CHAIR



SPEAKERS

Necia Parker, Legal Executives New Zealand, Palmerston North

Necia is the President of Legal Executives New Zealand and a Fellow of the Institute. She is employed by Terrace End Law, working mainly in residential and rural conveyancing, refinancing, estates, wills, powers of attorney and trusts. Necia is very involved in the local community and is a Judicial JP and marriage celebrant.



Robyn Bradey, Mental Health Accredited Counsellor, Sydney

Robyn (B.Soc.Stud.SYD.) is a mental health accredited social worker with over 40 years' experience, 29 of those in private practice. She has been a youth worker, a hospital social worker and an administrator. Robyn offers professional supervision to a wide range of health, welfare and legal workers. She has been a counsellor, specialising in loss, grief, trauma, work related stress and injury. Since 2008, she has specialised in training, consulting and supporting the legal profession in Australia, New Zealand and the United Kingdom. Robyn is currently working as a consultant and trainer for the Federal Court of Australia, the UK Bar and Inns of Court, the NZLS, the Bar Association of NSW, the Law Society of NSW, NSW Community Legal Services and a large number of other agencies and organisations. She has written five books and numerous professional papers.

SPEAKERS



Sonia Bannister, Simpson Grierson, Wellington

Sonia advises on all property matters, including commercial leasing, commercial property acquisitions and disposals, property developments and finance, business sales and purchases, subdivisions, farm sales and purchases, and agribusiness. She also provides general property advice to private clients including advising on new builds, occupation right agreements, and residential conveyancing.



Sharee Cavanaugh, Greg Kelly Law, Wellington

Sharee graduated from Victoria University in 2007. Prior to joining Greg Kelly Law in May 2021 as a senior associate, she worked in at a boutique commercial practice in Wellington and then in the litigation team of a Lower Hutt practice. Sharee is a current member of the NZLS Wellington Branch Trusts and Estates Committee.



Sandy Donaldson, Simpson Grierson, Auckland

Sandy is in the firm's commercial property group. She specialises in property law and property development (from small scale residential subdivisions to complex commercial developments). Sandy's expertise also extends to property and due diligence advice in residential and commercial developments and commercial leasing.

SPEAKERS



Loren Gerbich, Martelli McKegg, Auckland

Loren is a senior associate in the trusts and estates team. She has a wide breadth of experience in trusts, relationship property, asset planning and property law. Loren graduated from Auckland University and was admitted to the bar in 2003.



Thomas Gibbons, Thomas Gibbons Law, Hamilton

Thomas is a specialist property and resource management lawyer, dealing with complex issues in subdivisions, unit titles, land development, and infrastructure. He has over 17 years of legal experience. Thomas began his career in a large national firm in 2001, became a Partner of a mid-size firm in 2008, and spent 12 years as Partner/Director before commencing practice as Thomas Gibbons Law in 2020. He has Masters degrees in Law and Planning, and chaired the NZLS CLE Subdivisions intensive in 2018.



Louisa Joblin, Rainey Collins, Wellington

Louisa has extensive experience with residential tenancy law, advising both tenants and landlords, including in relation to preparation for Tenancy Tribunal hearings. Her advice to landlords is supported by her practice as a senior commercial lawyer.



Chris Kelly, Greg Kelly Law, Wellington

Chris has over 35 years' experience as a lawyer specialising in wills, trusts, estates and elder law. He is co-author of two leading legal texts: *Garrow & Kelly Law of Trusts and Trustees* (6th edition and the 7th edition published in 2013) and *Dobbie's Probate Administration Practice* (5th edition, 2008 and 6th edition, 2014). In 2009 Chris completed a Master of Laws with a thesis on Trustee Accountability. He is a member of the New Zealand Law Society, the Property Law Section and the UK based Society of Trust and Estate Practitioners (STEP).



Silvia McPherson, Dentons Kensington Swan, Auckland

Silvia is a senior associate in New Zealand's private wealth team. She specialises in asset protection, business succession planning, trust and charity law. Silvia's clients are mostly private individuals and trustees with varied and often complex needs. She has significant international experience gained in the UK market where she provided a range of trusts, private client, tax and charity law advice to high net worth individuals, trustees of private, statutory and commercial trusts, financial institutions and charities.

SPEAKERS



Charlotte Muggeridge, Harkness Henry, Hamilton

Charlotte has experience in both property and resource management law, including property development and subdivisions, unit titles and District Plan advice. She has presented for the ADLS and Survey and Spatial on property matters. Charlotte is a committee member of the Waikato Plan Leadership Committee which is forming an overarching strategic plan for the Waikato region. She is also a board member for a variety of not-for-profits both locally and internationally.



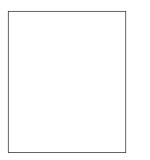
Rachel Mullins, Whakamana Law and Consultancy Ltd, Te Awamutu

Rachel (Ngāti Kahungunu, Kāi Tahu) studied law so she could become a voice for those who do not otherwise have a voice. She has worked for Ngāi Tahu Māori Law Centre, has been anexecutive member of Te Hunga Roia Māori o Aotearoa (NZ Māori Law Society) and from 2014 to 2016 was the Tūmuaki Wahine/ Co-President. Her legal practice is predominately in the Māori Law and Education Law.



James Pullar, Taylor Shaw, Christchurch

James is the head of the Civil Litigation and Employment, and Education Law practice. He acts for a wide variety of clients including local and national businesses, School Boards of Trustees, Independent Schools around New Zealand, and private individuals. James regularly appears in the District Court and the High Court across a broad range of civil work, as well as in the Employment Relations Authority and the Employment Court. In civil litigation, he has developed specialist expertise in insurance law, negligence, contractual disputes, as well as contentious trust and estate matters.James is an active contributor to NZLS CLE programmes, and the annual Young Lawyers' Mooting Competition. He currently sits on both the NZLS (Canterbury-Westland) Employment Law Committee and Special Events Committee and is a previous convenor of the Junior Practitioners' Committee.



Siobhan Simpson, Toitū te Whenua LINZ

Siobhan is a Principal Solicitor at Toitū Te Whenua Land Information New Zealand and leads the team responsible for providing advice on titles registration. Prior to joining Toitū Te Whenua, she worked in small and medium-sized firms in general practice with a focus on property matters.

SPEAKERS



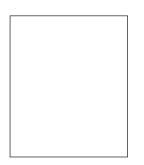
Ingrid Taylor, Taylor Shaw, Christchurch

Ingrid leads Taylor Shaw's practice in trusts, commercial law, residential property, and elder law, including wills and estates. With over 25 years' experience, she has advised a wide range of clients across many industries including land development, engineering, manufacturing, building, architecture, fashion, farming, and technology. Ingrid is recognised as one of New Zealand's leading experts in the area of trust law, she is a member of the Trusts and Wills Sub-Committee of the New Zealand Law Society, and is regularly invited to present papers and lead seminars at conferences on trust matters.



Duncan Terris, Terris Legal, Christchurch

Duncan has practised in a wide variety of property work for almost 30 years. He was involved in the development of e-dealing and continues as NZLS e-dealing consultant. Duncan has served on the NZLS Property Law Section Executive for more than 10 years and is the current past Chair.



Andrea Watson, Toitū te Whenua LINZ

Andrea is in the team modernising Landonline. She has a strong focus on engaging with Landonline users and other stakeholders, to strengthen the voice of the customer within the project. Andrea previously worked at Toitū te Whenua LINZ in the legal and quality assurance teams handling titles dealings. In private practice she has worked in boutique, mid-sized and large NZ law firms. Andrea spent the majority of her career as a senior property solicitor at Chapman Tripp where she specialised in registration matters from single property transactions through to infrastructure projects and large developments.

CONTENTS

RESIDENTIAL TENANCIES: UPDATE ON THE RESIDENTIAL TENANCIES AMENDMENT

ACT 2020	1
INTRODUCTION	3
Phase 1 – 12 August 2020	
Phase 2 – 11 February 2021	
PHASE 2 – INTENDED TO COME INTO FORCE ON 11 AUGUST 2021, OR EARLIER IF THE GOVERNMENT A	
KEY AREAS OF FOCUS FOR LANDLORDS	
OTHER CHANGES	11
WHAT DOES ALL THIS MEAN FOR LANDLORDS?	12
AGREEMENT FOR SALE AND PURCHASE OF REAL ESTATE CHANGES SINCE 2019	13
SUMMARY OF CHANGES FROM 2019:	15
Front Page:	18
CLAUSE 1: DEFINITIONS, TIMING, NOTICE AND INTERPRETATION	18
CLAUSE 2: DEPOSIT	
CLAUSE 3: POSSESSION AND SETTLEMENT	
CLAUSE 7: WARRANTIES	
CLAUSE 9: CONDITIONS	
CLAUSE 10: CLAIMS FOR COMPENSATION	
CLAUSE 13 AND 14: GST AND ZERO RATING	
CLAUSE 16: LIMITATION OF LIABILITY FOR INDEPENDENT TRUSTEES	
CLAUSE 17: COUNTERPARTS	
CLAUSE 18: REAL ESTATE AGENTS AS AN AGENT OF A PARTY	
CLAUSE 19: COLLECTION OF SALES INFORMATION	
SIGNING:	
Schedule 1:	
Schedule 2:	
Schedule 3:	
PURCHASE PRICE ALLOCATION ADDENDUM:	
OIO RESIDENTIAL LAND STATEMENT:	
PLS GUIDELINES 2021	
PROPERTY FILES, NEIGHBOUR REPORTS, BUILDING REPORTS AND LIMS What type of reports can each Council provide?	
RESOURCE CONSENTS	
CODE COMPLIANCE CERTIFICATES	
COUNCILS SPECIAL LOANS AND TARGETED RATES FOR WARMER AND HEALTHIER HOMES	
ENVIRONMENT CANTERBURY - HEALTHIER HOMES CANTERBURY SCHEME	
GREATER WELLINGTON REGIONAL COUNCIL – WARM GREATER WELLINGTON	-
ENVIRONMENT SOUTHLAND AND INVERCARGILL CITY COUNCIL – CLEAN AIR LOANS	
DUNEDIN CITY COUNCIL – WARM DUNEDIN	
NELSON CITY COUNCIL – CLEAN HEAT WARM HOMES	
INSURANCE AND FIREPLACES	
Additional Information	
ESTATE/ASSET PLANNING FOR BLENDED FAMILIES (KURT AND MOANA SCENARIO	
ESTATE/ASSET PLANNING FOR BLENDED FAMILIES (KURT AND MOANA SCENARIO)	51
INTRODUCTION	
WILLS	
ENDURING POWERS OF ATTORNEY	
THE PRA REGIME	
JOINT TENANCIES, TENANCIES IN COMMON AND LIFE INTERESTS IN RESPECT OF LAND	
MOANA AND KURT MARRY, HAVE A CHILD & ESTABLISH THE K AND M TRUST – UPDATE OF ESTATE/	
PLANNING	
CONCLUDING COMMENTS	
Conference Scenario	
Schmidt Family Tree	

ESTATE/ASSET PLANNING CONSIDERATIONS FOR KURT	
WILL FOR MOANA (NO MARRIAGE OR CHILD YET, AND PRE K AND M TRUST FORMATION) TRUSTEES' POWERS	
POWER TO CHARGE	
TRUSTEE LIABILITY	
WILL FOR MOANA – (POST MARRIAGE AND CHILD WITH KURT AND POST K AND M TRUST ESTABLIS	
ETC)	
APPOINTMENT OF TRUSTEES	
GUARDIAN	
Bequests	
RELEASE OF DEBT	
VESTING OF ESTATE IN TRUSTEES	
Residuary estate	
TRUSTEES' POWERS	
POWER OF APPOINTMENT	
POWER TO CHARGE	
TRUSTEE LIABILITY	
SETTING UP THE K & M TRUST	79
TRUSTS ACT 2019 – WHAT'S NEW?	81
Trustees' duties	
CHANGES IN TERMINOLOGY	84
OTHER MISCELLANEOUS CHANGES	
SETTING UP THE TRUST	
CHECKLIST – INFORMATION FOR PREPARATION OF THE TRUST DEED	
SELECTING BENEFICIARIES	
WHAT CAN GO INTO A TRUST? WHAT CAN'T?	89
MODERNISING LINZ	91
REGISTRATION ISSUES – LINZ	93
COMMERCIAL LEASING (ASSIGNMENTS/RENEWALS/TENANT DEFAULT)	95
INTRODUCTION	
Assignment	
Renewals	
TENANT DEFAULT	108
SUCCESSION LAW REVIEW AND WILL VALIDATION	111
CLAIMS UNDER THE FAMILY PROTECTION ACT, TESTAMENTARY PROMISES ACT & PROPERTY	
RELATIONSHIPS ACT – THE STATUS QUO	
THE LAW COMMISSION ISSUES PAPER	
VALIDATION OF WILLS	123
SUBDIVISIONS – ALL YOU NEED TO KNOW	127
INTRODUCTION	129
WHAT IS A SUBDIVISION?	
WHERE DOES THE PROCESS START?	130
WHEN TO CONSIDER THE SALE TERMS?	
WHY DO I NEED TO REVIEW THE RESOURCE CONSENT?	
WHAT ABOUT THE HEAD TITLE?	
LT PLAN	
ARE WE FINISHED YET?	
WHAT ABOUT THE SALES?	137
ADVISING CLIENTS ON TRANSFERRING THROUGH CARE LEVELS IN A RETIREME VILLAGE	
INTRODUCTION	
AVAILABILITY OF CARE What are the statutory requirements of operators in relation to transfers within a	142
WHAT ARE THE STATUTORY REQUIREMENTS OF OPERATORS IN RELATION TO TRANSFERS WITHIN A VILLAGE	140
VILLAGE	
MOVING FROM AN INDEPENDENT UNIT TO ANOTHER INDEPENDENT UNIT	-

Moving from an independent unit to a care suite which requires a new Occupation Right \cdot	
AGREEMENT TO BE ENTERED INTO FOR THE CARE SUITE	
MOVING FROM AN INDEPENDENT UNIT TO A CARE CENTRE WITH WEEKLY FEES PAYABLE Eligibility for a WINZ subsidy where one person in a couple requires a higher level of car	
ELIGIBILITY FOR A WINZ SUBSIDY WHERE ONE PERSON IN A COUPLE REQUIRES A HIGHER LEVEL OF CAR	
STANDARD ROOMS VS PREMIUM ROOMS	
AVAILABILITY OF STANDARD ROOMS – APPLYING THE AGE RELATED RESIDENTIAL CARE SERVICES	
AGREEMENT	145
ESSENTIALS TO CHECK BEFORE THE CLIENT SIGNS	
PROPOSED LAW REFORM	146
RESILIENCE IN A PANDEMIC	149
APPENDIX ONE	151
Scenario for Legal Executives Conference 2021	151
APPENDIX TWO	155
SCHMIDT FAMILY TREE	155
APPENDIX THREE	157
AGREEMENT FOR SALE AND PURCHASE OF REAL ESTATE	157
APPENDIX FOUR	177
DEED OF TRUST ESTABLISHING THE K&M TRUST	177
APPENDIX FIVE	193
DEED OF LEASE WETA CAFÉ LIMITED	193
APPENDIX SIX	215
DEED OF LEASE EARTH, FIRE AND WATER LIMITED	215