

DISPUTE RESOLUTION

PROPERTY PROMPT SHEET



THINGS TO CONSIDER:

- ☐ Your Earning Capacity
- ☐ Current income details
- ☐ Taxable income over past years
- ☐ Budget for your future expenses
- ☐ Budget for your future financial needs
- ☐ Your Financial History
- ☐ Existing Financial commitments
- ☐ Child support/children's needs
- ☐ creating master list of all your properties including any personal items – with details who holds each item and whether you would like to retain it
- ☐ What are all other assets of the relationship?
- ☐ values of your real estate
- ☐ List of items which value is already agreed with your former partner
- ☐ What are the disputable items of value?
- ☐ What each of you contributed to the property pool at the beginning of your marriage/cohabitation e.g., *paying deposit* etc
- ☐ Inheritance, lump sums



LIST OF ASSETS:

- ☐ Assess the value of all things held by you and your former partner in joint or separate name e.g.:
- ☐ family home, investment property
- ☐ cars, boats,
- ☐ personal items of value e.g., *jewellery*,
- ☐ antiques and artwork
- ☐ investments, shares
- ☐ cash held in banks accounts or elsewhere
- ☐ businesses, tools of trade
- ☐ superannuation entitlements
- ☐ windfalls and or lottery winnings
- ☐ Injury or workers compensation payouts
- ☐ tax refunds
- ☐ life insurance policies



LIST OF LIABILITY:

- ☐ Assess value of liabilities held by you and your former partner in joint or separate name e.g.:
- ☐ all credit cards
- ☐ mortgages
- ☐ other loans
- ☐ personal debts
- ☐ periodical payments e.g., car, property, and landlord insurance
- ☐ unpaid taxes
- ☐ any amounts on purchase
- ☐ lease and rental agreements



NON-MONETARY

CONTRIBUTIONS:

- ☐ Non-financial contributions to property improvements e.g.:
- ☐ home renovations
- ☐ home maintenance
- ☐ cars, boats repairs
- ☐ management of investments
- ☐ running a business
- ☐ Landscaping
- ☐ contributions to the welfare of the family e.g.:
- ☐ caring for children
- ☐ doing housework

DIALOGUE IS THE MOST EFFECTIVE WAY OF RESOLVING CONFLICT

PROPERTY MEDIATION BASIC CHECKLIST



THINGS TO BRING FOR MEDIATION:

- ☐ List of all assets
- ☐ List of all Liabilities
- ☐ list of personal items you want to keep
- ☐ list of non-financial contributions
- ☐ genuine attitude



PREPARATION:

- ☐ your valuation of assets and liabilities
- ☐ check market value of your assets
- ☐ obtain value from a licenced real estate agent, finance broker, car dealership, insurance
- ☐ obtain legal advice
- ☐ obtain financial advice
- ☐ talk to a counsellor



OTHER SUGGESTIONS:

- ☐ Non-monetary contributions are seen as equally valuable but are not easy to measure, so do not try to calculate values to the last dollar
- ☐ Value of assets is not what you paid for them but the current market value
- ☐ establish whether your and/or your former partner's superannuation is scattered between different superannuation funds.
- ☐ talk with a lawyer about amendment of your will as it will stay in force regardless of your separation with your former partner



REFERRALS:

- ☐ The Legal Aid NSW
Free legal helpline 1300 888 529
- ☐ Financial Counsellor
Helpline 1800 007 007
- ☐ Mind Health
Free counselling 1300 029 131



LEGAL ISSUES:

- ☐ Was legal advice obtained regarding undertaking the property mediation process?
- ☐ Will these agreements be lodged in court as consent orders? How?
- ☐ Who is responsible for paying court/legal fees?

**NOTICE THAT
PROVIDED HERE
INFORMATION DON'T
REPLACE LEGAL OR
FINANCIAL ADVICE**

List Example:

PROPERTY:

- ☐ Description: _____
- ☐ Address: _____
- ☐ Market Value: _____
- ☐ Mortgage/Bank: _____
- ☐ Current Mortgage Value: _____

ALL OTHER ASSETS:

- ☐ Description of assets: _____
- ☐ Value of assets: _____

LIABILITIES:

- ☐ Description of Liability: _____
- ☐ Sum of debt: _____