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NEWSLETTER

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Claims against Deceased Estates Time Limit Lessons from Mortimer v Lusink & Ors

Pursuant to section 41(8) of the Succession Act 1981 (Qld) a person who desires to contest a Will must bring an application within 9 months after the death of the Will maker (often giving notice of intent within 6 months).

What happens, however, when the applicant misses this 9 month statutory deadline? Mortimer v Lusink & Ors [2016] QSC 119 is a recent Queensland Supreme Court case that explores the answer to this question about deceased estate time extensions, and provides instruction on when a court is likely to exercise its discretion to grant an extension for an application in these circumstances



Emario Welgampola
Special Counsel

[Emario Welgampola](#) (Special Counsel) & [Lornagh Howarth](#) (Law Clerk) discuss issues from the above case. Access the article [here](#).

Family Law - Disclosure Obligations and Failure to Disclose

Disclosure is required by both parties to Family Law Property Proceedings and Agreements. The Family Law Rules 2004 require that your disclosure is full and frank and relates to all facets of your financial position.

This means, when you and your former spouse or de facto partner are progressing through the process of a property settlement following separation or divorce, you are required by law to provide all information and documents in your control or possession that evidence your financial position and net worth. One Judge commented that this means we play "show & tell" not "hide seek".



Zoe Earl
Lawyer

[Zoe Earl](#) (Lawyer) discusses issues regarding this topic. You can access the article [here](#).

Charity Payroll Tax Exemption Limits

The Grain Growers case shows that there are charity payroll tax exemption limits in respect of commercial operations.

Grain Growers Ltd applied for an exemption from payroll tax under section 48 of the Payroll Tax Act 2007 (NSW) on the basis that it had charitable purposes. It also sought a refund of the payroll tax paid in the previous five (5) years on the same basis.

[Andrew Lind](#) (Director) & [Nina Brewer](#) (Senior Lawyer) discuss legislation and issues relating to this topic. You can access this article [here](#).



Andrew Lind
Director

Commercial Litigation - Off-the-Plan Contracts failure to settle risks

Juniper Property Holdings No 15 Pty Ltd v Carmelo Caltabiano (No 2) [2016] QSC 005 is another recent Queensland Supreme Court decision that highlights the risks of purchasing off-the-plan apartments without first exercising significant due diligence or making further enquiries to confirm representations made by selling agents.

The case also focuses on the risks of failing to settle off-the-plan contracts without being very confident about having a proposer basis for doing so.

[Andrew Lind](#) (Director), [Jacques Nel](#) (Special Counsel) and [Lornagh Howarth](#) (Law Clerk) highlight the legal issues regarding this topic. You can access the article [here](#).



Jacques Nel
Special Counsel

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