

It's law eZine ...but not as you know it!

# LAW & DISORDER

VOLUME 108 - September 2015

Printer Friendly Version

## FATHER'S DAY SPECIAL

In this issue:

- Legal Message to Fathers
- Your Dad and His Money
- Good Will Hunting

Google+

find us on  
Facebook

Brennan

LinkedIn



**Paul Brennan**

Editor

Author of the The Law is an Ass...Make Sure it Doesn't Bite Yours!

[info@lawanddisorder.com.au](mailto:info@lawanddisorder.com.au) [www.lawanddisorder.com.au](http://www.lawanddisorder.com.au)

For further information on the events, book launch or other matters referred to in this ezine please go to [www.lawanddisorder.com.au](http://www.lawanddisorder.com.au).

The Law & Disorder eZine attempts to provide legal information in an entertaining and amusing manner to help clients avoid predictable legal issues.



Brief Books  
PO Box 27  
Mooloolaba  
Queensland 4557  
Australia

**BRIEFBOOKS**

Law Books that even lawyers can finish

QLD BN: 22069914

This Law & Disorder eZine is sponsored by:

**BRENNAN'S**  
SOLICITORS

A.B.N. 47 163 512 614

Phone: 07 5438 8199

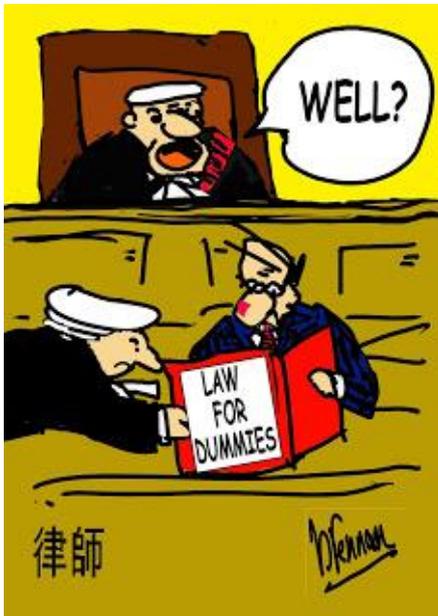
Fax: 07 5438 8836

[info@brennanlaw.com.au](mailto:info@brennanlaw.com.au)

[www.brennanlaw.com.au](http://www.brennanlaw.com.au)

Individual liability limited by a scheme approved under professional standards legislation

## Legal Message to Fathers



After years of striving to bring home more and more bacon, fathers realise that however much bacon is brought home, there never seems to be quite enough. For instance, daughter's wedding costs are adjusted to suit the money available as are demands for shoes, tops, foreign holidays, new cars etc. Many fathers react to this by adopting a simple Buddhist-like life style knowing that any extravagance on their part may trigger another round of spending by the rest of the family.

However, it does not need to be this way. Fathers who turn to their lawyers for a solution have been advised to channel monthly family income to the lawyer's trust account and allow their lawyer to deal with requests for finance by family members. Such is the saving that there is soon enough money to accommodate any sensible request by the children. Lawyers ensure that rather than the usual handouts, money is given to children by way of documented loans. In some cases, it has been possible to reclassify previous handouts as loans, thus increasing the family's capital base.

The debts are immediately factored out creating a fund which can be the subject of further loans or just saved. Factors rather than parents will pursue children for repayment thus reducing family contention. Indeed, if children fall behind in repayments, parents have the funds immediately available to bail them out by way of further loans. Children soon learn the value of money and some even stop approaching their parents for money at all.

Fathers can soon easily afford the gardeners and tradesmen to undertake the jobs that they tend to avoid doing each weekend.

Fathers will finally be able to afford the Harley Davidsons, Hawaiian Shirts and gold chains which make their life a little brighter.

With the help of their lawyer, fathers can forsake their unfulfilling and impoverished existence to become once again the fun loving, generous people they once were before they had children.

(c) Paul Brennan 2010. All rights reserved.

Extract from 101 Reasons To Kill all the Lawyers: That Part which Laws or Lawyers can Cause or Cure

## Your Dad and His Money

Has your Dad lost his marbles? If so, it is all over for him making a will in your favour, or changing an existing will to disinherit a few of your siblings as he does not have the mental capacity to do so. On the positive side once he has "lost capacity" you do not need to visit him so often, to avoid losing out.

A lawyer will often send aged clients off to a doctor to witness the will and also they will ask questions (and take detailed notes) to determine if their client knows:

- That he is making a will?
- How much he is worth?
- Who he would normally leave it to and in what proportions?
- And that he does appear sane.

The more complex the will or the change, the more "on the ball" the testator and lawyer must be.

A general suspicion of lack of capacity e.g. age and/or illness is not enough for a court, there must be clear evidence of significant doubt that the testator had capacity.



The bonus of proof weighs on those supporting the will. The court will look at any suspicious behaviour (often helpfully supplied by an ex-wife). Or suspicious circumstances, such as any irrational provisions, beneficiaries excluded unexpectedly or undue influence (e.g. carer windfalls).

Trials are awash with evidence of bitter relatives and concerned neighbours together with medical evidence. Your lawyer with his notes will be a star witness.

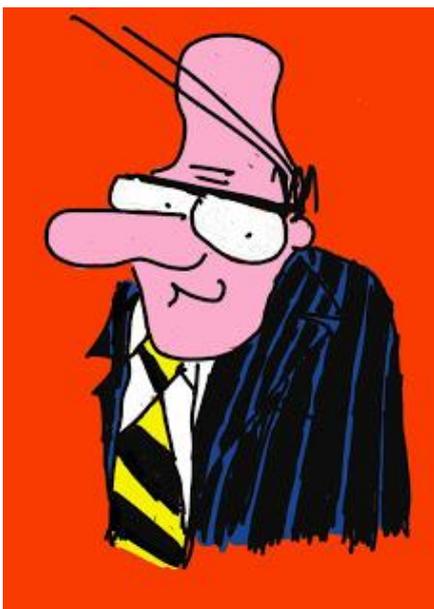
Your lawyer may use his own sanity as a benchmark which can be a very low hurdle. The chances of your lawyer being sued in borderline cases by disinherited beneficiaries are quite high.

Therefore, do not expect any senior citizen discounts next time that you wheel your old decrepit dad in for a will. Your lawyer will check to ensure that their client is sane, whereas normally there is no such obligation.

(c) Paul Brennan 2013. All rights reserved.

---

## Good Will Hunting



Dear John

I wish to make a will but I do not have enough to go around. I fear that the Will may get into the wrong hands and cause upset to those who do not get a mention.

JB, Sydney

Dear JB

It used to be that when you made a will it was stored away so that not even your lawyer could find it. But in this digital age there are multiple copies of wills on computers, attached to emails, etc. This means that people worry that their relatives and friends may get to see the Will before they go and will get upset that they have been left out, or in some cases not been left enough. Such fear can drive clients to make wills that resemble an Oscar acceptance speech.

If your estate is modest then in order to give something to everyone your lawyer can slice and dice your assets into bequest sized packages and add a few things that you do not own now but aspire to own by your death such as a Morgan, a Rolex watch, a villa in the South of France, etc. Gifts can be spread further by giving jointly to several beneficiaries, or for life, or in succession i.e. if the legatee predeceases you then someone else gets it. Add a "survivor takes all clause" and you could increase the longevity of even the frailest family member.

You will no longer need to fear a pre-death glimpse or even a full-scale relative review of your will. A carefully drafted will can contain a cast of beneficiaries who would do credit to a Cecil B. De Mille epic.

You will find yourself gaining in popularity as your will delights family and friends alike. Not to mention a bigger turnout at your funeral even if it is raining.

John Fytit

Extract from - I'll have the law on you - Selected letters of John Fytit to be published later this year.

(c) Paul Brennan 2015. All rights reserved.

---

Disclaimer:

The content of the Law & Disorder eZine is to give you legal basics and in some instances included unashamedly to try and make you laugh. In law it is sometimes difficult to work out what is serious and what is just for fun. Therefore, if you plan to do anything legal, rely on your own lawyer's advice or instruct me to look at the particular facts of your case. Not only will I deny responsibility for the legal content but also for some of the jokes.



**CONTACT US ON**

**(07) 5438 8199 or**

**email: [info@lawanddisorder.com.au](mailto:info@lawanddisorder.com.au)**



**SPONSORED by**

**[www.brennanlaw.com.au](http://www.brennanlaw.com.au)**