



LEGACY LAW

Protecting the assets in your family tree

Mead v Lemon: not just a choice of drink

Olivia Mead was the daughter of the late Michael Wright, an associate of Lang Hancock, whose estate was worth well over \$1bn.

Wright left Mead, who was not brought up in his household, \$3m in a trust with various conditions when he died. Mead (19) told the Court she needed more for a house, shoes, sunglasses, garish musical instruments including a \$US1.2 million crystal-studded grand piano, a diamond-encrusted bass guitar, upkeep for her pet axolotl and to provide for the four children she thought she might have. The Court awarded her \$25m.

Mead told the *Australian Financial Review* at the time that she was unprepared for the backlash that followed her explanation for her claim for further provision. The man whose estate was being fought over similarly had his character denigrated. It was all very public and expensive.

This was the largest award ever in Australia and potentially changed the landscape of potential awards. The executor of Wright's estate, David Lemon, appealed the award and it was reduced by the Court of Appeal to \$6.142m.

The reason this story is topical is that we were in Court last Friday 17 August 2018 where an application was heard for leave to appeal the Court of Appeal's decision to the High Court. Our reason for being in Court was to be able to advise those of our clients who may have a child who, for whatever reasons, was not brought up in their house. This will become a huge issue over the coming decades.

Often children from a different relationship receive vastly different inheritances. In Wright's case, her half sisters Leonie Baldock and Alexandra Burt, reportedly received about \$400m each.

In Court on Friday, there was a legal argument before Justices Bell and Keane about whether the original Court erred and Counsel for Mead offered the High Court the opportunity to put down markers to clarify the philosophy of the Court in this area, the most litigated area of law in Australia.

Justice Keane queried whether proper advancement (as opposed to provision) had been made for Mead where the other beneficiaries were now "captains of industry". Justice Bell suggested that the original Court had awarded a figure that allowed for seed capital to set Mead up in business if that was what she wanted.

Ultimately, special leave to apply to the High Court was refused on the basis that there was insufficient prospects of success for Mead to overturn the Court of Appeal decision. Justice Keane said the case was not brought unreasonably and ordered that costs be borne by the estate.

We remain vigilant on behalf of our clients for developments in this important area of the law.

In our experience, clients are often nonplussed at the risk of their legacy, both financial and reputational, being unravelled in the Courts. We do not always choose who is in our family. What we learn from these cases assists us to protect their legacy and fight for what they want to happen with their hard-earned money.

If you or someone you know needs to understand their position as regards a second family, please contact dgriffin@legacylaw.com.au.

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