

Case Studies

A Lasting Power of Attorney (LPA) is created to give an appointed person or persons the authority to make decisions on your behalf, should you lack the capacity to do so yourself. An LPA not only ensures your wishes are respected and financial and welfare interests protected, it also reduces the likelihood of unnecessary family disputes which can be difficult for everyone involved.

In this short guide, we have provided some real life examples of what can go wrong when an LPA does not exist. We also highlight where, when an LPA is made, interests and wishes are protected.

The Business Woman

Jenny ran her own retail business worth £1 million before she developed acute onset dementia. No longer able to manage her own affairs, her husband Mark needed access to Jenny's accounts in order to sell the business and pay for her care. Jenny had not made an LPA, so Mark had to seek a Deputyship Order from the Court of Protection to do this. The application took over six months to complete. During this time, no one else could run the business, resulting in significant difficulty, both for the business, and for Jenny and Mark.

The Married Couple

Alison had an unexpected stroke and was forced to move into a care home. Alison and her husband Andy co-owned a house worth £400,000 and Alison had investments worth over £250,000. The Local Authority assessed Alison and, as her assets were over a certain threshold she was deemed fully liable for her care fees. Andy was subsequently asked to pay these fees at a rate of £2,000 per month. Andy had to apply for a Deputyship Order, but the care home fees mounted quickly and the care home required payment. Andy could not access Alison's investments and had to take out a loan to cover the fees. If an LPA had been in place, he would have been able to cover the costs immediately.

The Father

Bill suffered complications following heart surgery. He had two daughters, Sally and Pamela. Whilst Sally was eager for her father to receive every available treatment, Pamela was not. The hospital decided that it was in his best interests to treat Bill. However, while he survived the treatment, his quality of life was greatly diminished and his health poor. Sally and Pamela are no longer talking, and Bill is upset as, given the choice, he would not have had the treatment. If Bill had made a Health & Welfare LPA, this situation could have been avoided.

The earlier examples show you what went wrong. The next three explain how making an LPA can protect you and your assets, and ensure your wishes are followed.

The Widower

Joseph, a retired investment banker had been in a relationship with Rose for a number of years. He had one daughter, Sarah, from his first marriage. When Joseph was first diagnosed with Alzheimers, all three parties agreed that Rose and Sarah would make joint decisions about Joseph's financial affairs when he was no longer able to. They also agreed that Rose would make any medical decisions on behalf of Joseph when it became necessary to do so. Joseph signed a Health and Welfare LPA and a Property and Financial Affairs LPA to ensure his wishes were carried out.

The Business Owner

Jane ran a cleaning business. On a holiday to Spain she had a serious accident and was in an induced coma for six weeks. During this time, her partner Iain was able to run the business, paying wages, signing contracts, and dealing with the every day management as Jane had previously set up an LPA to enable Iain to do just that. Jane eventually recovered and returned to her business. Without an LPA, the business would have been unable to operate successfully.

Why Use Linder Myers

We have a large team of dedicated lawyers specialising in the preparation of LPAs.

A number of our lawyers are members of the Solicitors for the Elderly (SFE).

We are committed to delivering the very best possible service at a competitive price. We work closely with clients to take the strain out of the legal process. Distance is not an issue as we offer a range of ways that you can appoint us including a postal service, email service, telephone service, Skype and face to face meetings.

Contact Linder Myers – place your trust in a specialist lawyer.



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