

IN THIS ISSUE:

FIRM NEWS

REAL ESTATE INDUSTRY BRIEFED ON FINANCIAL ADVISERS ACT 2008
NEW SALE AND PURCHASE FORMS



FIRM NEWS

New Director – Peter Barrett

Our directors and staff welcome Peter Barrett who will join us as a director/shareholder from 14 September 2009. Peter will be accompanied by his secretary, Jan Prankerd.

Peter is currently a partner in another Wellington firm where he conducts that firm's commercial practice. By joining Johnston Lawrence Limited Peter will be able to work with a team practising in this area and also call on the wider expertise and resources of the NZ LAW group of independent practices to which Johnston Lawrence Limited belongs.



Peter Barrett



Jan Prankerd

Peter is married to Lisa and has two children aged five and 20 months.

We look forward to working with Peter and Jan and trust that Peter's clients will enjoy being associated with our practice. We welcome you all and look forward to seeing you in our offices in the near future.

Trusts Management key contact - Kerry Queenin

Kerry Queenin is an Associate in the firm and manages our large client trust portfolio, which is supported by Trust Management System software to ensure that we provide the most efficient and accurate service for our clients and their accountants and keep all the trusts under regular review. While Kerry is responsible for management of the trust portfolio and is your first point of contact, the directors (personally or through our trustee companies) will continue to have an interest in the good management of your trusts.



Kerry Queenin

Some of you may have already met or worked with Kerry, who joined Johnston Lawrence Limited earlier this year after practicing in her own law firm in the Waikato/Waipā district and then with a firm in Queenstown.

Kerry has a specialist focus in trusts, property, business, wills and estates and can advise on all family trust structures for individuals and business owners.

A New Look

Following the introduction of our new website and incorporation of our firm we have revised our logo.

The essence of our new look, which will gradually be assimilated into our business structure, is to retain our established look and feel, mirror our environment and project a fresh approach with better reflects our forward thinking practice.

REAL ESTATE INDUSTRY BRIEFED ON FINANCIAL ADVISERS ACT 2008

At a recent presentation to a group of Real Estate Agents senior partner John Stevens and special counsel Sharmala David assessed the implications under the new Financial Advisers Act 2008 (the Act) for Real Estate Agents. An estate or interest in land is defined as a financial product under the Act and a limited exemption is granted to Real Estate Agents to do real estate agency work only i.e duties under the Real Estate Agents Act 2008.

The various requirements for registration and authorisation for giving financial advice about real estate were considered

together with the competency, conduct and disclosure obligations under the Act.

The powers of the Securities Commission for enforcement of the Act and penalties for breaches were identified and discussed.

After much discussion and participation from the audience it was evident that caution must be exercised in marketing and selling real estate in order that provisions of the Financial Advisers Act 2008 are not breached.

The Financial Advisers Act operative provisions are expected to be in force in mid 2010.

Similar issues will arise for chartered accountants, valuers and lawyers.

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NEW SALE AND PURCHASE FORMS

For many years both lawyers and real estate agents have commonly used standard forms of agreement for sale and purchase of land. The use of standard forms has meant that agents and lawyers have been able to negotiate and implement contracts knowing that the standard terms are widely accepted and understood.

The standard form was published jointly by the Real Estate Institute and The Auckland District Law Society, although the Real Estate Institute also provided forms for sales by auction and tender, being in a similar format and incorporating many of the terms in the standard form.

The Real Estate Institute has now published its own set of forms and there is an expectation that many real estate agents will use them.

Lawyers may use them, although legal commentators and the Property Law Section of The New Zealand Law Society are suggesting that these forms should be used with caution because they contain clauses which might provide for a different outcome for the parties from what would be expected under the REINZ/ADLS standard form. The Property Law Section has suggested that a number of the standard clauses should be reviewed.

Our booklet giving advice of buyers and sellers, 'Time Well Spent', deals only with the REINZ/ADLS standard form. It is going to be republished later in the year. In the meantime, if you have a copy, please remember that the new Real Estate Institute forms have different provisions not covered in the booklet.

Our advice to all clients is that if you are asked by a real estate agent to enter into a sale and purchase agreement, whether by using one of the new Real Estate Institute forms or any other form, you should ask that the form be first referred to us so that we can discuss the terms and any amendments we suggest.

We can assure you of a prompt response if the agreement is emailed or faxed to us by the agent, along with your best contact details.

Time spent in getting our advice at this critical stage may well avoid expense and delay further on in the sale and purchase process.

John Stevens
Director

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