly is resulting trust whereby the trust-property to the original owner that the creation of the trust is to be maintained [7, 10]. For example, if the creation of financial trusts for the benefit of another person trustification transfer it to preserve the life of the party and what about property after the death of a beneficiary designation, the property and its interest in the Trust will be paid, Trust is thus based on trust, property shall keep it for him [11]. Therefore, some believe at any time for any reason, the validity of the trust thus formed is more difficult (George Williams, 1998). Other types of specific types of trusts trust the sentence that a court order based on principles of fairness arise in this case, express or implied intention to create a trust does not really apply in this case equity, regardless of the owner's intent, imposes a trust on the property. For example, if a person dies intestate before the law and the court's ruling as trustification managing and treating people found the wand [11]. But the general thrust, thrust the issue of the development, progress and welfare of the public. In other words, unlike a certain trust in this type of trust, people are not going it applies its objectives taken into account regardless of whether confined or is confined [11]. Charitable trusts are often referred to as a public trust. According to the rules of England law, a trust for the charity has three characteristics must be considered. First, it should be charity, poverty or the need to promote the advancement of education or religion, or doing common benefits general. Secondly, the benefit of society as a whole or a part of the community and the third is fully and exclusively for charitable and objectives of the policy objectives do not follow (Oxford University press Inc, Newyork, 2006, P.67). However, due to the combined surveys conducted, the general thrust of the Trust has certain advantages among which we can mention the lack of interest and competence necessary to set goals as a general overview of the possible continuation of the Trust (The condition is more durable in general), supervising attorney (prosecutor) of the Public Trust Office, exemption from taxation in many cases more general than special trusts.

The concept of devotion, Pillars and its kinds:

Devotion Arabic word literally means to stand there, cool down, remain standing [12] and imprisonment. Defined in Article 55 of the Civil Code is devoted poems, “devoted is the same prison and Tasbile interest” which the theme was adapted from the books of jurisprudence [13]. Lawyers state that as a forbidden transition Tahbis same endowment and assignment of benefits to the individual as Tasbil certain respects [14-16]. Some attention has also been Endowment with legal personality in addition to addressing the above definition whereby, an independent property endowment knows that it belongs neither to recognize nor to suppress Al [17]. Finally, the devoted entity can be said to be devoted specific contracts, as it has been developed in the same sentence and Tasbil interest according to its founder’s wealth outside of your property without having to acquire any other endowment will be used to his property interests.

Pillars of devotion:

Institution devotion consists of three pillars:

Devotion by person: according to Article 57 of the Civil Code "is devoted to the owner's financial devoted, plus it has a capacity that is valid in the trades". Therefore, given that the devoted is essentially a contract must be aware of their capacity and to devotion all his belongings to volitional act. On the other hand, if you are aware of your belongings to escape the religious act of devoted, devoted accuracy depends on the permission of Diane (Article 67 of the Civil Code). Stop on him according to the provisions of the Civil Code, he must first cease to exist during the devoted secondly, the unknown, and is known as the devoted is not true. Thirdly, they have a property qualification. Fourth, the benefit is not as self-aware as the devoted is void (Article 72 of the Civil Code). But if they cease against a person or persons, can not be aware of the suppressor component, however, if a legal person is dedicated to the public expenditure that is devoted and devoted to suppress evidence against it is also permitted (Article 74 of the Civil Code). Property about devoted: the devoted property shall be Endowment with the same conditions is whether movable or immovable, because there is a possibility that funding should be devoted the jail in advance of any interest Tasbil for this reason, the property situation it is Endowment with a survival benefit, but it is possible (Article 58 of the Civil Code). Consequently, the devoted benefit is not correct because the profit decline. On the other hand, the same Endowment should be able
to bill if the bill is not financial, it is devoted not so good, and I’ve not devoted religion [16]. In case of a trust, the benefits can also be part of the trust property.

**Forms of Endowment:**

   Endowment the authenticity ceases to be divided into two categories:

   Specific Endowment: it is Endowment with certain people who may be trapped or be Endowment the descendants of particular individuals so as to benefit from the private [14], Endowment public: it is realized in two ways: If the Endowment is not confined to such persons dedicated to students and time Endowment the interests of public expenditur Endowment to a mosque or university (Article 56 of the Civil Code), General and special Endowment differences and work together in some sentences. Such that in general Endowment is required to accept the ruling of the special Endowment stop on him. Although this is disputed [16], also, since it is Endowment the objective of the bill is the condition for the validity of its contracts, consequently, pursuant to Article 62 of the Civil Code, the bill is enough to stop him in a special Endowment, but is Endowment public provided that the trustee or governor must bill.

   **Compare Endowment trust:**

   Endowment and trusts were expressed in terms of nature and how they differ from each other, the way we run the following to express them. According to what was in the description, trusts and Endowment are the similarities and differences of the criteria below it returns some count:

   - Three classes of persons are involved in both institutions (institutions, beneficiaries, directors) so that it can be learned a trust created by a trust, the beneficiaries, the Trust and at the Endowment of the founder, suspended against the trustee.
   - Dismiss the victim's property the property condition is fulfilled at both institutions, except that the endowment also property to the property of someone who does not know his property after leaving the property, independently establish itself as a legal entity. But trust, legal ownership of property transferred to the Trust and the ownership interests of the ultimate beneficiaries.
   - Lack of property transfers within the same sentence realization of a contract denying and Endowment the Trust is an investment and become the property subject matter in its usual and customary it is the responsibility of the Trust. As durable as it is ever going to realize, it is one of the basic conditions and in a sense denying and Endowment nature of marriage [16] while the Interim Trust, is a permanent condition that the undertaking is available exclusively on public trust.
   - Has been explicitly Endowment the fulfillment of the will of the founder, while trusts can be created or imposed by the courts or the will of the founder of implicit rules.
   - Founders of both organizations will be a key factor in the creation of endowment and trust so that they provide of all and then it will cease to be joined Al or Trust.

   But first, he needs to accept Endowment is a real marriage or ruling also requires suppressing Endowment. While the Trust, the Trust will accept trustification not fulfill the condition. Secondly, the interest on the Endowment accepted and the trustee or manager does not count among of its Pillars while it is accepted by the Trust and the Trust has no interest in creating trust.

   - Although more specific and general compatibility with the general and special Endowment, however, if they stop against the people trapped in the Endowment, which is Endowment a certain degree of status and social class while the Trust, its beneficiaries as there are for distress even though its beneficiaries are confined to certain individuals, it is deemed to be a public trust.
   - In a special Endowment, always aware of the difference and stop the bet, therefore, is Endowment self-cancel unlike certain trusts the owner (founder) is the beneficiary, the beneficiary is not apparent anywhere as a result of thrust.
   - There is a basic property of both institutions. However, the Endowment should be essentially the same as in Endowment and it has the potential survival benefit, whereas such constraints in the Trust's property condition.

   **Directorate of Endowment and Trust:**

   Endowment and Trust management is an important topic of discussion at the two institutions. The Trust, Trust delegated responsibility for the property subject to the trust, however, is not one of Pillars of trust trustification, trust is subject to the fulfillment of his presence, however, this is not meant to deny the importance and creates the Trust and the interests of stakeholders, some of which survive investment trusts and prevent the destruction of waste arising from in the absence of a trust, the person in charge of this responsibility. Trust requires Endowment as well as the management since it is an independent property Endowment of Al and the other recognize and stop to Article 3 of the Law on Religious Affairs, Endowment is therefore eligible entity, as well as all legal entities it needs to be a manager or managers to manage the goals and objectives established. In this regard, the person or persons responsible for managing their Endowment is called the trustee [1].
Install and Uninstall conditions and how Endowment managers and trusts: with respect to the persons appointed to manage the endowment and trusts, we will separately discuss management positions and how to define them in terms of each of these entities.

Terms trustee and how to determine it:

Generally, the parties to establish the Endowment must also meet specific requirements in addition to general conditions. General terms the purpose of the qualification is not specified with the civil law of a trustee capacity however since the contract is accepted by the installation of a trustee [18]. Therefore, all the basic conditions for the validity of transactions must be observed as a trustee capacity. Manager must have the capacity to manage property Endowment and for the person that has the capacity, it should be a sober, grown-up (article 210 and 211 of the Civil Code). Thus, the trustee can not be left to Endowment insane or minors. In addition to the general requirements, the trustee must be a set of specific conditions. One of these conditions is sufficient in the sense that the trustee should have the ability to manage endowment funds. Some of the trustee's claim of consensus has been the necessity of such a situation, the trustee who does not have enough know allowable [19]. However, the law is silent on the trustee sufficient condition however, Article 2 of the bylaws Selection and removal of trustee and trustee stating that religious sites and endowments one of the trustee or trustees, having the ability to do so.

The specific conditions that the trustee is the difference between equity and loan jurists, some conditions trustee knows justice [20], and some say it is not a requirement of justice and the integrity and sufficient condition (Imam Khomeini, Ibid, p 144). In that case the letter of the law, and only in the latter part of Article 79 reads, (if the trustee appeared betrayed the include Amin's rule) however, lawmakers on the endowment, which is managed by the Endowment poems that no trustee of the endowment, organization can be trusted or Trustees of the famous people trust, faith, commitment and the ability to shop local and literate, who are aged over 25 years endowment choose to run for three years (Extract from Article 2 of the bylaws of selection and removal, powers and duties of the trustee or board of trustees of religious sites and endowments, adopted 10/02/1365). If the trustee does not have any of the above conditions can be dealt with Branch investigation and verdict, dismissed the case trustee, is strictly prohibited Annex Almdakhlh either the Amin (Articles 5 and 7 of the Law on Organization and Authority of Islamic Affairs and charitable organizations, adopted on 10.02.1363). The endowment that are designated be aware of the special qualities of the trustee if the trustee whenever authentication was previously completed without in the mean time, the attributes are lost, or the trustee of the Article 80 of the Civil Code, the trustee is the trustee Monazel. Determine how the trustee should be aware that the trustee is generally determined he also endowed a Trustee determines that such action does however not considered part of the realization of the endowment and therefore if not appointed by the founder trustee with respect to the management of the endowment, endowment and Charity Affairs is mandated by law that no trustee or passive public endowments in particular endowments, endowment, if deemed appropriate, to undertake (Article 1 of the Law on Organization and Authority of Islamic Affairs and charitable organizations). Thus, in general, in the manner determined by the Director of the organization or endowments of private and public systems are in the absence of private systems, enterprise systems based on natural and legal duty to intervene in the affairs of the Foundation.

Someone who knows the system under its self-appointed custodian services the founder can appoint himself as trustee as can be suspended against the elected or chosen someone else as trustee or to be acting independently or sequentially community to manage its endowment. If he knows how to set the default multiplicity of authorities is not so sure that they will consult with each other to manage their endowment and thus presumed to be community [21]. Provisions stipulated in Articles 854, 699 of the Civil Code of the plurality of executor and attorney decided to go with the evidence reasoning [18]. This system can recognize, rather than specifying a particular person or persons as trustee, specifications and special characters consider only its owners could be elected as a trustee. The trustee appointed in the private system, there is no obligation to accept the trustee in accordance with the principle of velayat people are aware it can not impose trustee to only its owners could be elected as a trustee [14]. In civil law, the legislature implicitly merely pointed out that if the Trustee is the trustee has no description however, the lawmakers of his ruling dismissing the case under the endowment Endowment is governed lyrics however, if accepted, the trustee is obligated to do what is accepted, and the resignation was not even on the field opposite there is also a trustee as a lawyer knows that the resignation is [21]. But civil law has accepted Article 76 of the First Comment (if you can not accept rejection and if rejected, as if the trustee has not been already). Thus, if the trustee rejects the trusteeship management systems will govern the religious organizations such as endowments, shall, without the custodian or trustee to administer the Endowment Trustees with the conditions mentioned earlier for a period of three years (Article 2 of the bylaws and the terms and manner of selection and removal powers and duties of the trustee or board of trustees of religious endowments). The Trustees have determined that unlike a temporary trustee to trustee also called non-designated [22]. In any case, if a trustee is appointed in a private system also the married person's dedication to the cause of his dismissal is no longer possible devoted letter specified unless you have the right to dismiss the condition
assuming the charge of treason if the trustee is enclosed only by ruler (Article 79 of the Civil Code). However, enterprise system administrators and custodians and trustees to limit certain unique and can not be trusted to attach intervention of them are even dismissed.

**Trust and how to determine the his conditions:**

Although trustification will be ineffective in generating capacity and lack of trust and therefore does not affect his capacity to create a trust however, there is a necessary qualification for admission to the trust of its tenure. Generally, any person who is a legal capacity, that it is wise and mature and competent to seize their property and to have legal ownership, he can be elected to that position. So minors can not be chosen to the Trust Office. If the person is not prohibited in the constitution of legal persons can be trustification [23].

**DISCUSSION**

According with the principles and rules governing the Trust, if trustification incapable or lose their capacity like I insane or legal person who has been determined to be dissolved as trustification, his side lose and in each case depending on the circumstances may be defined trustification his replacement (John Gewase Riddall, Op cit, p.222-trustee act,1925,section 36). Thus it seems that the general terms and conditions regarding capacity have the trustee and the trusts, endowments and trusts are similar. However, the specific circumstances in which the trustee on trusts need not be mentioned because the Trust can be as bankrupt or insolvent, and the selected trustification is retractable [23]. In other words, unlike dedicated to the adequacy of the proposed Monitoring Trustee in trust to comply with this requirement does not seem to be. In the case of a trust and the trust of trusts in relation to general and specific type of property is different. In other words, if the subject property trusts, land trusts, in particular trustification most three and at least two must be specified. In other cases, there is at least one Trust and maximum limits. However, in none of the types of endowment, no limit placed on the number of custodians yet. Trustification determines how often the primary owner of the first trusts or trusts under the trust document determines in this case, the Trust may nominate themselves as trustification whether alone or with others is trustification [11]. However, the owner of an exclusive right in the unit, the Trust and the beneficiaries because the person can not be committed against him in trust, the beneficiary can trustification Unit Trust Unit would otherwise be invalidated (j.g riddall, the law of trusts, p.p 219,220). Unlike endowment that enables the collection of a stop against the trustee and not an obstacle. But collects both as founder and suspended against a person, dedicated and Brnfs deemed invalid (founder and trustee of the Trust and the owner can collect a substantial sum, but not). But sometimes the Trust, the Owner or persons other than the person to be chosen as the default frequency trustification Trust, decisions must be taken unanimously, unless the owner has appointed a majority, or possession of individual and independent action be given to the trusts. In recent premise that if one dies the property trusts owned the property subject to the trusts of the Trust will be living [11]. Trust Administration and therefore they are true or not, it is okay. The court or remainder trusts can provide additional trustification [5, 8]. On the other hand, if the trust document to determine trustification something is unforeseen or trusts that have elected not willing to accept this position or after admission to the grounds is needed to replace trustification 1 act in accordance with the trust deed and the trust document is silent trusts or trusts current condition and interested parties and in some cases the court can trusts or trusts Next, choose additional or alternative.

**RESULTS AND DISCUSSIONS**

Both institution devotion to the trust of the governance process, they are parallel to each other and yet there are some differences based on the nature and geographical and cultural context:

- There are managers to manage both the institution and its survival is essential
- The difference is that trust as the legal owner of the property subject to the trust's administration but the trustee and the owner is not only a dedicated manager.
- Multiplicity of directors of both institutions is allowed but despite the multiplicity of dedicated trustees of trusts in some cases the minimum and maximum limitations that must be met.
- The manager determines the initiative in both institutions, their number and mode of action or cause the Trust is aware of them but if for any reason the endowment is not responsible endowment as a public entity itself as the custodian of the endowment will be responsible for managing while the thrust of such an enterprise unforeseen creating trusts or other interested parties or appointed by the court to be trustification.
- Custodian of trust or authority to accept or reject the trustee may resign and refused to accept that, but if there is no dedicated while there is more flexibility in this regard and trusts may resign from his position.
- The trustee or trustees have the authority to appoint or remove the trustee unless one is aware of the requirement to determine if the latest trusts would be another trustification or dismiss.
- The founder and creator of the trust can be paid to the trustee and trusts set otherwise, the trustee remuneration awarded, but the thrust of the saying the action is trustification.
- The main duties of the trustee and trusts its maintenance and division of property and interests the difference is that in addition to the interests of the trust, the assets are divided between them while suppressing Al Endowment division of property is not permitted.

**In terms of trustee duties and trusts:**

Since the subject property trusts and endowments may be different, the Trust and the Trustee's duties and responsibilities vary according to the type of property subject to the same extensive duties will be to. However, despite the extent of the Trust and trustee duties, they can be classified into one of three categories, which include the following resolution:

A) The preservation of property
B) Investment property values
C) Suspend the distribution and sharing between Al and beneficiaries

**Maintaining the property:**

Trustification main task is the preservation of the subject property trusts [7]. In order to better accomplish this task, which is trustification authority, including the right to litigate, the case ended with the peace and reconciliation and arbitration, insurance property, the measures of development, purchase and sale, the necessary expenses they noted that in addition to the powers and duties of such other appropriate precautions, care and collaboration with other trusts of all accounts recorded incomes costs Trust and facial ultimately reporting actions the manipulating Trust kidneys among the duties of the trust [9, 11]. The endowment is also the duty of the trustee, the preservation of financial endowment [20] because of the neglect of this duty may lead to the destruction and waste of financial endowment is the reason why the cost of maintaining the property endowment must take priority over the proportion of suspended Al is (extract from Article 86 of the Civil Code). So if aware of the costs associated with maintaining the property and is mandated to act in the same way as if Silent aware, endowment income shall be responsible for maintenance and repair costs to pay. According to the Secretary General of the devoted administration comment on the endowment, which is managed accordance with existing regulations and current repair costs related to its endowment survival is paramount and the allowed annual maximum of twenty percent of the proceeds from the endowment to a store development terms, even if the shortage of reserves will permit the use of two or more years of income trusts, have been exported (derived from Articles 19, 21 and 22 of the Rules governing the organization and powers Endowment and charity Affairs adopted 10/02/1365). However, with regard to the legal owner of the subject property trusts is deemed trustification to keep the value of money and increase productivity, it is a far more authority than the trustee. Also with regard to the need to survive, but it requires more careful conservation endowment and devote more money to be imposed.

**Investment and maintain the value of the property:**

The Trust, one of the major tasks of Trust, in the property office investment is defined. In this regard trustification should invest in a context of increasing its income and capital is ensured. Trust deed investing their style sometimes referred to by the creator of the trust document is silent; the investment of Trust (trustee investments act, 1961) and the trustification (trustee act, 2000) allowed him to investment show. All these actions are done in truth and authority in order to protect property and protect the economic value of their and increasing quality and greater benefits from their education. The general rule is that the Trust will not be contrary to the provisions of the trust deed, reflecting the will of the Creator it operates. However, in some cases, with time and changing political and economic circumstances and social conditions stipulated in the trust document was outdated and non-functioning and even if it is irrational. In these cases, the possibility of changing the terms of the Trust and the interested parties or the court, there is no consensus [10]. In other words, in these cases trustification authority than what is stipulated in the trust deed or increases to maintain the value of the property subject to the trust whereby the trust take appropriate action.

The dedicated, the endowment, incarceration is characterized by the same investment problem seems for more investment to maintain and enhance property values and increased productivity that can be and generally tend to become investment properties are available contrary to the Trust's endowment, there are some exceptions. Endowments are mainly of immovable property and interests, and the most common way to exploit them, rent them. Accordingly leasing as well as maintaining and sharing some of the most important tasks of the custodian knew [22]. So we can say that the endowment investment in further increasing the efficiency and benefits of the property itself. However, under current law, if you are not aware of the specific type of benefit emphasize change Upper Real Estate Foundation and Endowment Surrender endowment conversion is possible in some cases (Extracted from articles 12, 15 and 23 Regulations on Religious Law Act 1365) which they considered appropriate measures to increase productivity. Thus, although some institutions dedicated the trust as an entity is approaching but there is still a large gap between the two. While the most common way of using their endowments rent is more than the trustee is authorized trustification and the right investment and the right
not to be limited to the rental of the subject property trusts. Moreover, what do the trusts under the Trust with respect to the present day is to be dedicated either absent or less in there. As director of the dedicated endowment trustee can take the property if deemed appropriate or authorized delegate to return to college and decided to spend his expenses [18].

The purpose of institution building and endowment trusts, profit beneficiary of the property interests of persons assigned to these institutions. Obviously, one of the duties they must also share the benefits of education among interested parties, although the quality of the assignment is the same in these institutions. The Trust, a division of benefits under the provisions of the trust deed establishing in accordance with Trust and will be effected [7]. In particular the Trust’s share of each beneficiary shall be determined by the creator of the trust or trusts will be canceled. But trust dedicated to charitable, non-designated beneficiaries jeopardize the validity of the shares of each Trust will not enter. If the court determines the terms of the share of each sentence or gives them away (Philip Henry Pettit, op.cit, p.50). Another way assignments Trust, a division of assets between the parties concerned, in accordance with the will of the Creator Trust [6, 7].

In other words, trustification shall cause the Trust or the Trust set deadlines for the completion of the Trust's principal investment, property subject to division between the parties concerned. The trustee has a duty to devote the proceeds from the endowment will be divided according to the founder of Al-stop. Aware in its sole discretion to suspend Al can be considered the same or different shares or entrust it to the discretion of the trustee or a third party (drawn from Article 87 of the Civil Code). If the contrast is more aware about how to divide the benefits between suppressing silence devotion not invalidate however, different views on how to divide interests raised. Some jurists believe that benefits should be divided equally between Al suspend the sentence of a difference between devotion and dedication they have not been universally [20, 21]. However, some experts believe that the way to stop Al enclosed in a special dedication are possible but in general, because the endowments is not possible to divide the multitude Al Suppressors and should be split at the discretion of the trustee's discretion [18]. It should be noted that even if the parties were not aware of the agreement stipulates that the preservation endowment precedence over the rights of the suspended again in this case the description of the institution's endowment and the need to preserve the financial stability should take precedence over division survival benefit, he said. Unlike trusts that the principle of the division of property and assets in the end it is the dedication never cease Endowment Al can not be divided. Because it belongs to a legal entity dedicated to sharing therefore, although the most common ways of managing endowment funds that are considered part of the duties of the trustee, but absolutely not permitted into Al Mal Endowment Suppressors (Imam Khomeini, p 324). However, this barrier is not absolute and may be divided into an endowment from the endowment will be dedicated to effective and competent.

From Comments trustee overseeing the Trust:

Monitor the actions of the trustee and the trust in order to increase confidence in performing their duties properly, Endowment and Trust Taxation Office is part of the overall process. The trustee is dedicated to honest and reasonable measures to try to take over the endowment [18]. In the meantime, be sure the person or persons for surveillance Bramal and behavior of the trustee of the endowment to his actions under consideration, and if the Custodian of about conventional outside and commit violence or negligence was to inform the authorities competent authority, denied or limited. Legislator in Article 78 of the Civil Code to recognize the supervisory authority has determined hence the exercise of the trustee must be his knowledge or approval. If the monitor type is not specified, there is the principle of mandatory supervision [1, 21] or observation Asttlay [16]. The first assumption, the trustee has to approve all of their actions before they do harm, but if the observer is sufficient after performing the necessary steps, the observer is aware of it. Under Clause 4 of Article 7 of the law governing the establishment and powers of a trustee in respect of endowments have the same responsibilities therefore, if the offense is committed by a supervisor, as the case may be, or have been banned from entering the enclosed Amin. If you are not aware of an observer designated endowments and charitable organizations comply with the law, and general oversight of the endowment will be (Extract of articles 10 and 14 of the Law on Organization and Pilgrimage Organization and Charity Authority and its Executive Regulations 4, 32 and 43). Trustification legal ownership of the Trust, although the Trust are subject property the supervisor determines that the owner is not reasonable, however, to prevent his management, the supervisor should because they do not trust anything that is against the rules of the trust document can be inserted although such an action is the common cause. So as dedicated, Trust Creator may Asttlay supervisory approval is provided in the Trust and can even take control of removal and installation of self-trust [9, 24].

It should be noted that there is a possibility to monitor the actions of the Trust and control them through the courts. In other words, if the trust is somehow bad or good faith error and uncertainty in the implementation of the court intervention [6, 7, 9], thus we can say that the court will impose a mandatory supervision on trustification. Contrary to stop Al devotion endowment can not be involved in the financial administration of the trust as the beneficiary of a trust, Trust is the owner of the subject property based on fair and the benefits they
belong to him, in order to protect their rights is the right to monitor the actions trustification [7, 9, 23]. So concerned has the right to inspect trust documents and the costs and revenues associated with it.

Conclusions:
A comparative study of institutions devotion to the trust by the agency shows that these two institutions are very similar to each other and both are created for the welfare of the lower classes of society with benevolent intentions and altruism. Despite many similarities, there are many differences between them, including the most important differences can be noted in the description of durability, property managers, and other interested parties to invest replaceable and in this sense, these two institutions are quite different from each other. Because the subject property is not relevant Trust at the Trust, but the principal is so important, managers can employ a variety of investment styles in this regard, there is the possibility of selling the property subject to the trust principal is preserved in this way. With regard to the trust property, proposed regulations contained in dedicated reviewed and revised and the sources of Islamic law, the rules of the institution's endowment aligned with the needs and demands of time are not exclusively dedicated to investments in rental fee. Today, many endowments over time as a result of social and cultural change, not about exploitation and profit optimization and do not use massive accumulation of capital in the sector for the economic prosperity of the community. Instead, what's important is the legal system of England Foundation Trust it features extensive investment trusts subject property. However, the organization dedicated to the Iranian legal system can play a role in stimulating and dynamic the legal system and economic prosperity because of the weakness that exists on the subject property investment. It is necessary to take action by re-reading of Appeals jurists and legal arguments about the endowment ordinances. Therefore, it is reasonable that the endowment is regulatory reform on legislative agenda to the rules of the institution to be effective in this way.

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