Credit Point Value

LLB 393 Drafting Skills is a 2 credit point subject within the 12 credit point Faculty of Law Skills Program.

Introduction

This subject focuses on the principles and crucial elements of modern legal writing and drafting. These include the important stages of planning, writing and reviewing documents that are drafted in professional legal practice in the private profession and the corporate or public sector. The documents are, in the main, letters, memoranda and reports as well as litigious or property and commercial documents. The assignments in the subject focus on commercial & property document drafting.

Subject Overview

The subject provides you with opportunities to demonstrate your drafting skills and identify areas in which you need to improve your writing and document drafting skills. Teaching and learning takes place in group discussions, participation in workshop exercises, followed by self, peer and teacher evaluation and feedback. In this interactive context, you will also have the opportunity to evaluate and give feedback on the writing and drafting proficiency of your colleagues - an important skill to develop for professional life.

The content of the drafting seminars focus, in particular, on:

- techniques employed in professional legal practice in planning and drafting legal documents;
- preparing and reviewing legal documents in plain, clear language; and
- will drafting and succession.

Learning Objectives

By the completion of this subject, you should be able to:

- recognise and apply some of the fundamental principles of good drafting, particularly the need for clarity of expression and the value of plain language; and
- apply and develop effective techniques and skills as a basis for drafting legal documents, including:
  - letters, memoranda and reports;
  - deeds;
  - agreements; and
  - wills

Tertiary Literacies

The seminars, discussion and assignments in this subject will provide opportunities for students to develop and demonstrate their proficiency in relevant tertiary literacies enabling them to:
• continue to develop their understanding of the need to reflect on and evaluate their own learning;
• further develop their command of existing knowledge in the discipline of property law and the skills of writing and drafting and understand the practical implications and applications of that knowledge;
• recognise and explore ethical issues in the context of client instructions;
• continue to develop an understanding of the needs of clients and respond to those needs;
• continue to develop the use of all forms of expression in communication with others;
• develop a better understanding of the need to interact effectively with other people both on a one to one basis and in groups, to achieve a shared goal; and
• engage in and receive constructive criticism and argument;
• value the opinions of others and appreciate the cultural diversity in the community.
SUBJECT CO-ORDINATOR

Ian McCall
Senior Lecturer
Faculty of Law
Building 67, Room 206A
Phone: 02 4221 3297
E-mail: imccall@uow.edu.au

CONSULTATION TIMES
Tuesdays & Thursdays: 1.30-3.30pm

Lecturer
Michael Devitt
Phone 02 4229 6711
E-mail mdevitt@atkinsjones.com.au

Enquiries
If the Co-ordinator or the lecturer is unavailable, inquiries can be made at the Law Faculty Administration Office, Building 67, McKinnon Building, Level 2, Office number 239, Phone (02) 4221 3456, Fax (02)4221 3188.

LECTURE / SEMINAR TIMES
In this session, LLB 250/393 - Drafting Skills is presented in two seminar streams, each stream consisting of 3 x 2 hour seminars. All seminars will be held in Bldg 67, McKinnon Building, R202 – Moot Court. You will need to select a seminar stream and attend each seminar in that stream:

**Group 1**
Seminar 1 – Monday, 20 August 2007, 9.30 – 11.30am;
Seminar 2 - Monday, 10 September 2007 , 9.30 – 11.30am;

**Group 2**
Seminar 1- Wednesday, 22 August 2007, 9.30 -11.30am;
Seminar 2- Wednesday, 12 September 2007, 9.30 -11.30am;
Seminar 3- Wednesday, 24 October 2007, 9.30-11.30am.

LAW FACULTY SEMINAR ALLOCATION POLICY

The University of Wollongong timetable allocation system is generated centrally, and does not automatically reconcile each Faculty timetable with each other Faculty timetable. Consequently, double degree students and students in subjects taught outside their home Faculty will generally have to compromise on their preferred timetable.

After seminars are allocated, students may seek to change from their allocated seminar to another. In many cases, there will be vacancies available in the desired seminar. If, however, the seminar enrolment has already been closed, a student must provide adequate documentation of their reasons.

Acceptable reasons:

- safety concerns
- child-care
- timetable clashes with other compulsory Law subjects within a common year.

Spring Session Subject Outline 2007 4
‘Work commitments’ is not an acceptable reason to seek to change seminars.

Seeking to consolidate classes into fewer days is not an acceptable reason to seek to change seminars.

Not all students will be satisfied with their seminar allocation. This is unavoidable.

**Learning Methods/Limitation of Seminar Numbers**

The University adopts a student-centred approach. The Faculty of Law considers that you will learn more effectively by actively participating in your learning. You will therefore need to prepare for the seminars by pre-reading the Module materials. The seminars will proceed on the assumption that you have done so. While the assignment work you will submit must be your own, much of your work in the seminars will be completed in small groups. You will be expected to participate in the work of your group in instructional exercises, analyses and presentations.

Because of a number of factors, including changes to the structure of the law degree, this session there is a larger than normal number of students who wish to complete this subject. It has therefore been decided on this occasion to permit as many students to enroll in the subject as is reasonably possible. An overall quota of 100 has been imposed and each seminar group will be limited to 50 students.

**Preference**

Please note that preference is given to those students who intend to graduate in the Session in which this subject is presented. This means that if you enroll but are not graduating in the current session, you could be required to withdraw to allow a graduating student to complete the subject.

**Study Groups**

If your studies are not advancing in accordance with your expectations or assumptions, or if you feel that you are struggling with either the work load or content, it is essential that you seek the advice of other students or the Subject Coordinator or other appropriate University support services such as the Learning Development Centre, Counselling Service or Disabilities Office. Doing nothing will only lead to a crisis of confidence and perhaps unnecessary anxiety.

To this end, it is recommended that you form and participate in an informal study group with other students. Ideally, study groups should consist of 4 to 6 students. They should meet regularly to discuss specific topics, and can also discuss particular problem questions.

**Subject Materials**

**Resources**

The resources you will need for the seminars are included in the Course Materials. Additional material, as appropriate, may be distributed at each seminar.

**Recommended References**

Michelle M Asprey, 'Plain Language for Lawyers', The Federation Press
J K Aitken, 'Piesse - The Elements of Drafting', The Law Book Company
Andrew G. Lang, 'Conveyancing Precedents - Australia & New Zealand', CCH Australia Limited
'Australian Encyclopaedia of Forms and Precedents', Butterworths.
R. Macdonald and D. McGill, 'Butterworth's Skills Series - Drafting'
(Some references and reading materials have been adapted from this resource and included in the subject materials)
The first day of Spring Session will begin on Monday, 23 July 2007.

Week 1  
23rd July 2007

Week 2  
30th July 2007

Week 3  
6th August 2007

Week 4  
13th August 2007

Week 5  
20th August 2007

Week 6  
27th August 2007

Week 7  
3rd September 2007

Week 8  
10th September 2007

Week 9  
17th September 2007

MID SESSION RECESS:  24th – 30th September 2007

Week 10  
1st October 2007

Week 11  
8th October 2007

Week 12  
15th October 2007

Week 13  
22nd October 2007

STUDY RECESS:  
29th October – 2nd November 2007

EXAMINATIONS:  
3rd November – 16th November 2007

MID SESSION BREAK:  
24th September – 30th September 2007
ASSESSMENT

Attendance

Attendance at each seminar is compulsory. An attendance roll is marked at the beginning of each seminar. It is your responsibility to ensure that you sign the roll, as evidence of your attendance. You must attend for the entire seminar. You may not receive credit for the subject unless you sign the attendance roll and attend for the entire seminar.

Assignments

You will need to submit two assignments. You will find instructions for completion of the assignments and the dates due, at the end of this outline. Each assignment is marked out of 10, in accordance with the specified assessment criteria. A mark of 5 or more denotes a pass. If you fail to achieve a pass in either assignment, you will have the opportunity to re-submit the assignment. If you do not achieve a pass on the re-submitted assignment, you will not receive credit for the subject in this Session.

The assessment criteria for each assignment are set out below.

Drafting Assignments 1 & 2

Assessment Criteria

- client's instructions clearly understood and followed
- followed conventional or prescribed form of document (as appropriate)
- legally effective drafting
- clarity of expression throughout the document
- plain language (as appropriate)
- correct grammar and spelling
- logical sequence of content
- short sentences
- paragraphing
- headings
- sensible numbering

Mark out of 10:

Additional Information

Cross Institutional Studies
To apply for cross-institutional studies or to appeal assessment or subject results, you MUST obtain the relevant form from the Faculty Office and adhere to specified deadlines.

Submission of Written Work
Students are advised that only student numbers, not names, must be written on assignments so that work is anonymous as far as possible. Assignments must be placed in the box outside the Faculty Administration Office on the day that they are due and on or before the due time. Work is not to be placed under the door of an academic's office. Students submitting assignments after the due date, whether or not they have been granted an extension, must still place their assignments in the faculty assignment box. Assignments should be attached to a Law Faculty coversheet, copies are provided at the back of this subject outline, and outside the Faculty of Law administration office.

Once the assignment has been placed in the box, the Faculty of Law Administration staff will collect it and date-stamp it. An assignment lodged after 5.00 pm on any day will be collected on
the next working day. A register of assignments received will be kept at the front desk. The lists will be in order of student number only.

Within 1-2 days of the due date of the assignment, this register will be placed on the relevant subject coordinator’s door and it is the responsibility of the student to check the register to ensure that the office has received your essay. Alternatively, you can check that your assignment has been received online at the following link:


Where an assignment has been received, the student number will appear in **BOLD** print. If your student number is not in **BOLD** print, then this means that the office has not received your assignment and you need to consult with your subject coordinator immediately.

**ASSIGNMENTS MAY NOT BE SUBMITTED BY FACSIMILE OR EMAIL**

**Lodgment of Assignments by Post**
Assignments posted to the Faculty must be received by the due date and an official Australia Post receipt, evidence of posting, must be kept by the student. Assignments should be mailed to:

‘LLB 250/393 Assignment [Agreement or Will]’
Faculty of Law
University of Wollongong
WOLLONGONG NSW 2522.

**Collection of Marked Assignments**
Assignments that have been marked by the lecturer are to be handed back to students in their seminars or tutorials. Students who are absent when assignments are returned in class may then retrieve their paper at the Law Faculty administration office.

**Format of Work**
Assignments must be in the following format:

- The front page must consist of a completed Law Faculty cover sheet.
- All pages should be in black type, on white A4 paper, printed on one side only with 3 cm margins on all sides (left, right, top, bottom).
- The font size must be 12 point font using the ‘Times’ font and line spacing should be ‘double spaced’. Pages must be numbered.
- Do not use folders, binders or covers.
- **Always** keep a photocopy of your work.
- Assignments must conform to adequate reference and citation practice (including an alphabetical bibliography for essays). Marks will be lost for failing to undertake this procedure.

**Acknowledgement and Referencing**
You must acknowledge all sources of information. If you use a precedent of an agreement or will or other document in preparing your assignments in this subject you need to acknowledge the source of the precedent, whether it derives from normal sources of precedents available to legal practitioners, precedents developed by a legal office or otherwise.

You should ensure that you are familiar with the rules on referencing and acknowledgement. You should consult the University Policy on Acknowledgment Practice http://www.uow.edu.au/handbook/courserules/plagiarism.html and the Faculty of Law Policy on Plagiarism http://www.uow.edu.au/law or Studying Law 2007 handbook. Plagiarism will not be tolerated and you will be penalised if you commit plagiarism (see Academic Misconduct below)

It is important to use a standard system of citation and referencing. The Faculty of Law’s official citation guide is the **Australian Guide to Legal Citation** (Melbourne University Law Review
Association Inc., Melbourne, second edition 2002). The Guide may be borrowed from the University library, purchased from the Unicentre Bookstore or accessed online at http://mulr.law.unimelb.edu.au/aglcdl.asp

Word/Page Limits
Students must observe the word/page limits for assignments. Markers are not required to read beyond the set word/page limit, and this may affect your final mark.

Special Consideration, Extensions, Late Submission of Written Work and Penalties
To apply for Special Consideration, students must log onto SOLS and select the Special Consideration link. A personalised application form will be then appear for electronic completion and submission. Once you have completed and submitted the application, you must forward all relevant (original) medical certificates and documentation to Student Central within 3 days so that they can be verified and accepted. Once verified and accepted, the subject coordinator for your subject will receive your application via SMP (Student Management Package) and will be advised of the outcome.

It is the policy of the University of Wollongong and the Faculty of Law that extensions of time for submission of assessable work are only granted in exceptional circumstances, such as serious illness or unforeseen circumstances beyond your control.

Extension applications must be made in accordance with the University’s Special Consideration Policy http://www.uow.edu.au/handbook/courserules/specialconsideration.html

Assessment tasks must be submitted by 5pm (or other designated time), on the due date. An assessment task that is submitted late will receive a penalty of 5% of the total available mark for each 24-hour period, or part thereof that it is late. Penalties accrue on each day that the assessment task is late, including Saturdays, Sundays and public holidays. You should also note that an assessment task that is submitted after 5 pm on any day will be deemed to have been submitted on the next working day.

No work will be accepted later than 7 days after the due date. After that time a student will be deemed to have failed to meet the subject requirements and will therefore receive a fail grade.

Supplementary Examinations
To apply for a supplementary examination, students must log onto SOLS (Student Online Services) and select the special consideration link. A personalised application form will then appear for electronic completion and submission. You must ensure that you select the appropriate button to request a supplementary examination. Once you have completed and submitted the application, you must forward all relevant medical certificates and documentation to ARD (Academic Registrars Division) within 3 days so that they can be verified and accepted. Once verified and accepted, the subject coordinator for your subject will receive your application via SMP (Student Management Package) and you will be advised that the application will be considered by the Faculty of Law Assessment Committee.

All applications for supplementary exams are determined by the Faculty of Law Assessment Committee on the advice of the relevant subject coordinator. The Associate Dean determines all applications for supplementary exams, which are lodged after the Faculty Assessment Committee meeting. The Faculty will then forward details of your supplementary examination to ARD. ARD will then notify you via SOLS as to the time and date of the supplementary examination.

Please note:
That the Faculty Examination Committee may, in appropriate circumstances, approve a special consideration application for a supplementary examination for students who provide adequate documentation of medical or other circumstances beyond their control. The Faculty will not grant additional opportunities for supplementary exams. Students who
still fail to achieve a Pass grade (or PC grade) in a subject after being granted a supplementary exam will either receive a Fail grade (or PR grade where relevant) or, in appropriate circumstances, be allowed to withdraw from the subject without academic penalty.

For further information regarding eligibility for supplementary examinations, please refer to the University's Special Consideration Policy, which can be found at: www.uow.edu.au/handbook/courserules/specialconsideration.html and also refer to SOLS at http://www.uow.edu.au/student/ for more special supplementary examination information.

IMPORTANT:
The University's Special Consideration Policy requires that where a student supports an application for a supplementary exam with a medical certificate or a counsellor's letter, that documentation must specifically state that as a result of the medical complaint, treatment or other problem described in the documentation, the student was unfit to complete the examination on the relevant date. It is not sufficient that the supporting documentation merely state that the student was ill, or that her or his performance or preparation was adversely affected. Documentation to that effect would support only an application to have an appropriate adjustment of the examination mark.

Re-Marking of Assignments and Examinations
Students are advised to consult the University rules on Reassessment of Grades in the Undergraduate Calendar http://www.uow.edu.au/handbook/

Student Academic Grievance Policy
The University and the Faculty of Law have formal Student Academic Grievance Policies. These policies are to be used only when informal approaches have been made to the marker or the Subject Coordinator.

“Academic grievance” means a complaint by a student concerning a decision, act or omission of a member of UOW staff or committee, which affects the student's academic experience. Examples of the types of complaints that may be covered by this definition follow:

a. failure to assess work in accordance with specified criteria;
b. bias by marker;
c. technical marking or collating error;
d. failure to manage requests for special consideration in accordance with the Special Consideration Policy;
e. failure of a research project supervisor to fulfill their responsibilities as defined in the Code of Practice - Honours;
f. failure to adhere to the requirements of the General Course Rules, including the rules governing the award of grades of performance, granting of awards "with Distinction", minimum rate of progress, advanced standing, amendments to academic records;
g. failure to adhere to the requirements of the Award Rules;
h. failure to adhere to mandatory requirements of a relevant Code of Practice (e.g. Teaching and Assessment, Honours, Practical Placements), including assessment or examination requirements;
i. failure to adhere to Faculty assessment or examination requirements;
j. failure to follow due process in handling student requests or complaints.

You can obtain a copy of the policy and the Appeal against decision or action affecting academic experience form from the Faculty office or on the Faculty website at www.uow.edu.au/law

Please note that there are strict guidelines and timeframes.

A full copy of the University Student Academic Grievance Policy can be found at: www.uow.edu.au/handbook/courserules/studacgrievpol.html
Academic Misconduct

The University regards academic misconduct as a very serious matter. Students found guilty of academic misconduct may be excluded from the University for a specified period of time or permanently. Paragraph 4.1 of the rules of the student conduct and discipline defines academic misconduct as;

4.1 Academic Misconduct – including plagiarism and other forms of cheating by students in breach of the General Course Rules or any relevant policy or code, for example, Codes of Practice – Teaching and Assessment, Students, Honours, Supervision and Research.

Examples:
Bringing unauthorised material into an examination room
Plagiarism: using the ideas of another person without giving them credit

The rules can be found at the following website;

You should note that academic misconduct is relevant to your admission as a lawyer. The Legal Profession Admission Board’s current Application for Admission as a Lawyer requires applicants to make a number of declarations relating to fame and character including the following:

5.9 I am not and have never been the subject of disciplinary action in a tertiary education institution in Australia or in a foreign country that involved an adverse finding.

Further the Application for Admission requires that: “Applicant must disclose details of any relevant incidents if they cannot make the above declaration”

ADDITIONAL INFORMATION

Email and Faculty Notice Boards
Email and the Faculty's electronic Notice Board are used on a regular basis by Faculty Staff to contact students and to send out essential information to the Faculty of Law student body. Consequently, it is essential that you check your University email account and the Faculty's electronic Notice Board on a regular basis (every 2-3 days minimum).

1. It is each student's responsibility to ensure that they have an active, official University email account.

2. If a student wishes to forward email from their University account to another account, it is the student's responsibility to ensure that this has been successfully done. For information on how to forward your University email account to your preferred email address refer to: http://www.uow.edu.au/its/userguides/students.html

3. Students are not permitted to submit assignments by email.

4. The Faculty's electronic Notice Board will be used to provide electronic copies of documents to students as the group email facility does not allow academics or the Faculty to send enclosures to students.

The Faculty's Notice Board can be found at: http://www.uow.edu.au/law
Late Withdrawal
The last date for withdrawal from a single session (Spring Session) 2007 subject without financial penalty (HECS refunded/International Student Fees credited) if withdrawn by is: 31st August 2007.

Last day to withdraw from single session subjects (Spring Session) without academic penalty - subject deleted from record. (Fail grade recorded if subject withdrawn after this date) is: 23rd September 2007.

Disability
If a student with a disability requires reasonable accommodation in this subject, they are strongly advised to discuss the issues early in the session with one of the following people: The Faculty of Law Student Equity and Diversity Liaison Officer (SEDLO), the Faculty Disability officer and/or the subject coordinator.

Student Equity and Diversity Liaison Officer is:

Vivienne McIlroy
Location: Student Services Building 19
Phone: 4221 3635
Email: vmcillroy@uow.edu.au

The Faculty Disability Officer for the Faculty of Law is:

Scott Grattan (Sub-Dean)
Room: 67.237
Phone: 4221 4423
Email: sgrattan@uow.edu.au

Appointments with the Sub-Dean can be made by contacting the Law Faculty Administration Office on (02) 4221 3456 or via email: law@uow.edu.au

Grades of Performance for 100, 200, 300 and 400 level subjects.
The approved grades of performance and associated ranges of marks for 100, 200, 300 and 400 level subjects (except for subjects referred to in Rule 8.5.2 or subjects constituting an Honours program applying Method 1 in Rule 8.5.6 to determine the Honours grade) are as follows:

Satisfactory completion:

High Distinction 85-100%
Distinction 75-84%
Credit 65-74%
Pass 50-64%
Pass Restricted (for 100 & 200 level subjects only) or Pass Conceded 45-49%**
Fail 0-44%

Subjects satisfactorily completed at a Pass Conceded or Pass Restricted grade may comprise no more than one sixth of the minimum credit point value of a course (see Rule 8.5.4 of the General Course Rules - Assessment)

The award of the grade Pass Restricted in a subject will prohibit a student progressing to the next subject in a sequence for which the subject in which the pass restricted is awarded is a pre-
requisite. However, students are not prevented from repeating a subject for which, a Restricted Pass has been awarded.

**Commerce Students should note that a Pass Conceded, Pass Terminating or Pass Restricted grade at 300-level in any required subject within most of the programs of study for the Commerce Faculty, do not satisfy the degree requirements. Please check the 2006 Undergraduate Calendar for more details.**

Grades of Performance for 800 and 900 level subjects
The approved grades of performance and associate ranges of marks for 800 and 900 level subjects (except for research subjects)

Satisfactory completion:

High Distinction 85-100%
Distinction 75-84%
Credit 65-74%
Pass 50-64%

 Unsatisfactory Completion: Fail 0% to 49%

Scaling of Marks
The University reserves the right to scale marks in any subject. If scaling is routinely used in a subject, the method of scaling must be clearly stated in the subject outline.

Scaling of an individual assessment component or a final mark must preserve the rank order within a cohort – see Best Practice – Scaling policy:

http://www.uow.edu.au/about/teaching/scaling.html#guidelines

Once marks for individual components of assessment have been released to students they cannot be scaled down.

University Policies
Students should make themselves aware of the following University of Wollongong policies which are to be found on the University website in the current Undergraduate Calendar:

Code of practice – Teaching and Assessment

Code of Practice – Honours

Code of Practice – Students

Code of Practice – Practical Placements

Acknowledgment Practice – Plagiarism (Plagiarism will not be tolerated)

Special Consideration

Non-Discriminatory Language Practice and Presentation Policy
http://staff.uow.edu.au/eeo/nondiscrimlanguage.html
Academic Misconduct
The University regards academic misconduct as a very serious matter. Students found guilty of academic misconduct may be excluded from the University for a specified period of time or permanently. Examples of academic misconduct are:

- using un-authorised aids in an examination;
- submitting work for assessment knowing it to be the work of another person;
- improperly obtaining prior knowledge of an examination paper and using that knowledge in the examination.

Students are advised that the Associate Dean of the Faculty of Law carries all authority in relation to special consideration and supplementary examinations.
Faculty of Law

LLB 250/393 – DRAFTING SKILLS

Assignment 1 – Commercial Document Drafting

[Date due – Group 1: 29 August 2007; Group 2: 31 August 2007]

After reading the Instructions draft an appropriate document

Instructions

You act for Blair Athol Council which has its administrative offices at 34 Greenstalk Street, Blair Athol. The Council owns land at 56 Cowpastures Road Blair Athol, on which it has built a hall, for use by members of the community from time to time.

Anders Trudeau and Belinda Sparkler of 98 Riverside Road, Bonito Bay are the directors and shareholders of a proprietary limited company, Appenine Pty Limited ACN 345 874 983, of 45 Dilmah Close, Bonito Bay. Anders makes glass-blown figures and Belinda buys and sells antique jewellery and artworks. They run arts and crafts displays and sales in towns around Bonito Bay.

You are instructed by the Property Manager of the Council that Anders and Belinda have been to see her and that she has agreed to allow them to use the hall in Cowpastures Road during 3 month period on weekends only, from 6am to 7pm starting on Saturday 2 September 200x. They are to use the hall for displaying and selling artworks, jewellery and craft. Other organisations use the hall during the week, so the hall must be completely vacated by Monday morning.

The agreed amount to be paid for the whole period of occupation is $1,200.00 payable on or before 2 September 200x.

The document is to be entered into by Appenine Pty Limited, and Appenine's obligations are to be guaranteed by Anders and Belinda.

Appenine is to –

- keep the building clean and in good repair (keeping in mind the existing state of cleanliness of it) and repair any damage caused to the premises during its period of occupation;
- paint the kitchen before the end of its period of occupation using colours and quality of paint to be approved by the Council;
- pay the Council for any loss it suffers during Appenine’s use of the building including damage or injury to anyone else or their property;
- pay your costs that you estimate at $350.

The Council instructs you prepare the appropriate documentation. Appenine, through Anders and Belinda, would also like you to act for them, if they need a lawyer.
Assignment 2 – Will Drafting

Date due – Group 1: 29 October 2007; Group 2: 31 October 2007

Draft a will from the following Instructions -

Instructions for Assignment - The Green Will

1. You have been instructed by Manfred James Green, plumber, to prepare his will.

2. He and Lola Harrigan live at 54 Bauldrons Avenue, North Steyne.

3. They have been living in a de facto relationship for about 9 years.

4. Lola is divorced and has a child of a previous marriage, Gayle Janette Harrigan, aged 14. Gayle lives with Lola and Manfred.

5. Manfred is divorced and has two children of a previous marriage -
   - Jason Manfred Green aged 16 who lives with his mother;
   - Herman James Green aged 14 who lives with Manfred.

6. Manfred and Lola have one child of their own Jennifer Lola Green aged 8.

7. If Manfred and Lola have any more children, he wants them to also share equally with his and Lola’s existing children.

8. Manfred instructs you that he has these assets -
   - interest as joint tenant with Lola in the house at 54 Bauldrons Avenue, North Steyne, subject to a first mortgage to Practically Banking Limited of $150,000.00 and a second mortgage to Hercule Banksia for $125,000.00;
   - furniture in the house owned jointly with Lola;
   - superannuation entitlements with death benefits; Lola is the nominated beneficiary;
   - a 1996 Mercedes motor vehicle;
   - $10,000.00 in his own name in a Commonwealth Savings account;

9. He gives you these instructions about executors and disposition of his property in the will -
   - Lola is to be executor and all of his estate is to go to her
* if Lola dies before him or within 30 days of his death, he appoints his sister Briony Janice Green and Lola’s brother Johannes Friedrich Blondin, or the survivor of them, to be executors and wants them to sell everything and use the money to pay his debts, including any mortgage over his and Lola’s principal residence at his death, all taxes and funeral and testamentary expenses;

- the Mercedes is to go to his brother Rudolph;

- divide the rest of his estate equally among all of the children, his, Lola’s and those that he and Lola have together, who are alive when he dies and who attain the age of 21 years;

- if a child dies before Manfred, leaving a child or children alive when he dies, then those children who attain the age of 21 years are to take the share the parent would have taken if the parent had become entitled to share in the estate.

the executors, Briony and Johannes, are to have these powers -

* to postpone the sale of the whole or any part of the assets for so long as they think fit;

* to distribute assets in their form at the date of his death, without selling them but on the basis that the children all get an equal share of the assets;

* provide for the maintenance education or advancement in life of the children, while they are under 21, out of the share that they would get if they lived to be 21.
ASSIGNMENT COVER SHEET

Declaration:
By submitting this assignment I am certifying that this is entirely my own work, except where I have given fully documented references to the work of others, and that the material contained in this assignment has not previously been submitted for assessment in any formal course of study.

<table>
<thead>
<tr>
<th>Subject</th>
<th>❑ LLB ----</th>
<th>❑ LAW ----</th>
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Tutorial Day And Time ........................................................................................................

Tutor’s Name ..................................................................................................................

Assignment Topic ............................................................................................................
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Date Submitted ..............................................................................................................

Date Due .......................................................................................................................
(Complete only if submitting before or after the due date)

Estimated Word/Page Length: .....................................................................................

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OFFICE USE ONLY

Date Assignment Removed from Box
Official Law Faculty date stamp must be placed in this box