

Firm News

Wall James Chappell are pleased to announce their chosen charity as **The Mary Stevens Hospice**.

Mary Stevens Hospice provides free specialist palliative care for adults aged 17 years onwards who have a non-curative illness such as cancer, multiple sclerosis, motor neurone disease, Parkinson's disease, end stage renal or cardiac disease, HIV / AIDS. The hospice serves patients on the Dudley Borough and surrounding areas.

Various fundraising initiatives are planned for the coming months including involvement with the Hospice Fete (see above photograph), an inaugural charity Golf Day, white water rafting and selling of soft toys and cards for Christmas. Susannah Griffiths, Partner said, "Mary Stevens Hospice was the obvious choice of charity to support as it is so well thought of by the local community and our clients. We hope to make a considerable difference in forthcoming years with our support for patient care and are pleased to be associated with all at the Hospice".



Pictured above : Philip Chapman, James Rousell, Susannah Griffiths, Teresa Stepien, Joyce Brookes & Judith Godbehere at the Mary Stevens Hospice Summer Fete on the 17th July 2010 where we raised £178

Janet Jones, Head of Fundraising at the Hospice said, "We are all delighted with this new level of support and look forward to many years of joint initiatives to benefit our patients with life limiting illness and their families".

Wall James Chappell has also joined forces with the **Midlands Air Ambulance** to raise awareness of the Charity and support it's fundraising initiatives.

The Charity provides a vital emergency service all over the region and is funded by charitable donations. Running costs are over £6m per annum and therefore charitable donations are absolutely critical.

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Wall James Chappell will be providing **FREE LEGAL SURGERIES** on matters relating to wills, probate and legacies. We will also be offering a 20% reduction of the cost of preparing a new Will for clients who wish to leave a gift or legacy in their Will to Midlands Air Ambulance.



Pictured: James Rousell, Susannah Griffiths & Philip Chapman on a recent visit to the Midlands Air Ambulance depot at Strensham

Jason Levy, head of fundraising for Midlands Air Ambulance says "Wall James Chappell have a great reputation and will be there to give advice on all matters relating to wills, probate and legacies, providing reassurance on a sensitive topic."

To book an appointment for our free legacy surgery telephone 01384 371622

Long term Care — Will I have to sell?

With the current global economic downturn, many are concerned about future Nursing and Residential Care Home fees and more importantly, who funds the cost. With local authorities having the power to demand that your home and other assets be sold to meet the costs of Care, more and more people are seeking methods to limit their exposure to these risks and, in particular safeguard their property.

The Local Authority can't sell my house, can they?

If you have a need for community care, the Local Authority is responsible for providing it. A financial assessment is carried out to ascertain your ability to pay for that care. The Local Authority has the power to look not only at your income, but your capital as well.

For many people a residential property forms the bulk of their capital. Even if you only have a few other assets apart from your house, you would likely be deemed able to pay for your Care Home fees as a result of owning your own property. Although there are occasions – such as when your spouse or a dependant relative still lives in the home – where the Authority can not sell your property, they can normally insist that your property is sold and the proceeds used to pay for your care.

The thresholds for becoming eligible for paying for Care Home Fees are £14,000, and £23,000. If your assets exceed the first limit you will pay a proportion of your costs. Exceed the latter limit, and you pay the lot. With the average house price still over £150,000, if your home forms the main of your wealth, you're likely to be using your property to fund your care.

Surely I can give my home to a relative?

Any gift of 'capital' prior to going into a Home, which the Local Authority believes was done to deliberately move assets out of their reach, will be treated as if you still owned the property. The

Local Authority will simply trace the 'gift' back to the new owner and ask for payment of the care home fees. The Local Authority can investigate **any** disposal of capital no matter how long ago, as long as they can prove you were trying to avoid paying care fees.

Even if there were a way of knowing if the Local Authority would re-trace the gift, it is not recommended. Gift a house to your children, and there is a possibility they could attempt or be forced to sell the house even if you still need it. A child becoming bankrupt, dying or getting divorced could have the same effect, even if they would never knowingly take away your home.



Christopher Hamlyn is the Head of the Private Client Department
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What's the point in trying then?

There are ways of safeguarding your home that can be used to plan ahead to try and keep your home for your family. The two most common methods used to safeguard your house are:-

A gift of your home

Planning through your Wills

These methods can secure differing portions of your home from the clutches of the Local Authority. Ultimately it will depend on the personal circumstances of those involved in deciding which route to pursue. What is important to remember, is that it is not always the method that seems most profitable that is best suited to your needs.

Of course the hope for everyone is that they never have the need to go into care. However, for the peace of mind in knowing that you are safeguarding your home, acting now could save heartache down the road. What is clear is that with the average costs of care being in the region of £20,000 per year, the time to act is now.



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For further information, please contact either Chris Hamlyn, Susannah Griffiths or James Rousell

The firm and information technology

Wall James Chappell is once again ahead of the game when it comes to information technology and the provision of legal services.

The firm has embraced the new world of social networking and is now available on Twitter, Facebook & LinkedIn

Twitter, Facebook & LinkedIn will give the firm the ability to communicate and provide clients, potential clients and others who may be interested with legal news and information about what is happening at Wall James Chappell.

These new social networking platforms will also allow the firm to reach out to those who would not, traditionally, be interested in legal news.

Social networking will become increasingly important in the future and therefore we see the ability to communicate through the likes of Twitter and Facebook as paramount to the overall quality of service we provide to our clients.

The firm has also recently placed a state-of-the-art flat screen TV in reception to provide information on the firm and its services to clients.

Please visit our Twitter, Facebook or LinkedIn sites by clicking the links below or via our website www.wjclaw.co.uk



“The firm is now available on Twitter, Facebook and LinkedIn”



Robin Bailey is the IT Manager at Wall James Chappell for further information contact r.bailey@wjclaw.co.uk

Dudley Kingswinford Rugby Club

DKRFC Dudley Kingswinford Rugby Club



Wall, James Chappell is pleased to announce its sponsorship of DKRFC for the 2010/2011 season.

The Kingswinford based rugby club currently has over 1000 members and includes running and squash Club.

Wall James Chappell will become the main first team shirt sponsor and also be involved in various other sponsorship initiatives at the club.

James Rousell, a partner at Wall James Chappell

has close links with the rugby club having been a member for over 20 years. James said “we are delighted to support the rugby club this year.

Wall James Chappell will also be offering a discount to club members on any legal services.

Philip Chapman of the Wall James Chappell commercial department, said that “we are keen to support DKRFC

and are confident that our partnership can benefit not only the rugby club and the firm but also the local community.”

Offering a comprehensive legal service to corporate and individual clients.

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01384 371622
www.wjclaw.co.uk

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Buying at Auction : Caveat Emptor

If you are considering buying at auction, it is advisable to remember the phrase “Caveat Emptor” – Buyer Beware.

Some buyers get carried away at an auction, it is therefore important to remember that if you do bid and are successful then as soon as the hammer goes down you are obliged to proceed and complete.

Prices at auction may seem low. This maybe because the property is unusual, unique or difficult to value in the open market. It may have been re-possessed, in a bad state of repair, occupied by squatters, or have a structural defects.

It is essential, therefore, that you do your homework prior to the auction. Take legal advice on the Auction pack, have a survey of the property undertaken and ensure that finance is in place.

The Auction Pack contains details of the title to the property, searches, details of any leases affecting the property and replies to standard enquiries. It should contain all the information required for a solicitor to assess whether the property has good marketable title and is suitable security to be relied on by a lender.

It is essential to ensure that finance is in place before bidding. A survey by a qualified chartered surveyor will also provide information on the condition of the property and highlight any significant problems.

If you are successful at auction, you will be asked to sign the Memorandum of Sale (the Contract) and pay a 10% deposit, which is usually required to be paid by banker's draft or building society cheque. At that stage the property is your insurable risk and therefore you need to ensure you have insurance on standby.

If, at the auction, the property you are interested in does not reach its reserve price and is not sold, it may still be worth leaving your details with the auction team in case the seller may still be interested in selling to you.

If you choose the right property and are realistic about your expectations, you may be able to pick up a bargain at an auction, but you need to do your homework before deciding to bid and not get carried away at the auction.

Contact Ruth Latham
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ACTAPS

As people have become wealthier, disputes about wills and trusts have become increasingly common. I was involved in my first contentious probate case over 15 years ago and it is a specialism that I have continued to develop.

The College of Law, in association with the Association of Contentious Trust & Probate Specialists (ACTAPS) offers a training course for those specialising in contentious probate and trusts who wish to become members of this specialist association. This training course aims to develop expertise in this area and provide a recognised professional qualification to those already working in the field.

I have recently successfully completed the first year of the course and aim to complete what is usually a three year course over the next 12 months. So far it has been very useful. Contentious probate has many strands to it; emotions are often running high and the legal issues are often very complex.

When clients instruct a solicitor at what is, by its nature, a distressing time, they need to know that their solicitor has the necessary expertise and skills to deal with their problem. Whilst many solicitors may say they have the necessary experience, if they have the ACTAPS qualification then the client can rest assured that in fact they do.

For more information contact Jane Beale
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Moving on...

The Royal Institution of Chartered Surveyors (RICS) forecast for 2010 a continuing uplift in the market with house prices finishing 1 or 2% higher than at the end of 2009.

Halifax's figures published in February showed the first monthly fall in house prices since June 2009 with a 1.5% drop making the average home now worth £166,857.00 being 4.5% up on the year before and 8% higher than the lowest point in April 2009.

The RICS predict that prices will resume an upward trend all be it at a lower pace than the increase at the end of 2009. It is estimated, that although more properties will come onto the market this year, there is still likely to be some imbalance between supply and demand resulting in some further gains.

The difficulty in predicting the strength of the economic recovery make it very difficult to forecast what is going to happen this year.

On a more positive note some mortgage brokers are becoming more confident that prices will pick up sooner rather than later. Although first time buyers are likely to still need to put down a deposit of 25% the council of mortgage lenders have indicated that the mortgage situation is easing somewhat. It may, therefore, be the time to consider moving home.

Moving house, selling your home and buying a

new one, is not only, understandably a worrying and stressful time, but can leave the unwary with grave problems and financial burdens.

It is not just the daily liaison which the department carries out with estate agents, surveyors, mortgage lenders and so on, that is important - it is - but this is only part of the job. Perhaps, the main part is making sure that you, the client is not exposed to any hidden liabilities. For example it is important to check that the property has all the necessary legal rights attaching to it, for example, rights to use premises and vehicular access; unexpected charges for making up the road, or repairing the drains would be the last financial straw for many people, and a house with no authorised vehicular access can turn into a nightmare.

Wall James Chappell can provide a detailed quotation on request, before starting work. The department also offers much more than just buying and selling houses. Other areas covered include: lettings and tenancies, mortgage advice and remortgages, advice on surveys, stamp duty land tax and taxation on property generally, conveyancing (for example in matrimonial cases and deceased estates), advice on town planning problems (for example including neighbour problems and that major development down the road which may blight your property).

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Made in the Midlands

The company commercial department, lead by Philip Chapman, is supporting the local manufacturing industry through its founder membership of the Made in the Midlands campaign.

Earlier in the year the firm attended the Made in the Midlands Exhibition in The Public in West Bromwich together with 30 local businesses to demonstrate their expertise to more than 200 directors and managers. Pictured right is Nicola Priest of Bird Stevens Stourbridge based manufacturer receiving her champagne prize draw from Philip.



Pictured above: Nicola Priest of Bird Stevens and Philip Chapman

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Location

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