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Latimer Hinks calls on local residents to make legal and financial resolutions this New Year

Although estate planning is not a traditional task to undertake during the festive season, Latimer Hinks is encouraging people to start the year with good habits and the peace of mind that comes from having a will in place and financial issues resolved.

Elizabeth Armstrong, a director at Latimer Hinks, said: "The start of a new year is an ideal time to get your affairs in order, as your mind is fresh, allowing you to examine clearly what you need. There are some essentials, such as a will, that you should put in place as a priority, if you don't already have one.

"The lack of a will means that, should you pass away, intestacy rules apply and loved ones could miss out on property or funds that you would like them to inherit. Having no will or having an out of date will could result in lengthy and costly disputes, bad feeling and even legal battles for your family while they are grieving.

"Whilst it's never comfortable to discuss death, it is important to try and ensure that, after you've gone, your legacy promotes happy memories rather than confusion and bitterness."

The team has suggested a checklist to get your affairs in order in 2020:

Make or review your will

Elizabeth says: "Recent research has found that more than 31 million adults in the UK risk dying without a will in place, with three quarters of 35 to 54-year olds failing to make arrangements for their assets after they die. Remember that you may want to change your will after the birth of children or grandchildren or following the breakdown of a relationship."

> *The start of a new year is an ideal time to get your affairs in order"*

Check your will after marriage

Elizabeth says: "Unless your will makes a specific reference to an impending marriage, your will is invalidated after your wedding. Couples often don't realise this, and this can cause issues following the death of a spouse, particularly if that person has children from a previous relationship or other people they wish to include as beneficiaries of their estate."

Create a lasting power of attorney

Elizabeth says: "A lasting power of attorney allows you to appoint someone to make decisions about your health care or your financial assets should capacity ever become an issue. If you feel you may need this, it is important to act while you are still healthy, as the process becomes more difficult for people who do not have capacity to make decisions. This can be a difficult conversation to have with a loved one, but it is best to be prepared."

Make lifetime gifts from excess income

Elizabeth says: "If you have surplus income, you may be able to take advantage of a valuable Inheritance Tax (IHT) exemption by making regular cash gifts to family and friends who you wish to inherit from your estate. These gifts are not taken into account after you die, so giving them to relatives while you're still alive can prove beneficial. A STEP qualified solicitor will be able to offer advice to ensure you secure the best tax treatment."

Take advantage of reliefs, exemptions and allowances

Elizabeth says: "Ensure that you are aware of any available reliefs, exemptions and allowances for IHT, and that you take advantage of them where you can. If your estate would be worth more than the basic IHT threshold after your death, it may benefit from and additional residence nil rate band before any IHT is due. However, the rules are not always straightforward and if you think this may apply to you, it is worth speaking with your solicitor.

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From left, The Bridge's Michelle Angus and Natalie Palmer from Latimer Hinks solicitors at The Bridge in Catterick Garrison

Richmondshire Community Support Service boosted by memorial donation

Latimer Hinks is donating £500 to Richmondshire community support service, The Bridge, after raising money in memory of their late colleague, Helen Thomas.

The Bridge, based at Catterick Garrison, provides a day centre and home support services for its members to boost their wellbeing. It provides a safe and welcoming hub of support, designed to encourage socialisation and prevent loneliness.

Latimer Hinks Solicitors has raised funds for several charities in the North East and Yorkshire which provide support for vulnerable people, their families and carers, in memory of much loved colleague Helen Thomas, who passed away from cancer aged 33 in July 2016.

The team raised money through a Charity Ball in November 2017 and has shared the funding between numerous good causes including Darlington & Bishop Auckland MRI Scanner Appeal, St Teresa's Hospice, Age UK, Dragonfly Trust, Just the Job and Family Help. Following The Bridge's latest fundraising appeal, the firm decided to donate some of the funds raised to enable the charity to continue to support its members.

Natalie Palmer, Director and Solicitor at Latimer Hinks Solicitors, said: "Helen was a wonderful person, and it is a fitting tribute to her that we have been able to support so many fantastic local charities in her name. The Bridge is a lifeline for many people in the Richmond community, particularly those who are older and more vulnerable.

"Although Latimer Hinks has its offices in Darlington, we work with clients throughout the North East and Yorkshire, and we are proud to support good causes in their local areas, as well as our own."

Michelle Angus, Deputy Chief Officer at the Bridge, said: "We can't thank Latimer Hinks enough for the donation and we are very grateful they chose to support our charity.

"We are very proud of the services we offer to the older people of our community, but as a charity, we totally rely on grants and donations. We must continually fundraise, so we are able to keep offering the quality services that we do.

"Without support, we wouldn't be able to provide essential services to the Richmondshire community. We would like to say a huge thank you to the team at Latimer Hinks for helping us make that difference."

Who wants to sue their own children?!

Latimer Hinks is highlighting to its clients the difficulties families can face if they lend or give money without careful planning. A report in The Telegraph revealed that a record number of parents are suing their children.

The research found that comparing this year to 2016, there were three times as many cases of parents pursuing their children over property loans. The disputes occurred when families were unclear as to whether money provided to a child towards a deposit was a loan or a gift.

Further research, conducted by NFU Mutual, found that approximately half of parents with adult children cited that a lack of trust in a child's spouse would influence whether they would expect to be paid back for funds provided towards a deposit.

Daniel Williams, a solicitor at Latimer Hinks, said: "The 'Bank of Mum and Dad' is one of the ten biggest lenders when it comes to property. So often there is no discussion or clarity as to whether the money is provided as a loan or as a gift.

"It becomes even more complex if the family dynamics change and this can so often happen in situations such as divorce, poor health and death (whether the parent's or the child's). A parent finding themselves in straitened circumstances may decide that they want to be repaid for what the parent understood as a loan and the child understood as a gift."

Daniel continues: "There is a clear starting point. Mum and Dad would never want to find themselves in a situation where they are falling out with their own children. If families discuss these issues with a solicitor at the outset before any money changes hands, this can avoid emotional distress and damaged relationships. It therefore makes sense for the person providing the cash to outline his expectations (particularly regarding any repayment) and for this to be documented appropriately. Parents may wish gifts and loans to be part of their estate planning and clarity and documenting the arrangements is essential.

"Having the arrangements agreed in writing protects all concerned and avoids the prospect of misunderstandings and family disagreements. It is important that you seek professional advice."

Daniel Williams, Solicitor at Latimer Hinks

Contact: 01325 341500
Email: dsw@latimerhinks.co.uk

Latimer Hinks calls for more professional support for people with dementia living in rural areas

Latimer Hinks has called for all professional sectors to have procedures in place to support people living with dementia, particularly those who operate within rural areas.

The firm, which has a specialist agricultural department, has observed that 'rural dementia' has become more prevalent in recent years, due to the ageing population.

In order to address this, one of its directors, Natalie Palmer, has trained with the Alzheimer's Society to become a dementia friends champion, and has trained others within Latimer Hinks to be able to support clients with dementia, or their carers.

Natalie said: "There are more than three million dementia friends in the UK, and it's our goal to change people's perception of dementia by transforming the way people think, act and talk about the condition. It can be incredibly frightening for those living with dementia and we want people to feel more comfortable when they come to see us.

"I work with a number of older clients and am a trustee for Age UK, North Yorkshire and Darlington, so I'm very conscious of the effect dementia has on those living with the condition and their families. I want to make sure that we can make the legal side of their lives as easy as possible."

> *Planning needs to be tackled before dementia becomes an issue"*

A recent study by Plymouth University found that people with dementia and Alzheimer's who live on farms can be especially vulnerable due to hazards including machinery, livestock and the stress of managing a farm, as well as a reluctance to ask for help from friends and family, which can lead to loneliness and isolation.

The study found that dementia can be a particular issue in the farming community, as farm owners tend to work beyond retirement age, and the condition is more prevalent in older people. This can lead to problems if the condition worsens to a point that the person can't run the business and hasn't prepared for someone to take it over in the future.

Natalie Palmer, Director at Latimer Hinks

Contact: 01325 341500
Email: nsp@latimerhinks.co.uk

Natalie continued: "We support people living with dementia in a number of ways, including home visits to make appointments less stressful, and help clients arrange their affairs including signing lasting power of attorneys for family members to manage their affairs on their behalf.

"If you work in professional services, I believe you have a duty to ensure all your clients can access your services, and I'm delighted to be part of a team that is working hard to support people with dementia including those living in rural areas."

Anne Elliott, CEO of Latimer Hinks, added: "Planning needs to be tackled before dementia becomes an issue. People often don't realise that succession planning usually takes months/years to agree and implement and this is particularly so in the farming sector. Arrangements can often be complex, so we aim to support the transition at a time when individuals have the essential mental capacity and plenty of time to make decisions, reach agreement and put the plans in place.

"By suggesting and discussing options with clients and their families at an early stage, we can give them peace of mind so that they know their farm and business will be in safe hands when they reach a time when they may no longer be able to run it. Having the future of the business discussed and agreed in good time gives both generations – the outgoing and the succeeding – certainty and peace of mind they can focus on the day-to-day running of the operation."

Latimer Hinks/
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Protecting you and your family from one generation to the next.

Wills, tax planning, trusts, asset protection, powers of attorney, court of protection and probate.

Private client team: Anne Elliott, Andrew Way, Elizabeth Armstrong, Natalie Palmer, Jennifer Quayle, Gillian Ibbotson, Daniel Williams, Nadine Kilvington, Kelly Maguire, Nicola Johnston, Nikita Noël, Claire Conway, Julie Porter, Hollie Catt, Laura Finegan.

Your home

Driving your move forward

Buying, selling, developing, refinancing, mortgaging.

Residential conveyancing team: Martin Williamson, Jane Mafham-Jackson, Lisa Stronach.

Farms & estates

Our heritage is agriculture and rural affairs

Land sales, purchases and options, agricultural tenancies, tax planning, farming partnership agreements and succession.

Farms & estates team: Anne Elliott, Neil Stevenson, Elizabeth Armstrong, Adam Wood, Martin Williamson, Rosanne Tweddle, Gillian Ibbotson.

Business & commercial

Our heritage is agriculture and rural affairs

Helping you realise you property and business ambitions.

Commercial team: Nicholas Poole

Commercial property team: Neil Stevenson, Adam Wood, Joanne Cowie, Rosanne Tweddle, Jonathan Sturgeon, Rachel Fletcher, Laura Richardson, Nayon Uddin.

Contact details for Latimer Hinks:
Tel:01325 341500
lh@latimerhinks.co.uk
www.latimerhinks.co.uk

Think and prepare before you buy

According to the latest English Housing Survey, 64% of the population in the UK own their own home, with the average age of someone getting their foot on the first rung of the property ladder when they're 33 years old.

Regardless of age, when you're buying property for the first time, there are common mistakes that people make, due to lack of experience or eagerness to buy.

While it can be difficult to find an ideal home within your budget and in the area you wish to live, it's sensible to consult an expert before entering into any form of agreement which could cause you financial heartache long term.

Possibly the easiest mistake to avoid is buying in a hurry. It can be tempting to line up your deposit and book the moving van if you see an affordable property close to your work or the school you'd like your kids to go to, however, it is smart to take a bit of time before committing yourself. If you have a trusted relative or friend who has experience with property, you may want to take them with you for a visit.

Once you've weighed up your options, some due diligence will be required. If the price is particularly affordable for that area, it is worth having a conversation with your estate agent or local residents as to why that is. As the saying goes, "if something looks too good to be true, it probably is," and houses are no exception. It could be something as simple as the previous owners need a quick sale because of a move abroad or the property has been on the market for a long time, or it could be due to something more sinister, like flooding risk or the smell of a local sewage works wafting into the dining room.

In addition to informal conversations, it is essential to get an independent homebuyer survey of the property done. Many mortgage lenders will not allow you to borrow without one. There are four main types of survey, a valuation report, which establishes the value of the property, a condition report which outlines any urgent faults, a homebuyer report, which looks in more detail at structural issues and ongoing maintenance issues, and a structural survey, which is beneficial in a much older property or one that could require significant and essential repairs to ensure it is habitable.

It is also essential that you get your financial options arranged before you make your offer, for example, a mortgage in principle. This will give you an accurate picture of how much you can borrow and therefore what your budget is, meaning you can look at properties within your price range and avoid disappointment in the long run.

I spoke to Tony Dobbins at Anthony Jones Properties about potential pitfalls a first-time buyer could come across, who agreed about good preparation and budgeting.

He said: "Probably the biggest mistake that we see with first time buyers is that they fail to prepare. It's always a good idea to seek the advice of a mortgage adviser and get an Agreement in Principle to show sellers you're serious. However, it's also advisable to appoint a solicitor early as there will be paperwork to sign and ID to provide.

"Finally, there's nothing worse than falling in love with a property or an area that's simply out of your budget. You should always ensure that you have thoroughly researched which areas you can afford to buy in and consider the type of property you're looking for before you start your search."

Martin Williamson,
Director & Head of Residential Property
Contact: 01325 341500
Email: mw@latimerhinks.co.uk

LawNet

LawNet Limited 93/95 Bedford Street, Leamington Spa, Warwickshire CV32 5BB.
Tel: 01926 886990 email: admin@lawnet.co.uk. www.lawnet.co.uk