



Mahony Horner Lawyers





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Asset and Estate Planning

EPA's, Wills and Relationship Property Agreements

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A Cautionary Tale



Personal Succession Planning - Toolbox

- Enduring Powers of Attorney – a “no-brainer”
- Wills – We’re all going to die!!!
- Relationship Property Agreements

Enduring Power of Attorney in Relation to Property

- Purpose – what does it cover?
- When should it kick off?
- Who to appoint?
- Conditions and restrictions

Enduring Power of Attorney in Relation to Personal Care and Welfare

- Purpose – what does it cover?
- What it **does not** cover
- Takes effect only upon losing capacity

EPA's – Everyone Should Have Them

- Car crashes don't discriminate!
- Set and forget!
- What happens if you don't have them and lose capacity

Wills – Estate Planning

- Aww Gummon!
- Nek Minut...
- Always Blow on the Pie

Wills – Estate Planning (Cont’d.)

- Executors
- Funeral instructions
- What about the kids?
- Digital assets
- My “stuff”
- And the rest

Claims Made Against the Estate

- Invalid wills
- Family Protection Act 1955
- Law Reform (Testamentary Promises) Act 1949
- Property (Relationships) Act 1976

Testamentary capacity

- Aging population
- Uncomfortable conversations
- Capacity is specific
- Medical assessment

Law Commission recommendations

- Limits on who can claim
- Trust busting
- Only recommendations at this stage

Relationship Property

- Relationship status
- Polyamorous relationships
- Section 21 agreements and section 21A agreements
- Considering short duration

Relationship Property

- Economic disparity
- Direct and indirect contributions
- S21 formalities



Questions?

Talk to us!



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