

# Schedule of Fees

July 2016

## Con Vatmanidis

Director Collins House Pty Ltd

Principal Collins House Legal

Services	Associated Costs
<b>Discretionary Trusts</b> (Inclusive of disbursements and the SRO \$200 Stamp Duty fee)	<b>\$1,000</b> Plus GST
<b>Unit Trusts</b> (Inclusive of disbursements and the SRO \$200 Stamp Duty fee)	<b>\$1,000</b> Plus GST
<b>Wills &amp; Powers of Attorney</b>	
Standard Will	<b>\$450</b> Plus GST
Testamentary Trust	<b>\$200</b> Plus GST
Enduring Power of Attorney	<b>\$200</b> Plus GST
Medical Power of Attorney	<b>\$200</b> Plus GST
Enduring & Medical POA	<b>\$350</b> Plus GST
<b><u>Individual Packages:</u></b>	
Standard Will <b>and</b> Enduring & Medical POA	<b>\$750</b> Plus GST
Will (with Testamentary Trust) <b>and</b> Enduring & Medical POA	<b>\$900</b> Plus GST
<b><u>Couple Packages:</u></b>	
Standard Will <b>and</b> Enduring & Medical POA	<b>\$1,000</b> Plus GST
Will (with Testamentary Trust) <b>and</b> Enduring & Medical POA	<b>\$1,200</b> Plus GST
<b>Conveyancing</b>	
Residential Property	<b>\$500 - \$1,000</b> Plus GST plus disbursements
Apartment	<b>\$1,000 - \$2,000</b> Plus GST plus disbursements
<b>Notes:</b>	
<ul style="list-style-type: none"><li>• An additional cost for disbursements is chargeable. This usually ranges between \$300 and \$500, depending on the certificates we are required to obtain.</li><li>• The Conveyancing fees are approximate only, subject to the extent of the Conveyancing work. A fixed price quote will be provided upon assessing your Conveyancing needs.</li></ul>	
<b>Ongoing Matters</b> If an Ongoing Matter is required, an hourly rate is chargeable (plus disbursements)	<b>\$350</b> per hour plus GST plus disbursements

## Areas of Practice

### **Corporate**

*Capital raisings, corporate governance and regulation, directors' duties, partnerships, joint ventures, shareholder agreements, re-structuring*

### **Commercial**

*Commercial contracts, purchase and sale of business, share transactions, trusts*

### **Property**

*Property developments, subdivisions and bodies corporate, sales and acquisitions*

### **Leasing**

*Retail and commercial leasing, disclosure statements, residential tenancies*

### **Estate Planning**

*Business and practice succession planning, personal wills, probate, powers of attorney*

## Biography

Con has been admitted to practice as a Barrister & Solicitor since 1995. He is admitted to practice in both the Victorian and Federal jurisdictions and is a member of the Law Institute.

Con's legal practice is predominantly focused on corporate, commercial, property and estate planning law, with a particular emphasis on commercial law, commercial agreements, sales and acquisitions, investment vehicles & legal structures, developments, conveyancing, leases and wills. Examples of Con's experience providing advice relating to the negotiation of commercial agreements, establishment of property holding entities and general investment structures, managing the legal implications and conveyancing requirements of multi-unit developments, unwinding of commercial relationships between parties to a prominent property development, leasing advice (with particular emphasis on the dynamic retail leasing sector), international supply and distribution agreements, trademark applications and general corporate governance advice, such as directors' duties and liability, corporate constitutions, etc. Con has also advised extensively on acquisitions and disposal of business and shares in privately held companies. In addition to his legal qualifications, Con has obtained a Masters in Business Administration (MBA). The combination of his qualifications and personal experiences in law and in management give him a flexible and fresh approach when advising clients. This allows him to understand the practical implications of the legal advice he provides to his clients and how the advice will impact on his clients and their respective requirements.

## Other Activities

Con has held various Executive positions on a number of community and social organisations, which have brought him into contact with a variety of people. He is therefore well equipped to negotiate for and represent clients on a broad level, whether that be with respect to the government, community groups, the business sector or on an individual level.

## Qualifications

Masters in Business Administration (2001), University of Melbourne (Melbourne Business School)  
Master of Laws (1996), Monash University  
Bachelor of Laws (1994), Monash University  
Bachelor of Arts (1992), Monash University

## What is a Will?

A Will is a legal document that comes into effect after a person dies and after it is lodged with the Court and is accepted by the Court through an administrative process known as Probate. A Will sets out the wishes of the person who makes it, regarding the management and distribution of his or her assets after he or she dies. A Will can also deal with how you want your body and bodily parts treated after you die - for example, whether your bodily parts can be used for organ donation or medical research and whether you wish to be cremated or buried.

## Do I need a Will?

Whilst it is not compulsory to have a Will, we recommend that you have a Will as only through a Will can you properly address the issues that are most important to you in dealing with your assets after you die.

A Will is a great way to look after your family following your death and through your Will you can also nominate who you want and trust to manage your affairs following your death. Without a Will, there is no guarantee that your wishes in relation to the distribution of your assets, the treatment of your body or the management of your affairs will be handled the way you want them to be handled or even by the persons you would want.

## What should I consider when making a Will?

A person who makes a Will ought to consider how he or she wants his assets distributed after his or her death. There are several issues that you might wish to discuss with your solicitor, but a few of them might be as follows -

1. Due to testator's family maintenance provisions ("**TFM provisions**"), the law requires an element of fairness when you distribute assets to classes of beneficiaries. Fairness though takes on a curious guise under the law and fairness does not always require a 50/50 split between say, two children. The law here is very complex and we strongly urge you to obtain professional legal advice in trying to avoid a possible breach of the TFM provisions, which are after all the basis for most challenges to Wills.
2. You may have minor children. Testamentary trusts whereby you provide for your children indirectly whereupon the assets vest in them upon reaching a particular age may be considered, as should the appointment of special guardians for any minors. A Will is an effective tool, when used correctly, to look after your minor children.
3. Superannuation benefits are not considered as an estate asset and therefore are usually not dealt with in a Will. Some life insurance policies too may also fall outside the scope of a Will. Notwithstanding, with appropriate planning, effective advice and valid nominations, the trustees of superannuation funds or of the insurance policies may be directed to pay any funds into your deceased estate for distribution in accordance with your stated wishes.

A person who makes a Will also ought to consider who he or she trusts to carry out his or her wishes and manage his or her affairs after he or she dies.

## How do I make a Will?

A Will must be in writing, witnessed by two independent persons (who are not going to be beneficiaries) and who are over the age of 18 years. There is no formal language that needs to be used when making a Will, but the language must be clear and certain in its effect. There are important formalities relating to the witnessing of a Will. Also, there are many pitfalls and complex issues when making a Will, therefore we strongly urge you to have it prepared by a legally qualified solicitor.

## How should I keep my Will?

You should always store your Will in a safe, secure and private environment, such as a safety deposit box or a fire-proof safe. We also recommend a copy of your Will be provided to your executor, with instructions as to the location of the original.

## Can my Will be challenged?

As noted above in relation to the TFM provisions, Wills can be challenged if certain rules are not complied with. We suggest you seek professional legal advice in this regard.

## What if I die without a Will?

If you do not have a Will when you die, legislative provisions enacted by the government will apply regarding how your assets will be distributed. There are strict formulas which will be followed in these circumstances and these may produce results that you do not want.

We therefore urge you to make a Will and seek professional legal advice in the preparation and execution of your Will.

**\* Disclaimer: This document is not intended to provide any legal advice. For advice regarding anything to do with Wills, you must consult a solicitor.**

# POWERS OF ATTORNEY

## What is a Power of Attorney?

A Power of Attorney is a legal document that comes into effect once it is signed by the person making it (the donor), the witnesses and the person who is given the relevant powers (the attorney). A Power of Attorney allows the donor to nominate one or more persons (the attorney(s)) to make decisions and undertake actions on the donor's behalf.

## Do I need a Power of Attorney?

Whilst it is not compulsory to have a Power of Attorney, we recommend that they be considered as part of a holistic approach to your estate planning requirements. You may travel fairly regularly for example and be unable to deal with things back home. Having an attorney who can deal with your obligations back home - especially in light of the very strict privacy laws - often allows you to enjoy your holiday but also ensuring that your everyday needs and obligations are met at the same time.

Also, depending on your circumstances you may want to give direction to one or more persons as to how you wish to be treated if incapacitated or if you suffer some form of medical/health mishap. Providing a medical power of attorney to those you trust may ensure that your wishes regarding medical treatment are fulfilled.

## What should I consider when making a Power of Attorney?

A Power of Attorney is a very powerful document and allows other people to make decisions and undertake actions on your behalf. You must therefore only appoint attorneys whom you trust and that you know will not breach any of your wishes or confidences, but whom will act in your best interest.

## Who can I give a Power of Attorney to?

You can provide a Power of Attorney to anyone over the age of 18 years. Both you and the attorney must be competent and not be under any duress when entering into a Power of Attorney.

## Types of Powers of Attorney

There are four types of Powers of Attorney -

### 1. A Specific Power of Attorney:

This is usually given for a specific purpose (eg. if you are travelling overseas but require someone back home to sign some documents for you say, in relation to the sale of shares/property).

### 2. An Enduring Power of Attorney:

This power continues into perpetuity, unless the donor revokes it. It will apply if the donor later becomes incompetent. It allows the attorney to undertake any action or make any decision (not of a medical nature) on the donor's behalf.

### 3. A Medical Power of Attorney:

This enables the attorney to make any decision about medical treatment on behalf of the donor. However, strict laws ensure that the power cannot be used in relation to euthanasia or palliative care.

### 4. An Enduring Power of Guardianship:

This power only comes into effect when the donor becomes unable to make decisions about his or her circumstances. It allows the guardian to make decisions for the donor similar to a parent making decisions for a child. It can be used by the guardian to make decisions regarding lifestyle, health care, accommodation, etc.

## How do I make a Power of Attorney?

Similar to Wills, there is a strict way in which Powers of Attorney must be signed and entered into. For example, the donor must sign before two adult and independent witnesses, must not be under duress and the witnesses must sign certain certificates regarding their view of the donor. The attorney too must sign an acceptance of his or her position as the donor's attorney. We strongly urge you to have any Powers of Attorney prepared by a legally qualified solicitor.

**\* Disclaimer: This document is not intended to provide any legal advice. For advice regarding anything to do with Powers of Attorney, you must consult a solicitor.**