



January 2012

Welcome

to the Diamond Client Focus.

We are delighted to welcome Patricia C Byron to our next Diamond Client event in February. Patricia is a local writer, broadcaster and author of the highly acclaimed book "Last Orders".

She will be providing us with an upbeat and practical guide to sorting out the personal aspects of our affairs. Patricia will share with us her experiences that led her to write Last Orders, a book that guides you through the process of leaving clear, unambiguous instructions about your final wishes by asking a series of questions.

We would like to invite you to this free event, which will held at the Alderley Edge Golf Club on Thursday 23rd February 2012 at 10.30am. Please feel free to bring friends and/or family along to this event. Coffee, biscuits and a light lunch will be provided. If you would like to attend, please contact Caroline Pinney using the details below.

Kind regards,

Stephen McCann

Partner

If you no longer wish to receive this newsletter please telephone 0161 236 8992 or email marketing@georgedavies.co.uk with "unsubscribe to Diamond Client focus" in the subject box.



Doorstep sales

Giselle Williams, a solicitor in our Dispute Resolution team, acts as her mother's attorney. Below she provides a moving account of some of the issues she has faced.

"On a good day my mother is great and most people wouldn't know she has Alzheimer's. Unfortunately this has led to some sticky situations. If you have found yourself in a similar situation, whether personally or in connection with a partner or relative, my story below may help.

Beware the doorstep seller...

There was a knock on the door early one morning at my mother's house. The gentleman showed his badge and asked about the state of her central heating. She said she didn't think it worked very well because she was always cold and invited him in. An hour later, he went away with a signed contract for a new boiler and full central heating system.

I rang my mother in the evening to see how she was and she said that had she met a nice man that day and he was so pleased with the cheque. Alarm bells started to ring... 'What cheque? What for?'

I looked through the documents he'd left and saw the bottom line '£3,500 plus VAT' with delivery the next day. I took the day off work so I could be there when the installers arrived. Thankfully a manager was present and I was able to explain that my mother has Alzheimer's so didn't realise what she was signing and that that should have been evident to the salesman. As a result the contract was invalid.

(continued overleaf)



Stephen McCann
Partner
Specialist in legal services
for the elderly
m: 07814 384757
t: 0161 234 8805

e: stephenmccann@georgedavies.co.uk



Caroline Pinney
Solicitor
Specialist in legal services
for the elderly

t: 0161 234 8825

e: carolinepinney@georgedavies.co.uk



Julie Peters
Trust and Probate Executive
Specialist in Trust, Tax
and Probate

t: 0161 234 8854

e: juliepeters@georgedavies.co.uk

(continued from page one)

The manager accepted this. I followed the incident up with a letter to the company, confirming that the contract had been cancelled and also making a complaint about the doorstep salesman.

Practical steps

In the first instance there are some practical things I do to try and avoid these situations, which happen regularly – a sign on the door saying ‘no doorstep sales’; hiding pens so she can’t sign anything; making daily checks and collecting all post and any

pieces of paper lying around.

Seek professional help

However, if you find yourself in a similar situation, you should contact a solicitor as soon as possible. They may be able to help you recover any monies that you or your relative have paid out.

Do you need a Lasting Power of Attorney?

Luckily I was able to cancel the boiler contract before it was too late, because my mother had made a

Lasting Power of Attorney appointing me to deal with her affairs on her behalf. If you or your relative don’t have an Enduring or Lasting Power of Attorney in place then perhaps now is the time to think about making one. Stephen McCann and Caroline Pinney from our elderly client services team will happily meet with you or your relative at home to make one.”

For further information please contact Caroline Pinney using the details overleaf.

Giving away your possessions – is it tax efficient?

Audrey, a client rang. “Could we give Jean, a friend of hers, some advice about making a Will?”. Jean was housebound and lived in South Cheshire. “No problem” the solicitor said. We regularly call on clients by prior appointment, particularly if they have difficulty getting about.

The solicitor saw Jean in her home a few days later. Often, a new client will want to have a major review of their Will. Frequently their existing Will was made many years ago. Their spouse or partner might have passed on, children grown up and maybe grandchildren are now on the scene. That was the case with Jean. She had grown up children and grandchildren and wanted her two children to be ‘in charge’ of dealing with everything in the event of her death.

Jean and the solicitor discussed inheritance tax (IHT). Jean lived in a

very nice house and had some antiques, furniture and paintings. She knew she might have to pay IHT on the house, but did not think there would be anything to pay on the other items. “I have already dealt with them” she said. “I have given them away. I have labelled each of them and have written already to those concerned, advising them that I have gifted the item to them”.

Often clients want to make gifts in their lifetime to reduce their eventual liability to IHT. Unfortunately, there was a problem with what Jean had done. Even though Jean had signified

she wanted individuals to have specific items, she had not taken the steps needed to make a valid gift for inheritance tax purposes. Because she still retained possession of the gifted items HM Revenue & Customs would, after her death, have treated those items as if they still formed part of her estate for inheritance tax purposes and this could have significantly increased any inheritance tax that Jean’s estate had to pay.

If you would like advice about making a Will or about passing on possessions, either during your lifetime or on death, we can help. Please contact Stephen McCann using the details overleaf.

Disclaimer

The contents of this newsletter do not constitute legal advice. You should always consult a suitably qualified lawyer for professional advice about any specific legal matter of concern to you. George Davies Solicitors LLP, its partners and staff do not assume any responsibility for information contained within this document and disclaim all liability relating to such information.

