



East Cheshire Business Award success

In recognition for our excellent collaboration with the Chamber in delivering services and support to local businesses, Myers & Co were presented with The Chamber Business Partner award in a ceremony held on 28 March 2014.



At Myers & Co, we have built strong ties with the vibrant Cheshire business community and East Cheshire Chamber in particular. We specialise in providing high quality commercial advice to businesses and company directors across the region. If you are a member of the East Cheshire Chamber, speak to us about the additional member benefits that we can offer.

Our full range of legal services comprises:

- **employment law** - all areas, including a fixed price Employer Assist package and an employment health check;
- **business services** - all areas, from acquisition and disposals to review of your terms and conditions and contracts;
- **debt collection** - a full recovery service including enforcement;
- **property** - commercial and residential conveyancing, leases and all aspects of landlord and tenant law;
- **wills, trusts and lasting powers of attorney** - tax advice, drafting and a storage service; and
- **administration of estates** - all aspects including obtaining probate, administration and distribution of an estate.

Welcome Aaron Barker and Amanda Eptlett

Myers & Co is delighted to welcome Aaron Barker and Amanda Eptlett, to their growing team of dedicated and highly trained legal advisers.

Aaron Barker, an ambitious commercial property solicitor joins the Myers & Co team, with over four years' of legal experience.

Aaron advises businesses, developers and landlords on property acquisitions, disposals and disputes.

In his spare time Aaron is a keen sportsman and plays rugby with Crewe and Nantwich rugby club. He is a volunteer with Stoke-on-Trent based charity Arch, which supports the homeless.



Amanda is Myers & Co's new compliance officer dedicated to maintaining the highest quality of service and professional standards that you have come to expect from us.

Amanda brings over 10 years' experience and has a thorough and detailed knowledge of the Solicitors Regulation Authority (SRA) Code of Conduct and the SRA Accounts Rules.

Amanda is a volunteer with The Cinnamon Trust which is a national charity for the elderly, the terminally ill and their pets.

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Is giving away your home to avoid care fees a good idea?

Do you worry about needing long term care in the future and having to sell your home to pay for it?

If you do, you are not alone. Concern about losing their home to pay for care fees is prompting some people to give away legal ownership of the home to adult children without understanding all the ramifications.

If the local authority can prove that the purpose of the transfer is to avoid recovery of care costs, they can apply to court to undo the gift and assess your finances as though you still own the house, even though it is no longer in your name.

Another risk involved in giving away your home is that you might be left with insufficient funds of your own and have to rely on your children to help pay for the care home of your choice.

Fortunately, there are alternatives to signing over your home to your children:

Life interest trust in your will

This is best explained using an example. Mr and Mrs Smith owned their house together. They made wills leaving a 'life interest' in their half share of the house to each other. The ultimate beneficiaries would be their two children.

When Mr Smith died, Mrs Smith was entitled to live in the house for the rest of her life. In later years, when she needed to move into a care home the house was sold. Whilst Mrs Smith's share of the house was required to pay for her care, the half that had been protected by Mr Smith in the life interest trust could be invested and safeguarded for their children. The local authority was unable to touch 50 per cent of the value of the property.

Life interest trusts in your lifetime

It is sometimes possible to protect the entire value of your home by setting up a life interest trust during your lifetime and making a gift of your home to the trust.

This method ensures you never become homeless or have to depend on your children for financial assistance.

For further information on life interest trusts, contact Susan Hall.



Susan Hall



Planning for your century

Are you prepared to live to 100? With one in three babies born today living to this milestone age, this is something more of us need to start planning for.

Here is a checklist of the essential considerations for your elder years:

Retirement finances

You could easily find yourself having thirty or forty years of "old age" following retirement so it is vital to plan how much income and capital you will need to fund your future plans.

You may want to help family members who are struggling financially or put something aside for your grandchildren.

Using your inheritance tax allowances wisely is crucial or your relatives may have a heavy inheritance tax bill when you are gone.

Paying for care

Living longer means more of us will require professional care in our later years. You can plan for this whilst protecting assets such as your home through your will and the use of trusts.

Wills

The purpose of a will is to clarify your intentions to the people you leave behind. Without a will the intestacy rules will determine who receives your assets and this is where many disputes can arise.

People living longer are more likely to remarry with second or even third families to provide for. In your will you can appoint guardians for children, make charitable gifts and specify funeral arrangements.

Powers of attorney

By making a lasting power of attorney you can appoint a loved one to make decisions about your health, welfare and finances for you if you became mentally incapable in the future, avoiding the lengthy and expensive process of applying to the Court of Protection.

End of life decisions

If you want to refuse certain kinds of medical treatment, such as resuscitation, blood transfusions and the receipt or donation of organs and other tissue, or specify where you would like to die, you can make a health and welfare lasting power of attorney.

For a confidential discussion on ways to plan for your future contact Dawn Anderson.



Dawn Anderson



Probate fraud is on the rise

Have you considered how easy it would be for someone to steal your assets after you die?

According to the Society of Trust and Estate Practitioners probate fraud is now estimated to be in the region of £100 to £150 million per year.

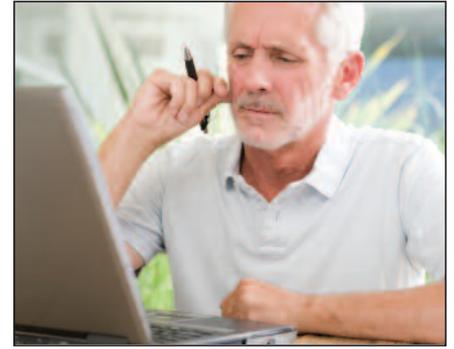
Probate fraud falls into two main categories; theft by organised criminals and theft by family or friends. Both have increased hugely over the past few years because more people are making their wills without the use of a solicitor.

The wider availability of will writing software and websites devoted to producing simple wills means it is easier to write a will at home – and easier for someone else to create a forged will.

Forged wills are not a new phenomenon. Between 1946 and 1956, Dr John Bodkin Adams is believed to have forged the wills of 132 of his patients who left him money or items. In 2000, the serial killer Dr Harold Shipman was found guilty of forging at least one of his patient's wills to make himself the sole beneficiary.

Family members and friends have also been found guilty of forging replacements for wills that they considered to be unfair. A more disturbing trend is the groups of organised criminals who target the estates of deceased people. Using databases to include lots of convincing detail, including

names of family members, the forged will appoints the criminals as executors, usually through a company set up by the criminals, giving them full access to the deceased's assets.



Without an independent party such as a solicitor to prove the validity of a will, it usually comes down to one person's word against another. This can mean going to court and putting your family's private affairs in a public arena, where a judge will decide if the will is real.

Using a solicitor to draft your will ensures:

- the solicitor will be able to prove the validity of your will;
- there is a record of your wishes and the reasons for any decisions which may be unpopular; and
- your will is safely stored so it cannot be changed by someone else.

To make or update your will, contact Stephen Myers.



Stephen Myers

Making a formal complaint at work

Most people will experience a concern about their work, working conditions or a colleague at some point in their working lives. If you have a problem at work, how should you tackle it?

Do you have a grievance?

A grievance is a problem or concern that you have about your work, working conditions, pay or relationships with colleagues.

Following the right procedure:

- obtain copies of your employer's grievance procedure and the ACAS Code of Practice on Disciplinary and Grievance Procedures;
- try to resolve your grievance informally first. If this fails raise it promptly, in writing, with your manager;
- attend the grievance meeting with a companion;
- your employer should write to you about the outcome and appeal; and
- if you are still unhappy, consider issuing an employment tribunal claim.

Employment tribunal claim

Myers & Co will be able to advise you on the merits of your claim and outline the timescale, the amount of compensation you might recover and the likely costs.

Your solicitor will also provide details on the new ACAS early conciliation scheme which is aimed at trying to get employees and employers to settle potential claims amicably and avoid the expense of employment tribunal proceedings.

Unable to pursue a grievance process?

If your employer has behaved in such a way that you feel that you can no longer continue working for them, the grievance procedure may not be the most appropriate form of action. Take legal advice promptly as any delay in the timing of your exit from employment may affect your right to claim for constructive dismissal.

For advice contact our employment specialist, Karen Coleman.



Karen Coleman

Property development – back to basics

Property development can be a profitable business if you ‘buy low, sell high’, or so the saying goes.

However, even the most seasoned of property developers can get tripped up for neglecting to consider the basics. So, whether you are considering your first development or your fifty-first, the same principles will apply.

Verify the title and planning status

Make sure you are given a clear plan showing the extent of the land and buildings you are buying and verify the seller’s title against it. We can arrange for a surveyor to accompany you on a further site inspection with the title plan to assess the position fully.

Be aware of all of the planning conditions affecting the site and any related obligations; such as payments under the section 106 agreement or the community infrastructure levy.

Access

Check that access to your development can be obtained either from the adopted highway or with consent across land owned by a third party.

There may be a gap between the land you are buying and the adopted highway. This could be an error on a historical plan, which may require formal rectification. Or it could be an intentional ‘ransom strip’, where a third party has withheld land to recover a premium in exchange for granting the required access rights.

We can establish who, if anyone, owns the surrounding land by making enquiries with the local highway authority.

If you are buying part of a larger site, you will need to ensure that you have agreed adequate rights of access,

both whilst you are carrying out the development and for the subsequent use by the owners and occupiers of your development.

Budget

Budget will be the deciding factor for any developer. Establish whether VAT is payable from the outset. If the VAT inclusive purchase price pushes you over the £2 million stamp duty land tax threshold, it may have serious implications on your budget.

Is the seller expecting you to pay any overage? This is an additional sum payable to the seller after you have completed it, for example, you subsequently secure a more profitable planning consent. Your solicitor will make sure you are aware of any extra payments that are due from you, now or in the future.

Services

Does the site benefit from connections to mains services? Are there any existing sewers or other pipes or apparatus under the site that may affect your ability to build over them? An inspection of the title and carrying out specific services searches will assist.

If you are considering a new property development project, taking legal advice at an early stage will help you maximise your return on investment.



Rajesh Shah



Aaron Barker

Contact Rajesh Shah or Aaron Barker.

100%

of clients were happy with our overall service

Survey 2014

97%

of clients would recommend Myers & Co to their friends

Survey 2014

96%

would use Myers & Co again

Survey 2014

Legal advice for you and your family

- ➔ Dispute resolution
- ➔ Wealth protection
- ➔ Employment problems
- ➔ Wills and probate
- ➔ Residential conveyancing

Legal advice for your business

- ➔ Corporate
- ➔ Dispute resolution
- ➔ Commercial agreements
- ➔ Employment law
- ➔ Commercial property
- ➔ Intellectual property