

MACLARENS

LAWYERS

NEWS

Edition: September 2008

Maclarens Lawyers is thankful for all of your support and feedback in the past and present. We are excited about this new financial year as we look forward to working with you again this year. We are continually striving to build on our strong reputation for excellence in legal practice in this region for you.



GROWING CITIES

The government has a vision for the shape of Sydney in 2031. That is, the harbourside cities of Sydney and North Sydney will continue to grow at the heart of global Sydney whilst the river cities of Parramatta, Liverpool and Penrith will have improved access to jobs and lifestyle opportunities for the growing parts of Sydney. Will you reap the rewards of this projected growth?



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Retail Leasing – Negotiating a fair lease in today's market

Whether you are a tenant or a landlord, you will appreciate that the rent you pay and the lease terms you enter into can have a huge impact on your profit margin, the flexibility in how you run your business and can be the difference between failure, success and great success. We recommend that you always do your research and due diligence about:

- What businesses with similar uses are paying
- Whether your business will thrive most in a shopping centre, a street front area or in a residential zone
- The demographics of your chosen area
- If there is any planned development or refurbishment nearby
- The previous use of the shop and its history
- Whether you are required to pay outgoings, promotional levies, or percentage rent on top of your base rent
- Your rights under the Retail Leases Act 1994 (NSW)
- What payments you are required to make under the Act
- Whether you need development consent of Council and if so, whether the lease is conditional upon you obtaining such consent
- The term of the lease
- Signage rights
- Who should be the lessee, you or your company

Maclarens Lawyers have solicitors who are experienced in acting for both landlords and tenants in various magnitudes of leases and can help you obtain the best outcome for your business.

Established in 1945, Maclarens Lawyers are accessible and approachable and offers a complete range of services to corporations and individuals.

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NEWS COLUMN

FAMILY LAW

Separation and divorce can be a very difficult time for everyone concerned. Come speak to Bruce Tilley, our accredited specialist in family law for help with all your family law needs.

PROPERTY LAW

Building or buying your dream home? Selling your old home? Our friendly people can make this big decision easier for you. Come speak to Chris Maley or Louis Andreatta today.

BUSINESS SERVICES

Are you buying or selling your business? Should you insist upon a restraint of trade? Will you be able to sell all your debtors and creditors? When should you hand over the keys to your business? Come see Chris Maley or Jessica Ngoy who can help you achieve the best result possible.

COMMERCIAL LITIGATION

In today's volatile market it is understandable that retailers, suppliers, distributors and manufacturers are worried about their business. Has inflation affected your profit? Has the unstable economy affected your business? Do you need to recover unpaid bills? If you have any bad debtor concerns, contact our office today to speak to our commercial litigation department for legal advice

protecting your interests

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Enduring Guardianship and Powers of Attorney – Planning ahead

If you or a close family member or friend cannot make your own lifestyle or financial decisions because of an accident, illness or disability, you may need an enduring guardianship or power of attorney. It is important to plan ahead now for times when you may be unable to make your own decisions.

The *Guardianship Act 1987* (NSW) allows you to appoint an enduring guardian. That is, a substitute decision-maker of your choice to make lifestyle and health care decisions should you lose the capacity to make your own decisions at some time in the future. You will need to know:

- Who can appoint an enduring guardian
- The extent of an enduring guardian's capacity
- What decisions your enduring guardian cannot make
- Who you can appoint
- How you appoint an enduring guardian
- When your enduring guardian can start making decisions and who decides this

If you require help making financial decisions, the *Powers of Attorney Act 2003* (NSW) can assist as it allows you to appoint one or more person (the attorney) to act on your behalf. Your chosen attorney can make decisions on your behalf about selling your house or operating your bank account. You can grant a limited power to act in certain circumstances if you chose. For example, while you are overseas, while you are in hospital or while you have lost the capacity to make your own decisions. An enduring power of attorney can continue to have effect after you lose capacity.

An enduring Guardianship and a Power of Attorney are not the same as a Will. These powers cease to have effect when you die whereas a Will only begin to have effect when you die.

OUR SERVICES

Personal Services

Family Law
Wills and Estates
Property
Conveyancing
Court Work (Criminal, Traffic, Civil)
Public Notary

Business Services

Buying and Selling Businesses
Commercial and Retail Leasing
Companies and Trusts
Commercial Disputes
Local Govt/Land & Environment
Liquor Licensing

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protecting your interests