



family flyer



Introduction

The Family Flyer is a free community service by Michael Lynch Family Lawyers. The publication is designed to be informative and topical and to assist you in understanding the ever-changing field of Family Law.

This edition includes:

- Solicitor Appointment
- Good News for Small Business
- Review your Will
- Overseas Contact versus Terror Threat
- Trust Property included in Matrimonial Property
- Property Settlements in Defacto Relationships
- Guide to Family Law - Everyday Answers - FREE
- Family Flyer

SOLICITOR APPOINTMENT

We are pleased to announce the recent appointment of Bernadette Drew as a Solicitor at our office.

Bernadette was admitted as a Solicitor in December, 2004, following conclusion of both Articles of Clerkship at our office as well as completion of the Legal Practice Management Course.

Bernadette practices in Family Law and is also experienced in Wills and Estate planning, being the winner of two QUT prizes for Succession Law.

GOOD NEWS FOR SMALL BUSINESS

Insight for Business is a new member based organisation for owners and managers of small to medium enterprise (SME's).

The organisation launched in Brisbane on the 1 February, 2005 and is focused on promoting practical skills for success in business and life balance.

The member services offered include magazine, newsletter, speakers... and much more.

We are associated with this exciting and worthwhile project and we recommend it to you.

For more information (and a complementary copy of the first edition of the magazine) visit www.insightforbusiness.com.au.

REVIEW YOUR WILL

Marriage and Divorce signal not only the beginning and end of married life but generally the start and finish of the power of your Will.

Marriage is the only life event which the law recognises as completely cancelling a person's Will. Divorce, while not cancelling your Will in its entirety, cancels any provisions in it concerning your former spouse. This ensures that your former spouse will not benefit from your Will if you die after your Divorce, but before you make a new Will.

It is advisable to consider updating your Will immediately if you are involved in Divorce proceedings. For straight forward assistance in preparing a Will visit our Will Enquiry Form at www.michaelynchfamilylawyers.com.au.

OVERSEAS CONTACT VERSUS TERROR THREAT

The Family Court has refused to allow a Father to take his daughter on a 10 day holiday to Dubai in the United Arab Emirates because of a Government Terror Warning. In doing so, it upheld an objection from the child's Mother who had concerns for the child's safety in Dubai.

The facts were:

- At the time of the Court Hearing the child was six years old and she had had regular Contact with her Father.
- The Father proposed to take the child on a 10 day holiday to Dubai





- The Department of Foreign Affairs advice did not go so far as to advise against non-essential travel to Dubai but did advise that it may not be a safe destination for Westerners, stating "Australians in United Arab Emirates should exercise a higher degree of caution"

The Supreme Court was told the man, 78 years denied he had ever lived in a Defacto relationship with the woman, 56 years. She said there had been a relationship since 1993.

The Court of Appeal upheld the man's Appeal and set aside the Trial Judge's Orders saying the woman had failed to prove the existence of the Defacto relationship at 21 December, 1999, when the legislation started.

For more information regarding Property Settlements in Defacto relationships visit Edition 19 of the Family Flyer on our website.

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Approved
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TRUST PROPERTY INCLUDED IN MATRIMONIAL PROPERTY

The Family Court has recently determined a Husband had a vested interest in Trust property worth over \$25 million even though there could be no distribution of the property until the year 2020.

The Family Court determined that a Deed of Variation that had been prepared in order to avoid payment to the Wife was void.

After consideration of the parties respective contributions, the Court awarded the Wife \$3.8 million which represented 15% of the property pool.

PROPERTY SETTLEMENTS IN DEFACTO RELATIONSHIPS

The Queensland Court of Appeal recently considered a Queensland Supreme Court decision regarding a Property Settlement in a Defacto relationship.

The Supreme Court found there to be a Defacto relationship from February 1996 until late January, 2000.

GUIDE TO FAMILY LAW - EVERYDAY ANSWERS - FREE

The "Guide to Family Law - Everyday Answers" is our easy-to-read Family Law information book. It contains 50 pages of professionally produced and user friendly language, explaining the concepts and issues that people going through a separation need to know. It also contains recommended reading lists, useful contact numbers and frequently asked questions and it's FREE!

The Guide is our flagship publication and is fully up to date.

You can view the Guide on our website at www.michaelynychfamilylawyers.com.au or for a free hard copy, telephone us at (07) 3221 4300.

FAMILY FLYER

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