



Sorting out your property using mediation

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Below are our ways to prepare for a mediation to sort out your property dispute.

Get informed

One of the biggest reasons disputes do not resolve is the fear of the unknown or misinformation.

Depending on your circumstances and goals, you will need to speak with:

- a lawyer
- your GP
- doctors and other specialists
- accountants or financial planners

This is not a complete list. However, once you have spoken with a few professionals you will be in a better place to settle.

Find your inner Zen

It's an emotional time. Contact a psychologist or counsellor you trust to discuss coping strategies.

Having coping strategies will provide you strength and make you more open to resolving the dispute.



Put yourself in the other person's shoes

Have a think about the other person and their motivation.

Critically think about their fears and what they need so you can communicate with them to resolve the dispute.

Get 'commercial'

It probably seems weird talking about being 'commercial' with the emotion of separation.

Thinking commercially means making decisions based on reason and information.

What's important in a property mediation

1. What assets and debt you have now (together or separately)
2. How you each helped in the relationship regarding the assets and debts you have now
3. What you each may need for the future
4. Whether the split is fair

What will happen at mediation

Start of the mediation

At the start of the mediation the mediator will talk about their role, the process and the rules of the mediation.

Hearing each other

You will each take turns to tell the mediator what you want to resolve at mediation.

The mediator will then talk to you about the common ground between you.

What will happen at mediation (cont')

The list of what will be discussed

The mediator will write a list on a board of proposed topics to be discussed. The mediator will invite both of you to agree to the topics to be discussed and the order to discuss them.

Helping you to work together to find the solution

The mediator will help you explore the issues and to see what options may be available to help you both reach agreement.

Giving you both a break from the mediation

The mediator will speak to you individually to help you brain storm possible solutions.

Bringing you back together

The mediator will bring you back together to see if you can each put forward proposals to reach agreement.

4. Obtain any medical information about any health issues you may have.
5. Prepare a budget setting out your expenditure.

Preparing for mediation

1. Make a list of the property you each have with values. The values you put down need to be based on evidence (appraisals, valuations, bank statement, etc).
2. Prior to mediation provide each other financial documents like bank statements, valuations, tax returns, trust documents, payslips, etc.
3. Talk to a lawyer about possible outcomes if your case went to court.
4. Talk to an accountant and/or financial planner about taxation issues and plan your future depending on different outcomes.