

FAMILY Flyer



THIS ISSUE -

No. 209

- Last (2) Public Seminars - BOOK NOW!
- 10 Quick Tips brochure – Free to order!
- How to get spouse maintenance

- The challenges of valuation
- Q & A
- What about rezoning?

LAST (2) PUBLIC SEMINARS – BOOK NOW!

Don't miss this opportunity to learn from Accredited Family Law Specialist, Michael Lynch. Only 2 seminars remaining on the popular topic "[7 Secrets to Surviving Property Settlement](#)".

In "plain-english" Michael will explain the complexities, identify the common traps and (more importantly) give you the tips to overcome them. Anyone recently separated needs to know this!

For **ONLY \$20** you will receive a 1 hour information session with handouts and have the opportunity to ask questions. There will also be a **SPECIAL OFFER** for all attendees. There are only 2 seminars remaining:

"7 Secrets to Surviving Property Settlement"

- [Springfield](#): 6:00pm – 7:00pm – Wednesday, 30 October, Springlake Hotel, 1/1 Springfield Lakes Boulevard, Springfield Lakes.
- [Brisbane City](#): 1:00pm – 2:00pm – Tuesday, 12 November, The Sebel Suites, Cnr Charlotte & Albert St, Brisbane City.

To register, call (07) 3221 4300 or email law@mlynch.com.au. **Book now**, seating is limited!

10 QUICK TIPS BROCHURE – FREE TO ORDER

If you work in the Accounting, Legal or Counselling industries, it is likely that you have had someone who is separated, ask you for advice.

Did you know what to say? Quite right, you're not meant to – but wouldn't it be great if you could help?

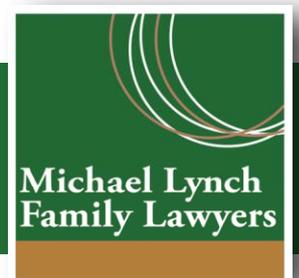
To help you in these situations, we have developed a brochure you will find useful – "10 Quick Tips on Family Law".

The brochure has proven to be very popular and has now been re-printed – if you would like a bundle of the "10 Quick Tips" brochure for your reception call us now on (07) 3221 4300 or email law@mlynch.com.au.

HOW TO GET SPOUSE MAINTENANCE

Unlike Child Support which is assessed by the Child Support Agency and pursued by them, there is no such organisation to calculate and collect spouse maintenance. If you are entitled to spouse maintenance the only way to receive it is for the other party to agree to pay it or by you filing a Court Application and seeking a Spouse Maintenance Order in Court.

If you are unsure what to do, contact us for a fixed-cost initial appointment on (07) 3221 4300.



THE CHALLENGES OF VALUATION

In a recent case the Court had to determine the value of some real estate.

The Facts

- The property pool consisted of three blocks of rural land owned by the parties. The parties agreed that two of the blocks would be sold, however the Husband sought to retain the third block on which the former matrimonial home was constructed.
- A wind farm was proposed to be built close to the parties property which was vigorously opposed by the parties and others in the area. The valuation of the three blocks of land varied significantly depending on whether the wind farm would go ahead or not. The matter was further complicated by the fact that the Wife obtained her own expert valuer at the final trial rather than accepting the joint valuation prepared by the valuer. Both valuers had prepared reports that valued each block of land whether there was or wasn't a wind farm.
- As the value of the third block could not be determined, the Wife sought that it also be sold.

The Court Found

- The Court found that although there was strong opposition from the community to the wind farm, the planning permit had been granted and it was therefore reasonable to assume that the wind farm would go ahead. The Court accepted the valuations conducted on the basis that the wind farm would proceed.

- The Court found that the market would determine the value of the two blocks that were to be sold. The value of the third block, which the Husband sort to retain, had two valuations that differed by \$50,000. The Court found that if the block was sold, there would be sale costs of approximately \$40,000.

The Court Held

- The Court ordered that the Husband retain the property at the higher value as this would minimise the risk of the Husband obtaining an unfair advantage by avoiding market testing of the value. However, if the Husband did not accept the value that the Court had ordered, the property could be sold and the sale proceeds distributed accordingly.

Q & A

Q: My Husband has been working for the same company for the past 30 years. He has got a very large superannuation policy. He says it is all his and I am not entitled to any of it. Is this right?

A: No. Superannuation entitlements are treated the same as property by the Family Court. It is possible for the Court to order that part of his superannuation entitlements are transferred to you, or that you receive additional property in place of a share of his superannuation entitlements.

WHAT ABOUT REZONING?

If an appreciation in the value of real estate is not due to any particular effort or act of either of the parties, it is a windfall and neither spouse has any greater or lesser claim to the benefits of that windfall.

Copyright 2011

This document contains general comments and should not be relied upon as specific legal advice. Readers should contact this Office for advice on any topic in this document. Changes to the law occur regularly, no responsibility for any loss or damage caused to anyone acting in reliance on this document shall be accepted by this Office. No part of this document may be reproduced without our written approval.

Principal: Michael Lynch*
*Queensland Law Society
Accredited Family Law Specialist



CONTACT:
Telephone: 07 3221 4300
Address: Level 6, 193 North Quay
Brisbane QLD 4000
Website: www.mlfl.com.au

