

by **Rebekah Sanfuentes**



# The sad consequence of not attending to estate planning before travelling

**Unfortunately we have all seen the news stories - in the last few years there have been a number of plane crashes and terrorist attacks involving innocent civilians.**

The world we live in is exciting and full of adventure but it can be dangerous as well. If you are travelling in Australia or overseas it is important that you set your affairs in order before you go.

When Malaysian Airlines flight MH370 went missing the people on board went missing as well. Because the aircraft has never been recovered, nobody knows whether the passengers are dead or alive.

It is a sad fact of life - money changes people. Unfortunately many people feel a right to those dollar signs when a family member passes away, sometimes whether they had a relationship with the deceased person or not.

As an estate planning lawyer, there is one scenario that I have unfortunately seen on numerous occasions, particularly given that we are living in a day and age where blended families are becoming more and more common - that is, when a widow or widower loses their family home at the expense of the greed of their step-children.

**Picture this:** your first marriage failed and you were left to raise your children on your own, you eventually find happiness again with a new partner who has also come out of a failed relationship. Sadly your new partner has not had a relationship with his/her children since their first relationship ended.

**Then comes the big question** – whose house do you live in together, yours or theirs? You decide to move in to their home because it was the better decision for the two of you. You sell your home and put whatever equity you obtain from the sale into your partner’s new house. However, you never considered putting your name on the title of your partner’s house, after all, you aren’t in this relationship for the money or the asset, and as far as you are both concerned, the house belongs to both of you now.

You and your new partner make this house your home, for what ends up being the next 30 years that you spend together. Sadly, your partner then passes away. The last thing you are thinking about is your house – you’ve just lost the love of your life and you are grieving. Anyway, your partner had a Will that leaves everything to you so the house will be transferred to you eventually, right? Wrong!

Remember those children that your partner had from his/her first relationship that have never wanted anything to do with him/her? The children that you never even met for the 30 years that you and your partner were together? Well they have contested your partner’s estate and, while you may be entitled to more than they are, your home is now being sold in order to pay your step-children.

If only you had an estate plan put into place during your partner’s lifetime. A simple transfer of the house into joint names would have been all that was required to save you losing your family home.

Don’t realise that you have made this mistake once it is already too late! Let us help you with an estate plan to avoid this scenario happening to you.

Contact us today on 3816 9555 or email [rsanfuentes@mca.com.au](mailto:rsanfuentes@mca.com.au) to arrange an appointment with one of our lawyers who practise exclusively in this area.

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