

enrights

SOLICITORS

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Solicitors & Staff
of
Enrights Solicitors

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Relief Receptionist

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Office Manager

Elizabeth Curran

Deliveries

Carla Hiles
Prue Rodgers

Housekeeping staff

Nigel Henderson

Our practice continues to grow from the referrals of our clients. We thank you for your support and trust we can assist you in the future.

Our Webpage

We have received many favourable comments since our web page was launched. Those with a particular interest are encouraged to log on to view it. The address is over the page.

SAFE CUSTODY

Since its foundation in 1896, Enrights Solicitors has provided free safe custody for the storage of important documents for clients. Enrights Solicitors currently has two strongrooms, the equivalent of bank vaults. One was recently assessed by a safe technician as being over 100 years old, in perfect working

order, and a collectors item for safe 'aficionados'. Enrights Solicitors strongrooms are fire proof and safekeeping is enhanced with 'back to base' 24 hour security. Safe custody is recommended for documents such as title deeds, wills, probates and miscellaneous personal

documents. In the 1990's all of our strongroom documents were placed on computer record for easy access and retrieval. Part of our complete service to our clients is the provision of safe custody. If you would like to avail yourself of this service please contact us on 4933 6344.

RETAIL TENANTS

Recent changes to the law make it an offence for landlords to recover lease preparation expenses from their tenants. Prior to the new law, it was an offence for a landlord to accept non returnable money, often termed "key money", for granting renewal or extension of a retail shop lease, but they could require the tenant to pay a reasonable amount for legal or other expenses associated with

preparing entry into, renewing or extending a retail shop lease. Accepting "key money" is still an offence. Now, however, the landlord must pay for lease preparation expenses. Preparation expenses include legal costs and associated disbursements like company search fees and photocopying fees; fees for preparing survey plans and mortgage consent fees. The landlord may recover lease

preparation costs if the tenant asks for major amendments to the lease. A second change removes the requirement that the landlord should make available to a tenant every six months a document detailing all landlord expenditure on outgoings to which the tenant contributes. The statement will still have to be given before a lease is entered into, but thereafter only once a year.

Sponsorship

Enrights Solicitors is currently the co-sponsor of the under 11 years Metford Junior Soccer team. We wish them all the best for this season.

FALLING TREES - WHO HAS RESPONSIBILITY?

In a recent court case, a man was injured while sleeping in his bed when a tree blown over in very strong winds fell on the roof of his house.

The tree was one of four next to his house and was the subject of a preservation order requiring the local council's consent to cut it down. The man had requested

the council's advice on the health of the trees in fear for the safety of himself and his family.

An officer had inspected the trees and advised that they were healthy and safe and should not be cut down.

The court ruled that the council was negligent in that it had not taken reasonable care, and the

advice given, and the refusal to allow the trees to be cut down, was wrong.

The council's liability was based partly on the "significant and special means of control over the safety of home owners who brought to the council's attention their fears that overhanging trees were dangerous".

Evidence at the trial revealed a number of contributing factors, including water-logged soils and a decayed root system, which would have been revealed by a more thorough inspection.

LAND TAX—2005 STATE BUDGET

There have been changes in land tax since our last newsletter article.

For the 2006 land tax year a \$330,000.00 threshold will apply to owners of liable lands.

Previously all land not being your own residence or farm was liable for land tax. There are no changes to the land tax exemptions. The

concession for non-income earning land will cease after this year and will be unavailable in 2006.

The land tax liability for 2006 is based on all liable land owned at midnight on 31 December 2005. There have been no changes for 2005, all liabilities remain payable.

STAFF NEWS

Leah Karpathy, a final year Law student at the University of Newcastle, has chosen to do her final year work experience at Enrights Solicitors this year.

Leah thereby continues a family tradition with the practice.

Leah's grandmother, Paula Carlton, had worked at the firm as a clerk in the 1970's, and was a niece of the founder of Enrights Solicitors, W. J. Enright.

REAL ESTATE COMMISSIONS

Individuals selling a property need to be aware that real estate agents must put their retainers, or commissions, with regard to fees for advertising, and other costs in writing. As the law currently stands, where a copy of an agreement is not served within the required time, a commission or expense may be claimed only if the delay was: inadvertent; the

commission is fair and reasonable; or disallowing the claim would be unjust. Real estate agents will still be unable to recover a commission unless an agreement has been made in writing, that this complies with the regulation and the agreement is concluded before services are rendered.

If you no longer wish to receive the Newsletter please let us know.

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