

LEGAL LOOPHOLES

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DON'T SIGN ANYTHING WITHOUT US

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THE BEGINNING OF THE END OR THE END OF THE BEGINNING?

For me personally, it is not my age that makes me feel old but rather, when certain events occur. Often it's related to what my children are doing as opposed to myself.

Last year we had the experience of Gabby learning to drive and obtaining her driver's licence. Now there are 18th birthday parties that she attends, often driving herself to and from the party.

This year she is also doing the HSC (see my views on page 2 in regards to the HSC) and therefore in her last year of school. She is attending functions for the very last time this year. Bayley, our youngest is in Year 6 and therefore in his last year of primary school. This means a year of going to swimming carnivals, athletics carnivals, Mother's and Father's Day stalls, Easter Hat Parades etc. all for the last time. When the children go to high school, it all changes.

When Gabby was in Year 7, the school swimming carnival was on Thursday. I asked her on Monday whether she wanted me to go as I had been to all her swimming carnivals at primary school. "No Dad, it is not cool" was her response. Then on the Wednesday night I asked again, just in case she had changed her mind. Her reply "Dad, let's not make this harder than what it needs to be shall we."



I guess I had my answer. To top off everything, Gabby has a friend, let's say of the male variety who came over for tea to meet us. This was a new experience for me and one I wasn't quite sure how I felt about. I had heard a lot about this young man, knew who he was and thought highly of him. But that was all before. This was a game changer.

Apparently he felt intimidated meeting me. Good, I say. After all, I do drive a Ute.

After tea, all of us had game of Uno. I found you can tell a lot about a person when playing this game. This is especially so, when you know they have a "Draw Four" and won't use it against me. You can hear their brain working "should I use it, normally I would but this is not a normal situation, how will he react, I might just wait until it reverses so I can use it on Gabby's sister instead of her father".

Apparently, he wasn't intimidated by me at all after that game of Uno. Bugger.

THE HSC A RIGHT OF PASSAGE



Gabby is in her last year of school and dealing with the HSC. As a parent we have been on a roller coaster ride of emotions with her. Often I have reflected back to when I was at the same age studying for the same exam. Back then, my weekdays consisted of walking home from school in the afternoon, eating 8 Weetbix (with honey) whilst watching the afternoon serial "Sons and Daughters" (not many TV choices back then, NBN or ABC - so please don't judge me), having a two hour sleep and then at 6.00 pm getting up to do homework and study for five to six hours, with tea in between.

The day the HSC results came out, it was the worst day of my life at that stage. Why? Only because of my own expectations and those of others on me. Only recently I heard the expression "expectation is the root of all heartache". That is so true.

What I tell Gabby and to anyone doing the HSC, the HSC is important, but it is not the most important thing. The HSC is a test, which is done at one point in time in your life and nothing more. It is not a fair system because not everyone does exactly the same tests as students do a variety of different subjects. Some subjects are scaled differently. Your rank in your school affects your result. Students don't have the same teacher. Not all teachers have the same teaching style, experience or even motivation. Therefore, the HSC can never be a fair system, but it is the system we have.



The HSC result does not reveal other important characteristics and qualities of a student. For example, it does not tell you whether you are a kind and honest person. It does not indicate whether you have good oral communication and social skills. It does not show us whether you are a leader or whether you are good working with children. As I mentioned earlier, the HSC is important. Students should try their best and put in 100% effort. In life, I find that the harder you work, the luckier you become. Opportunities may present themselves due to work you have put in, but the HSC result does not and should not define you as a person.

I will leave you with this comment that Todd Sampson (TV presenter and one of most influential business people in Australia) tweeted last December - "For all those receiving their #HSC scores today it's worth noting - I've hired 100s of successful people as a CEO & not once have I asked for their HSC score or even their uni marks. But I did ask all of them 'what have you done in your life that has made a difference to others?'"

PROPERTY PURCHASING ISSUES

We recently acted for a Purchaser buying a residential home to live in. The Agent had indicated to our client the Purchaser, prior to making an offer that there had been major renovations undertaken by the Vendors.

We asked the Vendors what works had been undertaken. Their reply was "no building works". We questioned the Vendor again and indicated the representations made by the Agent. The Vendor's reply was "no building works that required Council approval". This indicated that there had in fact been building works and again we referred the Vendor to our original questions. Finally we received a response that indicated building works undertaken by the Vendor but nothing that would be considered "major" renovations.

We still had concerns. We recommended to our Purchaser that we obtain a Building Certificate from Council. If there had been any unauthorised building work, a Council inspection would either reveal the issue or cure the defect. Cont. Page 3.



We applied for the Building Certificate but then the Vendor refused to let Council inspect their property. If there were alarm bells ringing before, they were certainly ringing louder now. We advised the Agent that the Vendor had no choice but to allow the inspection. They still refused.

We rang the Vendor's legal representative and reminded them of the Vendor's legal responsibility. We also pointed out that the only logical reason for the Vendor to deny an inspection was that they were concerned as they had done works to the property without Council approval.

Through some additional research, we obtained a copy of the floor plan of the dwelling at the time the Vendor purchased the property. It confirmed our suspicions. There had indeed been unauthorised building works.

We obtained a Building Certificate from Council which cured the defect. However, as the Vendor had not been honest, the Purchaser refused to settle until the Vendor agreed to pay for the Building Certificate and the Survey Report (which is required to obtain a Building Certificate). This cost the Vendor \$980.00 and they also had to pay additional interest on their mortgage as settlement was delayed beyond the completion date.

Buying a property is a major investment. Therefore, obtaining the best legal advice is critical. If you were having brain surgery would you choose the best doctor or the cheapest doctor?

CONTESTING A WILL

The death of a loved one can be a difficult time. Families that previously got along well can at times become involved in disputes in relation to the Estate, and how the Estate is to be divided.

It is vitally important that you make a Will. A Will sets out how YOU want your assets divided when you die. A properly drafted Will can provide a level of security to protect your wishes. However, even the most carefully drafted Will can still be contested.

What happens if you, or someone you love, passes away and someone wants to dispute your Will?

The law in New South Wales provides that certain people can make a claim against an Estate if they have not adequately been provided for in someone's Will. Not everyone is able to make a claim, only certain people. Particularly, husbands or wives, de-facto partners, children, people who were financially dependent on the person who died, and sometimes even former spouses.

If you are a person who is able to make a claim against an Estate, you can make an Application to the Supreme Court of NSW for consideration to be given to providing you with more from an Estate.



The Court will consider the monetary value of the Estate, the relationship you had with the person who died, your financial needs, and to what extent the person who died should have supported you financially after their death.

If you think you are a person who is able to make a claim on an Estate, you must do so within 12 months of the date of death of the person.

Situations can also arise where a person dies leaving a Will, but you may believe that the person was influenced by someone when they made the Will, the person was 'tricked' into making or changing their Will, the Will wasn't prepared on the instructions of the person who died, or when the person who died made the Will that they did not know what they were signing.

If one of your loved ones has passed away, and you believe you may need to make a claim against their Estate, or if you believe their Will was not properly prepared, please make an appointment to see us and we can discuss it with you in detail.

OUR RAVING FANS

➔ Coral Phillips

Coral rated our service as excellent

She said our service was "Speedy and efficient."

Coral left the following review:

"Paying a visit to Tranter Lawyers is a very relaxing, hassle free experience, pleasant atmosphere, friendly and happy staff."

➔ Sheri Martin

Sheri rated our service as excellent

She described our service as "Absolutely fabulous."

We asked Sheri how did we help her and why would she use our firm again and she responded with: "Will always use your firm, service is everything and that is what you guys are fantastic at."



Tranter Lawyers Will
Donation Program

\$1,100.00

In donations raised for the
first quarter of 2018



We would like to provide the best service possible and would be grateful if you could review our service online.

When our clients provide feedback online their reviews can help other prospective clients to learn about who we are and the services we offer.

If you could please take a minute to leave a comment on our Facebook page it would be appreciated.



INGREDIENTS

250g cream cheese, softened
1/4 cup (55g) sugar
1 egg
1 cup dark chocolate chips
65g butter
1 cup dark chocolate chips
1/2 cup (110g) sugar
2 eggs
2/3 cup (85g) plain flour
1/2 teaspoon baking powder
1/4 teaspoon salt

Molly is mother to two young boys and has a husband with a sweet tooth.

Cheese cake brownies are always a winner at their house.

METHOD

Preheat oven to 180 degrees, grease a 23 cm square cake tin.

Combine cream cheese with 1/4 cup sugar and 1 egg in a mixing bowl, beat until smooth. Stir 1 cup choc chips into the mixture. Set aside.

Bring a saucepan of water to boil, turn heat off, using a heat prove bowl over the saucepan, combine butter with remaining choc chips, blend together. Stir in the remaining 1/2 cup of sugar and 2 eggs, then sift flour, baking powder and salt, stir into chocolate until evenly blended.

Pour half of the batter into the tin. Spread cream cheese mixture over the choc layer. Top with remaining choc mixture. Using a knife, swirl the top choc layer into the cream cheese to make a marble pattern.

Bake in preheated oven at 180 degrees for 25 - 30 minutes or until top is crinkled. Cool thoroughly. Store in fridge.

CLIENT REFERRAL PROGRAM CONGRATULATIONS

Michelle Thoms, Michael & Jane Burfitt and James & Kelly Anderson
You were the winners of our March 2018 Referral Reward Draw!

Our next draw will be 30 June 2018 with a choice of prizes including:
Stockland, Italk Travel and Caltex Fuel Vouchers.

Thank you to the following clients who were in our March 2018 Referral Draw:

Glenn Ziernik, Alan & Mercia Thomas, Sherry Russell, Lorraine Fitness,
Michael & Jan Burfitt, Felicity Freeman, Drew Hamilton, Pat O'Brien, Danny Edwards,
James Buckingham, Alison Brown, Julianne Schwenke, Michelle Thomas, Barry Dixon,
Christine Hosking, Jenny Harland, Mick & Deb Mirisch, James & Kelly Anderson,
Natalie Carpenter, Louise Hermann and Margaret Kirkwood

WHOSE FACE IS IT?



Email your answer to admin@tranterlawyers.com.au
All correct answers received within seven days
of mailing our Newsletter will go in a draw
to win a \$30.00 Woolworths voucher

The eyes of our March issue were those of Toni Collette
The Winner of the draw was Crissy Rowcliff

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