

# Client Newsletter

## Helping your child onto the property ladder



With the rising house prices, many parents are helping their children to get onto the first step of the housing ladder. However, there are certain factors you should bear in mind before helping your child buy a property.

70% of parents say their support for their child is a gift. However, whilst gifting your child the cash they need may seem like the right thing to do, it could leave you (and them) unprotected. For example, if your child and their partner separated, you could both lose the money. By loaning instead of gifting, your money is protected and you can always make a gift of that loan later when you feel more relaxed about the situation or their relationship matures.

Some key issues to be aware of: **tell your mortgage lender** from the start of any third party involvement as this could impact the mortgage offer later on.

Consider the possibility you may need the money for a **cash emergency**. Ensure your money is protected by a **Declaration of Trust** which states that the house is to be sold if you need the cash back and agree fair terms so both you and your child are protected.

If you've borrowed the money to fund the purchase or simply used savings, this could affect what is passed onto your **other children** when you die. Ensure you have a **Declaration of Trust** which is clear about how the funds should be settled between all parties in the event of your death. We would also recommend you review your Will.

**Land Registry** - If you want to guarantee a return of your investment, you need to ensure your child cannot sell the property without your consent. Whilst this is unlikely to happen, it's always a good idea to be protected.

**Remember, it's taxable** - Any profit you make on an investment even if your name isn't on the property deeds is subject to income tax or capital gains tax.

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LASTING  
POWERS OF  
ATTORNEY  
THE DO'S AND DON'TS

SATURDAY 14 OCTOBER 2017 1.00-3.00PM

Limited Places Book Today!

To book your place, please contact: [esmeh@moore-tibbits.co.uk](mailto:esmeh@moore-tibbits.co.uk)

Join us  
at our FREE  
Seminar for you  
and your  
attorney.



## “I’m taking the kids away that week!”

The summer holidays are upon us and quite often deciding how the summer holidays should be split between you and your ex-partner can be a source of conflict. Disputes can often be avoided by following some basic principles.

### **Put your children first**

Arrangements for your children should be based on what is in their best interests. Speak with your children to see what they would like to do. Try and take everyone’s wishes into consideration when discussing holiday arrangements. Keeping the children’s welfare at the centre of your negotiations should make reaching a compromise far easier.

### **Plan early**

Give yourself plenty of time to negotiate and reach a compromise. Whilst booking your holiday last minute may be cheaper, having last minute conversations with your ex-partner only increases tension and makes it less likely to reach an amicable compromise. The earlier you are able to co-ordinate diaries with your ex-partner, taking into consideration respective work and other commitments, the better.

### **Be fair**

Summer holidays are for giving your children lasting memories. You should try and ensure that your children can enjoy time with both you and your ex-partner. Refusing to agree on holidays or making your children feel guilty for wanting to spend time with your ex-partner may have a negative impact on them. Being flexible with your ex-partner when making arrangements may make them more likely to reciprocate with a flexible approach and assist you.

### **Be organised**

Supply all the information you have about your planned holiday to your ex-partner so that they can be comfortable with the plan. Do not book anything until the holiday has been agreed. Set up logistics for the handover of the children’s passports in good time before the set holiday dates. Avoid booking holiday dates which result in the children missing school or will result in them still suffering from jet-lag on the day they return to school. Your ex-partner will be unwilling to agree to any arrangements that clearly are not in your children’s best interests.

### **Mediation**

Mediation can provide an ideal forum within which to discuss the arrangements for the children’s holidays or any other child related issues. It provides a forum where open and frank discussions can take place, which is a preferable approach than having to make an application to court for a Judge to determine holiday arrangements. Making an application to court can be stressful and expensive and so should be viewed only as a last resort.

Carline Gayle-Buckle is a specialist in family law at Moore & Tibbits solicitors. Call **01926 491181** for free initial advice or to arrange a consultation.

# Worried about arranging and paying for care?



Many families come to us feeling overwhelmed and worried about the personal and financial implications of significant decisions they are being asked to take. Understandably, they are concerned that they are being asked to make significant decisions under time pressures, without the chance to think through their options.

## We can help:

Our Health and Social Care Team has specialist knowledge and expertise about all the legal aspects of care. We can provide accurate, up to date, legal advice that is tailored to your circumstances, ensuring that you are fully informed before crucial decisions are taken, providing reassurance and enabling you to plan properly.

## Prepare for Care

Seeking legal advice before you sign a care contract, move into a care home or attend a NHS continuing healthcare assessment can save you time, worry and even money. Our first consultation is free and may provide all the reassurance you need.

## We provide:

- ✓ Impartial legal advice about the options available to you in relation to arranging and paying for care.

- ✓ Advice and representation to challenge care and funding decisions.
- ✓ Guidance on how key legislation such as the Care Act 2014 or the Mental Capacity Act 2005 apply to your circumstances.
- ✓ Representation at meetings and assessments.
- ✓ Legal advice about financial assessments, care contracts, top ups and deferred payment agreements.
- ✓ Support to attorneys and deputies to ensure that they fulfil their legal obligations towards the person they act for.

## Navigating the care system is not easy...

If you or a loved one needs care, organising and deciding on the best way forward can seem overwhelming. Not only are you coping with ill health or disability, you also have to navigate through the complex world of health and social care.



## Can I afford to pay for my care?

- What happens when the money runs out?
- What is a 'top up' payment?
- Will I be eligible for NHS continuing healthcare?
- I feel pressured to decide...?
- Will I have to sell my house?
- Do I have to move into a care home?
- What are eligible needs?
- Can I challenge a 'best interest' decision?
- I need to sort out care - where do I start?
- How can I check I am being given the right information?

**For more information contact Louise Courtney on 01926 491181 / [LouiseC@moore-tibbits.co.uk](mailto:LouiseC@moore-tibbits.co.uk)**

# Our News

## Free Legal Advice Clinics for Over 50's



In partnership with Age UK Warwickshire, we hold free legal advice clinics at various locations throughout Warwickshire. Our legal clinics are a practical example of ensuring that vulnerable clients have access to legal services. Please see our website for details of times and locations.

**Wills and Powers of Attorney are offered at reduced rates for Age UK introductions.**



## Cupcake Day! Supporting Alzheimer's

**Dementia is the number one cause of death in England and Wales.**

Last year, dedicated Cupcakers around the country united to raise a mighty £330,000 against dementia. That's more than enough to fund 11 PhD researchers for a year, giving them the opportunity to undertake vital, potentially lifesaving work.

The bakers at Moore & Tibbits took part in the Alzheimer's cupcake day contributing a scrumptious selection of cakes including carrot cupcakes, lemon cupcakes, mini banana and choc chip loaves to name a few! As eating cakes is one of our favourite things to do, the baking took place over a few days to ensure all staff had a good supply whilst raising money. We are delighted to continue to support Alzheimer's Society and the fantastic work they do.

## Good luck Sheila!



**Sheila Wallington** retires after 36 years at Moore & Tibbits.

We wish her a very happy retirement

**Helping manage your Business or Personal finances through difficult times**

We can assist you with:

- Restructuring your business
- Disposal of assets
- Defence of claims brought against directors
- Director's disqualifications
- Personal insolvency advice
- Corporate insolvency advice

**We act for:**

- Insolvency practitioners
- Business financiers
- Creditors
- Directors & shareholders



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## Moore & Tibbits Solicitors



**Changing the way you look at lawyers.**

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