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THE ESTATE PLANNING EXPERTS

Centrepont Alliance Presentation – 4 June 2025 Blended Families – a Red Flag in Estate Planning

Ann Janssen – Lawyer & Accredited Specialist
Kylie Costigan – Lawyer & Accredited Specialist

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WHO WE ARE



Ann Janssen
FOUNDER
& SPECIAL COUNSEL



Kylie Costigan
SPECIAL COUNSEL



Josh Philo
SENIOR ASSOCIATE



Betty Leung
SENIOR ASSOCIATE



Sam Janssen
LAWYER & ASSOCIATE



Melissa Foote
LAWYER & ASSOCIATE



Sally McGhee
LAWYER & ASSOCIATE



Roseanne Walters
LAWYER



Chloe Borger
LAWYER

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- One of the largest & experienced estate planning legal teams in Australia
- We deliver comprehensive advice – from straightforward to complex
- Timely and efficient fixed fee service
- We work closely and collaboratively with advisors

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BLENDED FAMILY ESTATE PLANNING



Why is it a red flag?

- Very different inheritance dynamic
- Competing interests between a later spouse and children of earlier relationship/s
- High likelihood of estate claim if you get it wrong
- Largest area of estate litigation and increasing
- A real risk that your inheritance goes L shaped



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HOW BIG IS THE PROBLEM?

- Pretty Big
- Largest intergenerational transfer of wealth ever seen:
 - total of \$3.5trillion expected to be transferred over the next two decades *(AFR/HILDA survey)*
- 44% of marriages end in divorce, de facto breakdown may be higher *(2012 HILDA report)*



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Poll – Question 1

What percentage of inheritances are estimated to go 'L' shaped before reaching the grandchildren?

- 1) 10%
- 2) 30%
- 3) 50%
- 4) 70%

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Poll – Answer Question 1

What percentage of inheritances are estimated to go 'L' shaped before reaching the grandchildren?

- 1) 10%
- 2) 30%
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- 4) 70%

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Risk – unfair apportionment between children & step children

- Different family/inheritance dynamic requires a different approach to single family plans
- Single family:
 - one dimensional division of the asset pool
 - doesn't have to navigate competing interests between surviving parent and children of the marriage
- Much lower chance of estate claim



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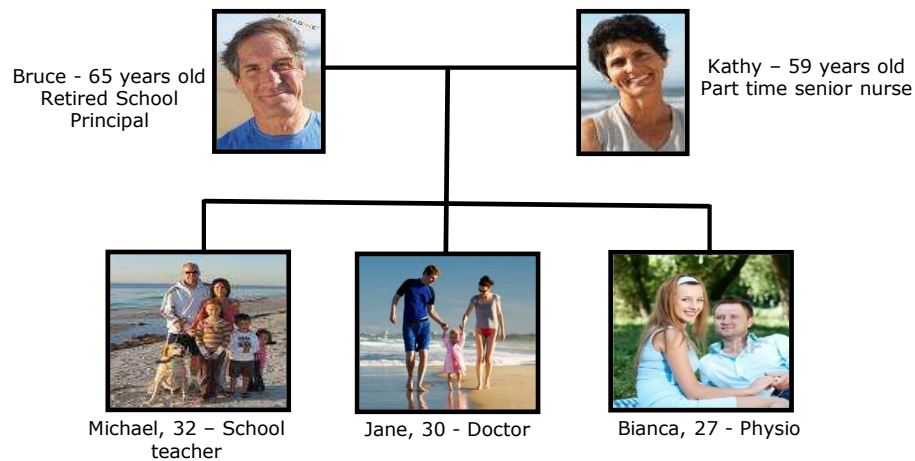
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CASE STUDY #1 – SINGLE FAMILY PLAN



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BRUCE & KATHY - ASSETS

Asset table

	Bruce	Kathy	Joint
Residence			\$1.2M – Camp Hill
Investment property		\$600K – Mt Gravatt	
Bank account			\$450K
Share Portfolio	\$700K		
Superannuation	\$1.3M (pension)	\$900K (accum)	
Debts/mortgages	Nil	Nil	Nil

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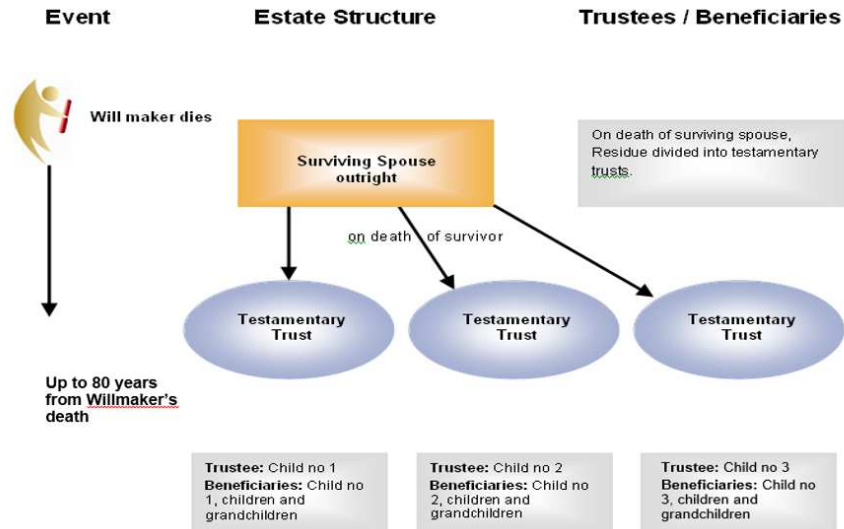
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TYPICAL SINGLE FAMILY PLAN

TDT Wills for
Bruce & Kathy

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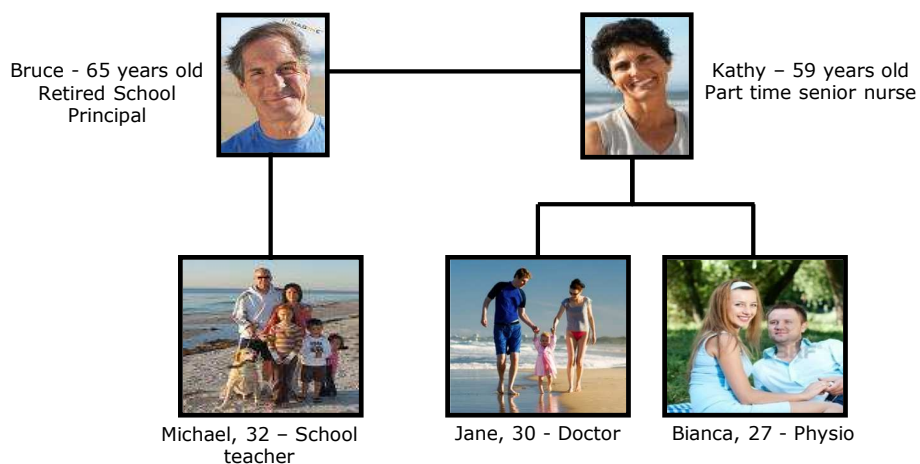
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CASE STUDY #2 – BLENDED FAMILY PLAN



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Debts/mortgages	Nil	Nil	Nil

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BRUCE & KATHY - ASSETS

Asset ownership – contributions on first glance

	Bruce	Kathy
Residence	\$600K	\$600K
Investment property		\$600K
Bank account	\$225K	\$225K
Share Portfolio	\$700K	
Superannuation	\$1.3M	\$900K
TOTAL	\$2.825M	\$2.325M
Estate percentage	55%	45%

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BRUCE & KATHY - ASSETS

Asset ownership – true financial contributions

	Bruce	Kathy
Residence	\$600K +\$600K	\$600K -\$600K
Investment property		\$600K
Bank account	\$225K	\$225K
Share Portfolio	\$700K	
Superannuation	\$1.3M	\$900K
TOTAL	\$3.425M	\$1.725M
Estate percentage	66.5%	33.5%

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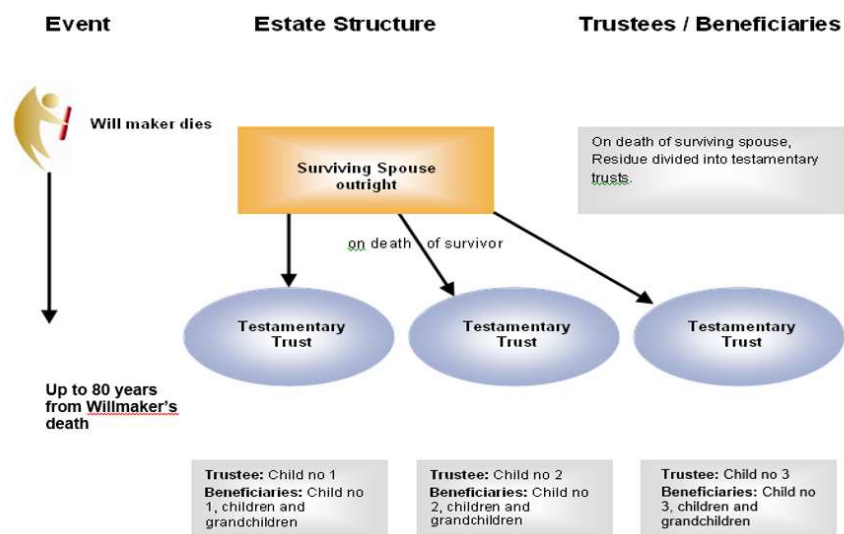


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TYPICAL SINGLE FAMILY PLAN

TDT Wills for Bruce & Kathy



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CASE STUDY #2 – BLENDED FAMILY PLAN

Assuming survivor dies with no changes to Will:

- Bruce's child (Michael) receives 33.3% (not 66.5%)
- Kathy's children (Jane & Bianca) receive 66.7% (not 33.5%)
- Children inherit (at 2nd level):
 - Michael (1/3rd) - \$1.715M (but Bruce's assets are \$3.425M)
 - Jane (1/3rd) - \$1.715M (but 50% of Kathy's assets is \$862,500)
 - Bianca (1/3rd) - \$1.715M (but 50% of Kathy's assets is \$862,500)

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Risk – Lack of thought for future changes

- Controlling the future is tricky – testamentary freedom
- Real risk that surviving second spouse could change their Will to favour their own children
- A real risk that your inheritance goes L shaped



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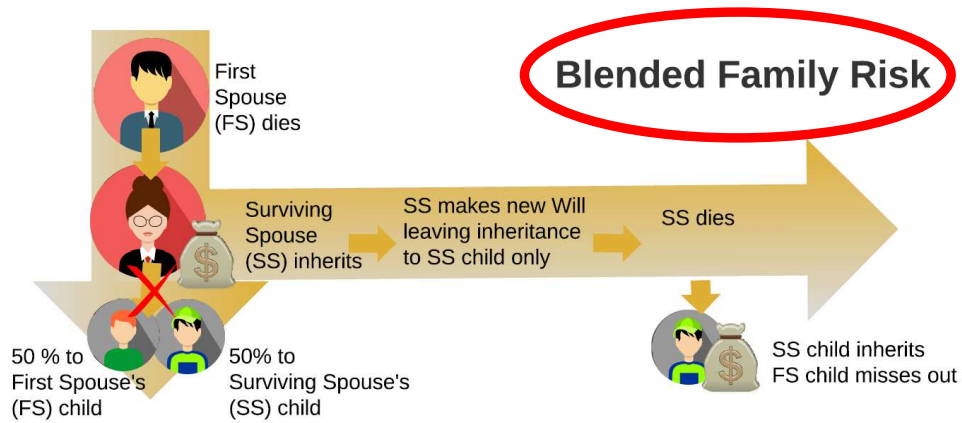
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L SHAPE DUE TO FUTURE EVENTS



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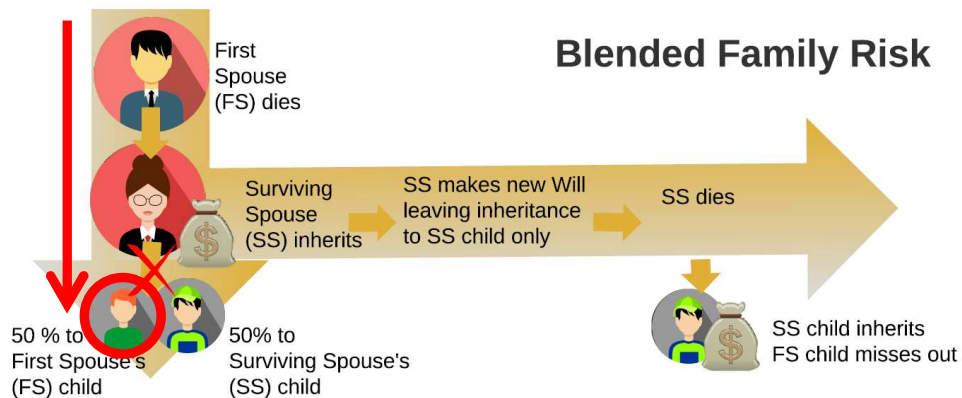
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L SHAPE DUE TO FUTURE EVENTS



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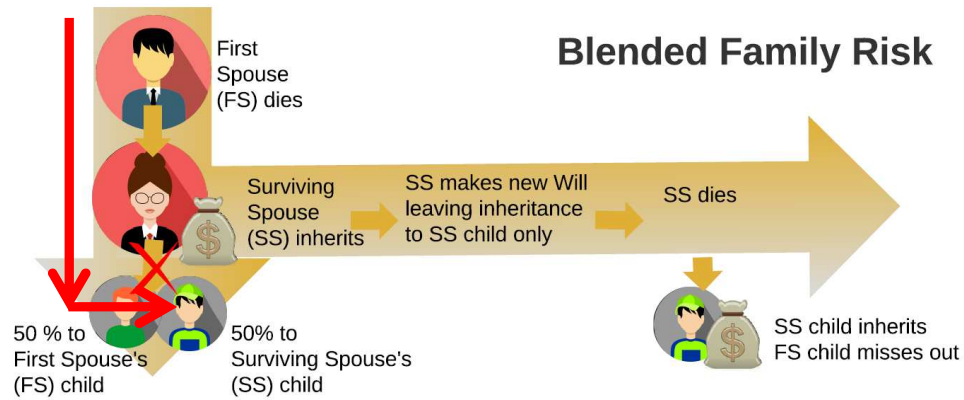
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L SHAPE DUE TO FUTURE EVENTS



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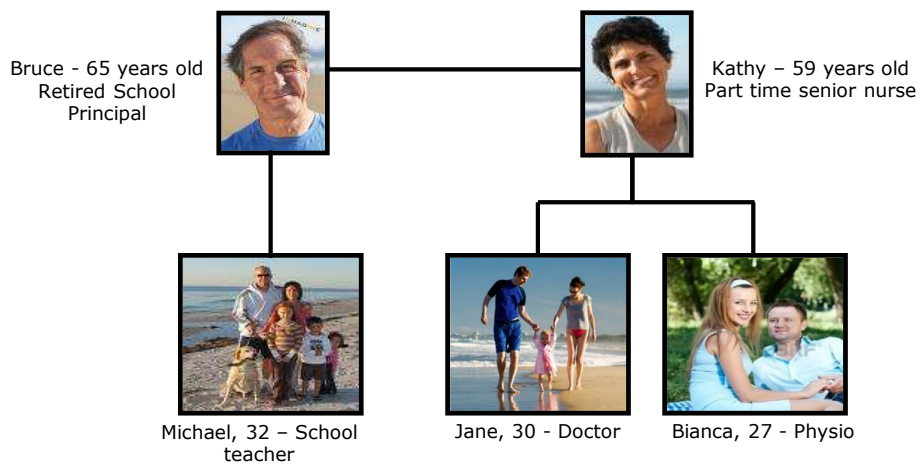
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CASE STUDY #2 – BLENDED FAMILY PLAN



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CASE STUDY #2 – BLENDED FAMILY PLAN

Assuming Kathy dies last and changes her Will to leave all to her kids:

- Bruce's child (Michael) receives 0% (not 66.5%)
- Kathy's children (Jane & Bianca) receive 100% (not 33.5%)
- Children inherit (at 2nd level):
 - Michael (1/3rd) - \$0 (but Bruce's assets are \$3.425M)
 - Jane (1/3rd) - \$2.575M (but 50% of Kathy's assets is \$862,500)
 - Bianca (1/3rd) - \$2.575M (but 50% of Kathy's assets is \$862,500)

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Poll – Question 2

In a Blended Family which of the following might pose possible issues if they complete a standard “single family plan”?

1. The distribution may not reflect the contributions to the relationship
2. When the first spouse dies, the Will they make together will be revoked
3. The Surviving Spouse may change their Will to cut out the children of the first spouse to die
4. There is a risk of an L-Shaped Inheritance

How many of these statements are true?

- a) Only one of the above
- b) Two of the above
- c) Three of the above
- d) All of the above

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Poll – Answer Question 2

In a Blended Family which of the following might pose possible issues if they complete a standard “single family plan”?

1. The distribution may not reflect the contributions to the relationship
2. When the first spouse dies, the Will they make together will be revoked
3. The Surviving Spouse may change their Will to cut out the children of the first spouse to die
4. There is a risk of an L-Shaped Inheritance
 - a) Only one of the above
 - b) Two of the above
 - c) Three of the above (only the second is incorrect)
 - d) All of the above

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CASE STUDY #2 – SOLUTIONS

Some options for Bruce and Kathy

- In Wills – at first level – consider gifts to children:
 - **Kathy:**
 - Mt Gravatt property to Jane and Bianca?;
 - potentially super, eg equally to Bruce, Jane and Bianca (with super streaming and adjustment clauses).
 - **Bruce:**
 - gift of shares to son Michael;
 - consider changing Main Residence to tenants in common and gift his 50% share to Michael, with a possible right of residence for Kathy.

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CASE STUDY #2 – SOLUTIONS

Some options for Bruce and Kathy

- **In Wills – at second level:**
 - Second level gifts to the children reflect the true wealth percentages, adjusted for anything they received at first level, with same result regardless of who died first or last.
- **In Super:**
 - Try and give super as the gift to the spouse to avoid the super death benefit tax.
 - Check the financial power in the Enduring Power of Attorney to ensure that the attorney cannot change the nomination, allow it to lapse, or withdraw it prior to death of the Willmaker in a way that is against the wishes of the Willmaker.
- **Inheritance Agreement:**
 - To get 'buy in' from both spouses.
 - To ensure that last spouse to die honours their Will arrangement.

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BRUCE & KATHY'S ESTATE PLAN

Case Study #3 – all to children, nothing to each other:

- Wills – leave everything to their respective children, nothing to each other
- Bruce's Super – will go to son Michael
- Kathy's Super – will go to Jane and Bianca
- Enduring documents – appoint each other for personal/health and financial with back ups being their respective children
- What issues do you see?

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BRUCE & KATHY - ASSETS

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Debts/mortgages	Nil	Nil	Nil

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Poll – Question 3

Which if the following options automatically fall into a person's estate to be dealt with pursuant to their Will?

- a) Joint assets and insurance
- b) Sole assets and property held as tenants in common
- c) Super and Family Trust assets
- d) All of the above

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Poll – Answer Question 3

Which if the following options automatically fall into a person's estate to be dealt with pursuant to their Will?

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- c) Super and Family Trust assets
- d) All of the above

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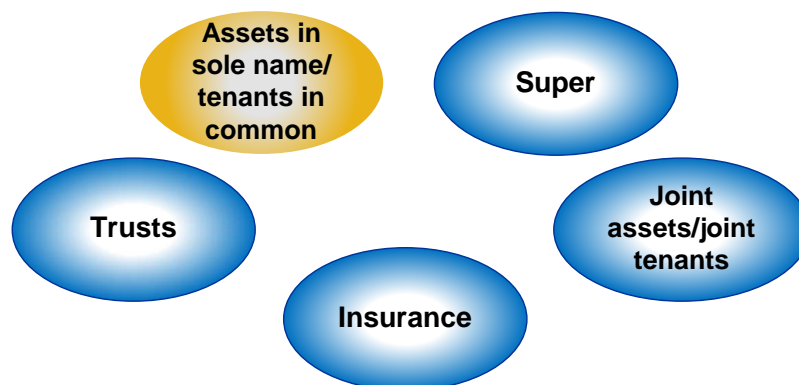
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WILL ≠ ESTATE PLAN

The first big issue – asset ownership



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Bank account			\$450K
Share Portfolio	\$700K		
Superannuation	\$1.3M (pension)	\$900K (accum)	
Debts/mortgages	Nil	Nil	Nil

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BLENDED FAMILY ESTATE PLANNING



Risk – estate claim by surviving spouse

- Spouse is a strong eligible applicant to bring a family provision claim in all States/Territories
- Other eligible applicants include children and in most states, step children
- Strong chance of success for a spouse who is left out of the Will
- A real risk that your inheritance goes L shaped



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ESTATE CLAIMS

Family Provision (Estate) Claims – A brief recap

Allows a person to claim against an estate if they have not been adequately provided for in the Will

Eligible Claimants

- Depends on:
 - Where the deceased lived (Domicile)
 - Where the deceased held assets
- Each State has different rules
- General categories:
 - Spouse (married or de facto, sometimes former spouse too)
 - Children
 - Step-children
 - Other financial dependants/close relationship (depending on State/Territory)

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CASE STUDY #3 – SOLUTIONS

Some options for Kathy

- If Bruce dies first – Kathy needs financial advice re living only off her own assets;
- If she dies first - include strategies on how to minimise risk of Bruce making an estate claim
- Potentially needs some provision from Bruce (Super, right to reside in house)
- Needs to separate the joint cash
- Think carefully about who she chooses as financial attorney



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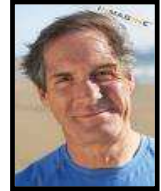
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CASE STUDY #3 – SOLUTIONS

Some options for Bruce

- If Kathy dies first - get financial advice on whether he has sufficient assets to live only off his assets
- If Kathy dies last - Include strategies on how to minimise risk of Kathy claiming later
- Consider part of his super going to Kathy as a pension
- Need to deal with house ownership, and separate the joint bank account
- Bruce needs to think carefully about who is his financial attorney



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BLENDED FAMILIES – IT'S COMPLICATED!

Key take-aways and solutions

- Getting the beneficiary mix right
 - A plan that allows the surviving spouse to live comfortably
 - Work out the contributions
 - Determine proportions that should go to 'each side'
- Consider upfront gifts for own children
- Adjustment clauses
- Inheritance Agreements to bind the surviving spouse
- Changing tenure on properties in order to fund gifts
- Minimising the estate assets if all else fails/can't reach agreement



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WHEN TO REFER TO US?



Ann Janssen
FOUNDER
& SPECIAL COUNSEL



Kylie Costigan
SPECIAL COUNSEL



Josh Philo
SENIOR ASSOCIATE



Betty Leung
SENIOR ASSOCIATE



Sam Janssen
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Melissa Foote
LAWYER & ASSOCIATE



Sally McGhee
LAWYER & ASSOCIATE



Roseanne Walters
LAWYER



Chloe Borger
LAWYER

- Fixed fee initial consult/EP review- \$350 + GST (up to 1.5 hours)
- Fast turnaround times – 3 – 6 weeks for most estate plans
- Fixed quote given at first meeting – 94% proceed
- Servicing clients Australia wide

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CLIENT FEEDBACK RATINGS

What do clients value in estate planning?

- TDT Wills, blended family solutions and Super/ tax advice
- Client Feedback [rating of strongly agreed/agreed]:

	2021	2022	2023	2024
I have peace of mind regarding my Estate	99%	99%	100%	100%
The professional fees reflected value	90%	92%	91%	90%
Positive experience with my lawyer	100%	99%	100%	99%
Positive experience when booking	99%	96%	99%	95%
Positive experience on arrival	96%	98%	99%	98%

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FACE TO FACE OR VIRTUAL MEETINGS?

Location	Initial Meeting (advice & quoting)	Sign Up Meeting
Brisbane (150km surrounds)	Face to Face or Virtual	Face to Face or Virtual
Sydney	Face to Face or Virtual	Face to Face or Virtual
Melbourne	Virtual	Face to Face or Virtual
All other locations	Virtual	Virtual

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EASY PROCESS AND FASTER TURNAROUND



1 Make An Appointment

Phone: 1300 132 567
Email: info@estatefirst.com.au
Online Request Form



2 Meet With Your Lawyer

Whether we meet virtually or face to face, we will listen, answer your questions, craft your estate plan and provide you with a fixed fee quote.



3 We'll Keep You Updated

You will receive draft documents to review. You can discuss your plan with us at any time you want.



4 Final Document Meeting

We will go through all of your final documents together to ensure the plan is exactly what you want.

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REFERRAL PROCESS

Estate Planning Authority Form

	Client	Partner
Full name:		
Date of Birth:		
Home address:		
Postal address:		
Preferred contact phone number:		
Email:		
Do you have any of the following structures:	Family Trust: Yes / No - if yes, how many _____ SMSF: Yes / No Companies: Yes / No - if yes, how many _____ <i>(include corporate trustees, trading companies etc.)</i>	
Financial Advisor:		
Estate Planning Specialist:	Estate First Lawyers	
Estate Planning requirements:	<input type="checkbox"/> Will <input type="checkbox"/> Will – potentially with TDT <input type="checkbox"/> Enduring Power of Attorney <input type="checkbox"/> Blended Family Advice	<input type="checkbox"/> Will <input type="checkbox"/> Will – potentially with TDT <input type="checkbox"/> Enduring Power of Attorney <input type="checkbox"/> Blended Family Advice

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Poll – Question 4

What should you do in this situation as Bruce and Kathy's financial advisor?

- Encourage them to get their current Will and other estate planning documents reviewed by an estate planning lawyer
- Inform them of the risks of estate claim and the anomalies in estate law that can lead to unwanted outcomes
- Give them information on the various issues and opportunities that can be explored with their estate planning lawyer
- Prepare them for what is involved and the costs associated with getting a robust plan in place
- All of the above

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Poll – Answer Question 4 Learning Outcomes

What should you do in this situation as Bruce and Kathy's financial advisor?

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- b) Inform them of the risks of estate claim and the anomalies in estate law that can lead to unwanted outcomes
- c) Give them information on the various issues and opportunities that can be explored with their estate planning lawyer
- d) Prepare them for what is involved and the costs associated with getting a robust plan in place
- e) All of the above**

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Advisor Tools & Fact Sheets

Equipping you with the Estate Planning tools you need.

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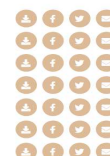
Get more details on an estate planning or estate administration topic.



Wills (from Simple to Complex)
Testamentary Trusts in Wills
Protective Trusts in Wills
Special Disability Trusts in Wills
Guardianship
Blended Family Solutions
Estate Claims Strategies to Minimise the Risk



Asset Protection
Estate Planning for Superannuation
Family Trusts & Business Structures
Enduring Powers of Attorney
Enduring Guardians NSW
Health and Medical Directives
Estate Administration



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Presenters : Ann Janssen, & Kylie Costigan
Phone : 1300 132 567
Email : info@estatefirst.com.au
Web : www.estatefirst.com.au

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