



- Property
- Family
- Wills & Probate
- Business
- Tax Planning



When making a Will you appoint executors to deal with your estate. However the executors' powers to deal with your affairs only arise upon your death. What if you lose mental capacity during your lifetime - who can deal with your affairs then?

The answer is to appoint one or two trusted persons ("the attorneys") to deal with your property and finances, and also perhaps look after your personal welfare by completing powers of attorney. They are called Lasting Powers of Attorney (**Property and Affairs**) and Lasting Powers of Attorney (**Personal Welfare**) and are two separate documents.

An LPA (Property and Affairs) can come into effect immediately following registration at the Office of the Public Guardian. This means that someone who is still capable of making decisions, but perhaps through lack of mobility or for some other reason does not wish to deal with their own affairs can appoint someone else to deal with their affairs on a permanent or temporary basis.

An LPA (Personal Welfare) appoints someone to make decisions such as to where to live, personal care arrangements and decisions as to medical treatment. This LPA can only come into effect if and when the person has lost mental capacity to make his or her own welfare decisions, and has also been registered at the Office of the Public Guardian.

In both cases the person or persons appointed ("the attorneys") are required to make decisions in the best interests of the person who has granted them that power.

The person granting the LPA must have sufficient mental capacity to make the LPA. In the absence of mental capacity an application will then have to be made to the Court of Protection for the appointment of a Deputy. This is an expensive and time consuming business. It is better to complete an LPA while there is still mental capacity and not to leave it until it is too late.

Lasting Powers of Attorney are like insurance policies. We all hope they will never be required but we have the peace of mind of knowing they are there if needed.

We at Hopley Pierce & Bird are experienced in advising on and completing Lasting Powers of Attorney so if you are contemplating one please do not hesitate to contact us by telephoning on 01978-315100.

ARE YOU OWED MONEY?

In these difficult financial times some clients especially business clients are experiencing problems in getting payment for services or goods that they have provided.

If you have difficulties in collecting debts from customers we can help. Our services start with an initial letter to the debtor where we try and arrange a payment plan but if this fails we can pursue your debt through the small claims court to obtain a court judgment against the debtor. If once the judgment has been obtained the debtor still does not pay we will look for the most practical way to enforce the order eg. by instructing county court bailiffs, obtaining an attachment of earnings order or even obtaining a charging order against their property.

For more information please contact Mrs Nicola Jones.

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TEAM PETER OR TEAM JORDAN?

(PRENUPTIAL AGREEMENTS)



Whether you love them or hate them the fact is that the newspapers have been full of articles regarding Katie Price (aka Jordan) and Peter Andre's separation.

The couple married in September 2005 and separated early this year. Prior to the wedding the couple signed a Prenuptial Agreement in an attempt to regulate what would happen on their separation. There is a large amount of confusion in this country over the legal standing of Prenuptial Agreements and the fact that this high profile couple had entered into one will hopefully bring the matter into the public eye.

Technically under English law a Prenuptial Agreement is not legally binding on the Court however the Court now accepts that Prenuptial Agreements made in the correct circumstances can carry significant weight upon a marriage breakdown. The Court of Appeal in a Judgement published on July 13th 2009 in the case of Radmacher .v. Granatino indicated that when Judges are exercising their discretion they are able to take into account the terms of any Prenuptial Agreement. A Prenuptial Agreement may still be unenforceable as it could be viewed as an attempt to oust the jurisdiction of the Court. However a pre nuptial agreement should carry significant weight if certain guidelines are followed such as

- The document was entered into at least 21 days before the marriage
- Both parties have disclosed details of their assets and income
- Each party has received independent legal advice
- And most importantly the document provides for a review for example annually or when a major event happens such as the birth of a child

It is the case that people are often getting married later in life and this usually means that one party has acquired more assets than the other which many consider would be unfair to split equally should the worst happen and the marriage breaks down. If you are contemplating marriage particularly if you have assets in your own name the question is can you afford not to enter into one?

It is also the case that you are able to enter into a Postnuptial Agreement which is a document which declares what should happen if you separate but is signed after the marriage.

For advice and further information upon this topic please contact the Family Helpline on: 01978 315103

COMING EVENTS

On Friday the 16th October 2009 at 3 pm we are hosting an informal talk to advise residents, relatives and carers about the importance of wills and powers of attorney at the White House Care Home, Grove Road, Wrexham.

Why not join us at our office on Wednesday 16th December 2009 from 2pm until 4pm for mulled wine and a mince pie. If you have any queries our staff will be on hand to make appointments for the New Year or if you just want a break from your Christmas shopping feel free to pop in and join us.

PAST EVENTS

Following our success at Wrexham's First Time Buyers Fair back in May, on 10th September we attended the MOTIV8 day which was organised for the benefit of adults with serious mental health problems. Jacqui Marsland and Nicola Jones were on hand to give advice to parents and carers on Wills and Lasting Power of Attorneys.

As a firm we are happy to go out into the community to give advice/talks on all matters legal so if you know of any events coming up or any organisations that might benefit from our services please contact Nicola Jones.

Pitter Patter of Tiny Feet

Congratulations to Mark and his wife Emily on the birth of their daughter.

Ffion Sophie Roberts was born on Wednesday 17th June 2009



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