

legal loopholes



Don't sign anything without us

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Dad can I borrow the car?

For those that have seen me lately, you may have noticed a few more grey hairs. The reason is simple - Gabby (my eldest daughter) has learnt how to drive.

Kerriann believed she would be the best person to teach Gabby how to drive as she claims she is the better driver. She certainly has had plenty of years trying to teach others how to drive notwithstanding they may already have their licence. When I say others, I am referring to me. I didn't quite agree with her claim of being the better driver especially when you compare the number of traffic offenses we have both had. Oh, and I am also the current reigning go-kart champion in....the family.



When Kerriann and Gabby go shopping, it always ends in one or both coming home frustrated. There was no doubt in my mind that Kerriann teaching Gabby how to drive would end up with the same outcome. I was right. After a cumulative total of about 3 hours, Gabby had had enough. "Dad, can you teach me how to drive?" Dad to the rescue. There is nothing like the look that appears on an instructor's face when a learner driver accidentally hits the accelerator instead of the brakes. That expectation of the sound of metal on metal. I am lucky there is no photographic evidence

Learner drivers are required to undertake 120 hours of driving before they can apply for their provisional licence. Trust me, sitting in the passenger seat, 120 hours can seem like a lifetime. A friend of ours, Bob, told me when he was teaching his children how to drive, he kept on drumming into them "people do stupid things". Bob was right. The more time you spend on the road, the more proof you see of that. I took the same approach with Gabby.



One of the best investments Kerriann and I have made was the paid driving lessons. Mark from Blinkers did an awesome job teaching Gabby all the finer points to driving. She was able to pass her P's test with flying colours.

In the school holidays, Gabby had her first taste of independence when she borrowed my car for the day. In the afternoon, she decided to fill the car up with petrol as the fuel gauge was on the low side. That is when I received the phone call. "Dad, how do you open the petrol cap on your car?" No matter what I said, she couldn't get the fuel cap open. Thankfully, her prince in shining armour (Adrian, a friend of the family) pulled into the service station and could see there was a problem. He locked the car and then unlocked it, pressed the cap and it opened straight away.

On the next day of the school holidays, she again borrowed my car. She was driving along and could see some ducks crossing the road in the distance. Gabby worked out that with the speed the ducks were waddling, they would be on the side of the road by the time she arrived.

Unfortunately, one of the ducks must have forgot something because it suddenly did a U-turn and was back on Gabby's side of the road at the same time..... yes Gabby hit the duck. She was distressed and probably had a similar look that appeared on my face that I described earlier. Bayley was in the car and quickly looked around to investigate. From what he saw, he didn't hold too much hope of a survivor. "Is the duck OK Bay?" Gabby asked. I have tried to teach the children over the years, that when you have a choice to be either right or kind, choose to be kind. "Yes, I think the duck will be fine" he said. Well done Bayley.



Updates to Stamp Duty in New South Wales

The NSW Government has announced a package of measures to improve housing affordability as from 1 July 2017. The measures relating to duties are as follows:

- Stamp duty will be abolished for first home buyers on existing and new homes worth up to \$650,000. For properties valued between \$650,000 and \$800,000, stamp duty discounts will be available for first home buyers. There will be no change to concessions on vacant land;
- Stamp duty concessions that allow for the 12-month deferral of stamp duty when purchasing residential off-the-plan property will be removed for investors. Buyers purchasing a home they plan to live in will still have access to this concession.



The Importance of Estate Planning

Here is an example of a recently reported matter that shows why estate planning is so important.

Daniel Leverton was just 40 years old when he died suddenly in 2015, leaving behind two young daughters.

Daniel was a member of the Royal Australian Air Force.

Daniel's former partner, Angela the mother of Leverton's children, believed their future would be secured, having long ago been named as the executor and sole beneficiary in his will. What she didn't know was the vast majority of her ex-partner's estate, \$451,500.00 worth of retirement savings and life insurance held in his superannuation account, would be divided up with little weight given to his written Will.

A woman with whom the soldier had a comparatively new relationship lodged a claim with Military Super and was awarded \$352,170.00 leaving just \$49,664.00 each for his daughters.

The family appealed but the original decision was upheld i.e. the woman had been living in a domestic relationship with Leverton for nine months before he died.

It relied on a statutory declaration made by Leverton in August 2014, declaring that the woman was living with him as his partner, evidence of joint bills and banking activity and a RAAF minute approving his application naming the woman as his "interdependent partner" in November 2014.

The family insists that he never intended for the woman to inherit his estate, saying he only made her his de facto to avoid being posted interstate so he would not be taken away from his daughters.

According to his father "in mid-2014, the RAAF advised Daniel that he was going to be posted to Katherine in the Northern Territory. It put a terrible burden on Daniel because he didn't want to be away from his girls, and he asked if there was a way around it. He had a casual relationship with a young lady at the time, so they advised him that even though it was well below the de facto relationship civil laws of Queensland which is two years, that if he signed a statutory declaration, they could be recognised as de facto - and then Daniel wouldn't have to be transferred."

Upon Leverton's death, the couple's de facto status prevented Leverton's daughters from receiving a bigger slice of his estate, an outcome the family believes defies his wishes.

Leverton had never changed the Will he made in 2008, despite being invited to do so by the RAAF before each overseas mission he took. His Will was valid but, Leverton had not nominated a beneficiary on his superannuation account. If he had nominated his daughters, a different outcome would have resulted. This money could have been used to pay for his daughters' education and upbringing.

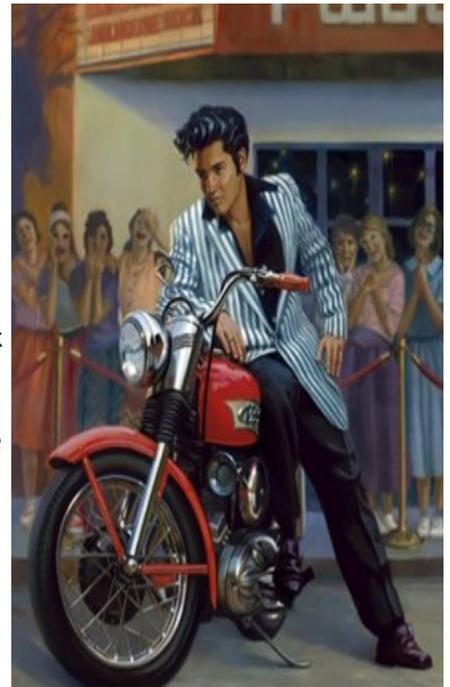
Elvis Presley's Harley

Have you heard the story of the ordinary Joe being in the right place at the right time?

Legend says a man was riding along a back road and saw an old motorcycle for sale. A Harley Davidson, a model from the 1950's with a \$600.00 asking price. The bike was in need of repair but he bought it anyway. The bike's new owner found it difficult to get parts. The bike was so old so he gave Harley Headquarters in Milwaukee a phone call. He found after describing the bike that he kept getting transferred from person to person. Each person would ask for a full description of what the Harley looked like.

Eventually and after one last transfer the bike purchaser was transferred to the CEO of Harley. He asked for a detailed description again of the bike. He asked the purchaser to go and check under the rear fender. That's where he found the inscription beginning, 'To Elvis.' It was determined that the original owner was Elvis Presley, the Harley Davidson had been a gift from somebody. Harley offered the purchaser \$4 million for it.

It turns out this tall tale was fiction but who can help but get caught up in the legend of this story.



Welcome Kayla

We are pleased to welcome Kayla Gorton to our team. Kayla joined us in June and has been assisting clients in our litigation department.

Kayla is local to Maitland having been raised in the Hunter Valley. She began her career in the legal industry in 2006 as a Paralegal and in 2015 graduated with a Bachelor of Criminology and Bachelor of Laws at The University of New England.

Kayla brings with her diverse experience across many areas of law. With a particular interest in dispute resolution, Kayla is committed to attaining the best possible outcomes for her clients and assisting them through difficult times with compassion and understanding.

Whose face is it ?

The eyes in the last newsletter were those of Princess Mary of Denmark.

We only had two correct answers. The winner of the draw was Mike Stephens.



If you know who these eyes belong to, email your answer to admin@tranterlawyers.com.au all correct answers received within seven days of sending out the newsletter will go into a draw to win a \$30.00 Woolworths voucher. So whose face do you think this is?
Please submit your answers to: admin@tranterlawyers.com.au

Our Raving Fans



As always, professional service and advice. Warm & friendly staff. Punctual attention to enquires. Willingness to undertake appointments at later times in the day. Helped us with purchase of a business. Have, in the past, helped us with personal Wills and sale of a business. Would use Tranter Lawyers again. Keep up the fantastic work!

Steffan & Simone Harris, Pitnacree

Lovely people to deal with, nothing was too much trouble, doesn't matter how big or small it was. Love your work Matthew and Colleagues.

Carol & Aubrey Way, Maitland

Client Referral Reward Program

The winners of the 30 June 2017 draw were:

Tony and Melissa Lantry, Kristy Adamson,
& Adam Boxall

Our next draw will be on 30 September 2017.

The winners will get to choose between:
Westfield, Italk Travel and Caltex fuel vouchers

Thank you to the following clients who were in our June 2017 referral reward draw:

Glenda Smith, Barry Lindbeck,
Kristy Adamson, Neil Marshall, Belinda Holbrook,
Adam Boxall, Tanya Simpson, Graham & Nadene Thorpe,
Neil Thomas, John Lechner, Heidi Henry, Yvonne Bailey,
Gemma Stanton, Mercia Thomas and Tony & Melissa Lantry

We are located at 341 High Street, Maitland

Phone: (02) 4934 2600

Fax: (02) 4934 2620

Email: admin@tranterlawyers.com.au

Website: www.tranterlawyers.com.au



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