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## In this issue...

Inheriting What's Not There

Selection for Government List

Congratulations

Business Insights...

Understanding Family Law

Hutchinson Legal Client  
FUNction: Coming Soon!

2014 Calendar Entries Welcome!

With Thanks

Welcome to the first edition of Legal Insight for 2013.

## Inheriting What's Not There

Wills are an important tool to ensure that your property and possessions are distributed in accordance with your wishes after you pass away. But what happens when an asset specifically left to a particular person has already been disposed of by someone acting pursuant to an Enduring Power of Attorney?



When a person disposes of property or possessions during his or her lifetime and the property has been specifically bequeathed to someone, this is called "ademption". Ademption usually results in the gift or bequest "lapsing", mainly on the common-sense principle that as the person no longer owned the item at the time of their death, there is nothing to be bequeathed.

If the owner disposes of the asset it is logical that the onus is on them to update his or her Will as necessary. However, where a person (the "Attorney") acting for the owner pursuant to an Enduring Power of Attorney sells an asset and the owner lacks capacity to update their Will, the principle of ademption need not apply.

To continue reading, go to [www.hutchinsonlegal.com.au/attorneys-and-ademption](http://www.hutchinsonlegal.com.au/attorneys-and-ademption).

## Selection for Government List

Hutchinson Legal has been selected for inclusion on the Commonwealth Government's Legal Services Multi-Use List in both the "Corporate and Commercial Law" and "Litigation and Dispute Resolution"

### Words to the Wise

**"A perfect summer day is when the sun is shining, the breeze is blowing, the birds are singing, and the lawn mower is broken."**

James Dent

categories. We are pleased with this recognition of the quality of service we provide to our clients which we can continue to provide to Commonwealth Government departments and Agencies.

## Congratulations

We congratulate **Bernie Curtin** on his recent recognition, by the Law Institute of Victoria, as an Accredited Specialist in Business Law. Bernie completed a rigorous course during which he demonstrated his specialised knowledge, capability and experience in Business Law. This is a significant professional achievement.

We also congratulate **Joshua Reimer** on his admission as an Australian Lawyer at the Supreme Court of Victoria. Already admitted to the Supreme Court of California, Joshua is now a fully-fledged Australian lawyer, and we welcome the addition of another solicitor to the team.

## Business Insights...

In our recent edition of Business Insights, we discussed new Australian Taxation Office powers that significantly impact company directors' liabilities for PAYG and Superannuation Guarantee Charge debts. To read more or to receive our more business-focused legal news and updates, email [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au) or follow Hutchinson Legal on Facebook, LinkedIn or Twitter to be notified of new editions.

If you would like to receive an electronic version of Legal Insight, please:

- call Tristan Tottenham of our office on 9870 9870
- write to us at PO Box 450, Ringwood 3134
- send an email to [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au)



# Understanding Family Law

For those already going through the pain of a relationship break-up, the sudden and forced introduction to Australia's family law system can be a difficult and confusing extra burden to carry. However, relying on 'urban myths' or incorrect family law advice can be damaging and costly to your future.

Being misinformed can be particularly perilous in family law because the outcomes are very dependent upon the circumstances of the dispute and the proof of those matters. While a friend may claim that the marital assets are always divided evenly, or that the mother will be chosen as the primary carer of the children, this is not necessarily the desired or ultimate outcome. In fact, the opposite could be true in your particular circumstances, so it is important to begin with a correct understanding of family law.

To provide an introduction to family law for both individuals and friends of those impacted by such disputes, Hutchinson Legal is hosting a series of complimentary online seminars during 2013. To register your interest, please contact Jason at [jason@hutchinsonlegal.com.au](mailto:jason@hutchinsonlegal.com.au).

# Hutchinson Legal Client FUNction: Coming Soon!

## 60 Years of Service

Our Client FUNction is a highlight of the Hutchinson Legal calendar, and this year we have decided to hold the event in conjunction with the 60th Anniversary celebrations in 2013. 1953 marked the commencement of Henry Dixon's original practice, and we look forward to marking the occasion with clients and friends of the office. We will be holding this event on **18 March 2013**. Please see accompanying invitation.

Please RSVP early for the Hutchinson Legal 60th Anniversary event as places are limited. For further information, please contact Tristan at [tristan@hutchinsonlegal.com.au](mailto:tristan@hutchinsonlegal.com.au).



## With Thanks



Judith with one of the table runners

We would like to specially thank one of our loyal clients Judith Cocks for the two beautiful table runners she has hand-made for Hutchinson Legal. Judith spent 1,075 hours crafting them with her exquisite designs and stitching. We feel very privileged to be recipients of these lovely works.

## 2014 Calendar Entries Welcome!

Given the popularity of our 2013 "Beach" themed calendar, we have already started collecting for next year's edition! **We invite all clients and friends to submit their photos for entry into the 2014 "Australian Bush" themed calendar.**

All images must be original, high-resolution digital JPEG files. For more details go to: [www.hutchinsonlegal.com.au/photo-submission](http://www.hutchinsonlegal.com.au/photo-submission).

If you haven't picked up your 2013 Beach calendar yet, please give Tristan a call on 9870 9870 and he'll set one aside.



*Con Nottas*



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## FastFACTS

8.5

years of yelling to produce enough energy to heat one cup of coffee

1/100

fraction of a second referred to as a "jiffy"

809

number of elected State and Federal politicians

9

the billionth digit of pi

10%

the rise in car accidents during the first week of daylight savings time

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Clients should not act only on the basis of material contained in this newsletter because the contents are of a general nature only and may be liable to misinterpretation in particular circumstances. Changes to legislation can occur quickly. Do not act on any of the contents of this newsletter without first obtaining specific advice from a lawyer.