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## PROPERTY PROMPT SHEET

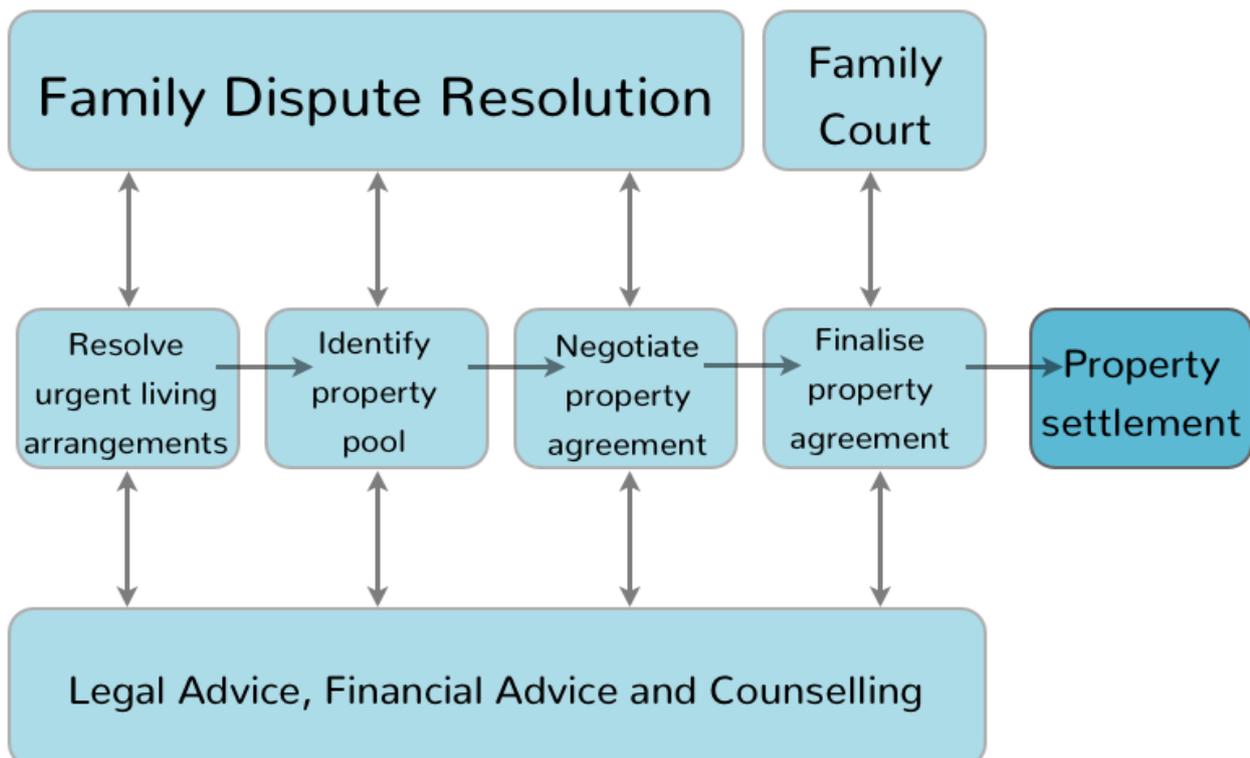
### QUESTIONS TO CONSIDER PRIOR TO MEDIATION

- \* Who will pay the **outstanding bills or debts**?
- \* Who will **stay in the house**?
- \* How will the **rent or mortgage** be paid?
- \* What will happen to the **house, car, furniture, superannuation** and other **joint property**?
- \* Am I in a **financial position to buy my former partner out**?
- \* Can I access any portion of my **superannuation** before I retire?
- \* Can I **refinance** to manage my debts?
- \* Do I have enough **information about my rights and obligations**?
- \* Do I feel **safe** enough? Am I able to sit in a room with him/her?

*Attending counselling before or during the process may assist you.*

**We recommended that you seek legal advice (Property Lawyer/Legal Aid), financial advice (accountant/financial planner) and counselling before you begin family dispute resolution and at appropriate times throughout the process.**

### OVERVIEW OF THE PROCESS



# RESOLVE URGENT LIVING ARRANGEMENTS

\* Who should leave the home?

\* *Consider:* Who will have primary care of the children in the short term + financial circumstances.

\* Will someone moving out impact the children?

\* Is there a safety issue for anyone staying in the house?

***N.B. Legal entitlements are not impacted by one former partner leaving the home. Leaving the home may impact your future access to personal/financial documents. If you plan to leave, consider taking photos of furniture and make copies of crucial documents.***

## IDENTIFY PROPERTY POOL

Come to the mediation with knowledge and the 'current market value' (not what you paid originally) of all your assets. Please consider professional advice if required.

*Consider:* What are your main concern/wishes over your property division?

### Assets:

\* Real estate (houses/apartments and capital gain) \* Cash in bank accounts \* Shares  
\* Superannuation \* Life insurance policies \* Motor vehicles, boats, trailers \* Household items and their value (artworks etc) \* Jewellery \* Tools of trade \* Assets in business, former partnership, company \* Windfalls or winnings (inheritance payout/willing lotto)

### Liabilities:

\* Debts: mortgages, loans, credit cards, hire purchase agreements, personal debts.

### Contributions:

*Consider:* What significant contributions have you or your former partner made to the relationship initially or during?

These may be financial, non-financial, homemaker or parenting in nature e.g.:

\* salary/wages \* inheritance \* gifts \* housekeeping \* child care \* maintenance  
\* gardening \* renovation \* bookkeeping \* organisation of clients for family business  
\* redundancy payments \* loans from relatives \* complex superannuation schemes

***FULL DISCLOSURE: You are expected to provide full and frank disclosure of ALL your financial information. A property settlement may be cancelled/rescheduled if there is not full disclosure at the beginning.***

## FUTURE NEEDS

*Consider:*

\* What is your age and state of health?

\* What is your income earning capacity and future financial resources?

\* What is your reasonable future standard of living?

\* What are your future parenting arrangements and care of children under 18?

\* What is your current and likely future financial support of your children?

# NEGOTIATE + FINALISE PROPERTY AGREEMENT

A property agreement is a document that sets out how you and your former partner will divide up your property. A property agreement is best negotiated using family dispute resolution with advice from lawyers or financial planners as needed.

## BENEFITS OF REACHING AGREEMENT IN MEDIATION

- \* you make your own decisions
- \* you reduce the financial and emotional costs of legal proceedings
- \* you can move forward and make a new life for yourself
- \* you may improve communication with your former partner and be better able to resolve disputes in the future
- \* you save time and money

## PROPERTY SETTLEMENT

- \* Would you like to make your property agreement legally binding into Consent orders or a binding financial agreement?
- \* Would you like to divide up all the assets and liabilities without a formal written agreement?

**Options:** Use a lawyer or Do-It-Yourself Kits (Consent orders): More info at [www.familycourt.gov.au](http://www.familycourt.gov.au)

**Acknowledgement:** [www.relationships.org.au](http://www.relationships.org.au)

### LEGAL ADVICE/FINANCIAL ADVICE/COUNSELLING

Family Relationship Advice Line: 1800 050 321  
Lifeline Australia (24-hour crisis counselling): 13 11 14  
Legal aid: 1300 888 529  
<https://www.legalaid.nsw.gov.au/>  
Suicide Line: 1300 651 251  
Beyond Blue: 1300 224 636  
Direct Line (24-hour drug and alcohol counselling):  
1800 888 236  
Centrelink: 13 61 50  
[www.humanservices.gov.au](http://www.humanservices.gov.au)

