

BREXIT

What Happens to UK Expats Now? (PART II)

The **Vienna Convention of 1969** states that people keep the rights that they once exercised under a treaty, even if that treaty is later terminated.

Therefore expats would retain their "acquired right" to stay but it would not apply to people who move to Spain in the future.

But as mentioned in the UK Government papers on Brexit (links published in a previous newsletter) "there is no guarantee that expats would keep the rights to work, reside, own property and use public services such as healthcare" as everything will depend on future agreements.

However, regarding healthcare, Regional President Ximo Puig has assured that "The Generalitat Valenciana will not interrupt any fundamental public services".

Also, I would like to mention again what Donald Tusk, Martin Schulz, Mark Rutte, and Jean-Claude Juncker, President of the European Commission, said in their joint statement after BREXIT referendum:

"Until this process of negotiations is over, the United Kingdom remains a member of the European Union, with all the rights and obligations that derive from this. According to the Treaties which the United Kingdom has ratified, EU law continues to apply to the full to and in the United Kingdom until it is no longer a Member."

If you are worried or need to talk about any individual concern related to BREXIT please, do not hesitate to contact me: connie@rhv-lawfirm.com

Connie Raymundo – Lawyer & Barrister at Raymundo & Hopman Abogados.

EXPAT SOLUTIONS

If you can't beat them, join them!



By Tina Brown – Tax Adviser and General Services Expert.

We've all had time now to lick our wounds and get over the Brexit vote and the papers are full of this person or that person assuring us all that all will be well, everyone and their dog has

an opinion, some very loudly and stupidly blasted from the roof tops. But never fear, with Boris Johnson looking after foreign interests we know we're in safe hands.

The Expat camp is as divided as the UK, on the one hand we have those running round declaring that the sky is falling. I've listened to people declare that their sip cards were cancelled the day after the vote, I have clients tripping over themselves to get their properties marketed and people holding court in cafes and bars saying that we'll be thrown out, forced to vacate our homes, left stranded and penniless in the UK.

In the other camp we have the just get on with it brigade, those ploughing ahead and buying properties, getting their Residencias to make sure they're established and sorting out the changeover of their driving licences, we all know non EU change overs have to retake their driving test, so why leave it to chance.

To the second camp I say well done to you, to the first, just get a grip, noone knows what the future brings so why lie awake at night stressing over something that might never happen? We came here for a reason, to enjoy the weather, relaxed way of life, siestas and sangria, so let's just get on and enjoy it.

One of the things that has surprised me though is the amount of people asking about getting Spanish nationality/citizenship. So it's true, we love it so much here we're more than happy to swap the passport and pledge allegiance to the King rather than the Queen. But how easy and practical is it to become a Spanish national? Short of getting the local Spanish family to adopt you, or marrying one of their sons you can apply for Spanish citizenship, but be warned, the application process is lengthy, taking anything up to a couple of years if all your paperwork is correct, mmm, just the amount of time we have before the exit, is that fate or divine intervention?

OK, so you've had your Residencia for over ten years and you want to go ahead and become a citizen. You make the application at the Spanish Civil Registry (Registro Civil) closest to your home and you will need to provide:

A completed application form (available on-line)

- Your complete passport
- Empadronamiento certificate
- Residencia
- Your birth certificate, translated into Spanish and legalized with an apostille
- Birth certificates of your dependent children (if applicable), translated into Spanish and legalized with an apostille
- Marriage certificate, translated into Spanish and legalized with an apostille
- A Certificate of Criminal Convictions (Certificado de AntecedentesPenales) from the justice authorities in your home country, translated into Spanish and legalized with an apostille
- A Certificate of Criminal Convictions (Certificado de AntecedentesPenales) from the justice authorities in Spain
- · Proof of sufficient economic resources to be able to live in Spain
- Payment of the relevant taxes (100€ even if your application is rejected)
- Diplomas showing that you know the constitutional and sociocultural aspect of Spain and that you can speak Spanish, basically they want to know that you have integrated yourself into the country, do you speaka da spanglish, can you cook a half decent paella, have you read Don Quixote?

Finally you are asked to pledge allegiance to the King, promise to obey the Spanish Constitution and laws and renounce your British nationality (not much of a hardship at the moment) you turn round three times, light a candle then jump over six waves. Ok, ok I made that last bit up but this is Spain so who knows?

UK citizens please note, when becoming a Spanish citizen, you are required to renounce your previous citizenship, yet this is not allowed by the UK. This means that you would then have two nationalities (but not dual nationality) as Spain would not recognise the UK nationality.

So, you have a filing cabinet full of paperwork, the kitchen sink and your inside leg measurement, you send it off and then you just wait, and wait, and wait some more. It's a long and intensive process but at the end of the day you are rewarded for all your efforts with a shiny new passport stamped ES rather than GB.

Simples as my Meerkat friend likes to say!



Tina Brown – EXPAT SOLUTIONS LA MARINA. info@expatsolutions.es

INVESTMENTS

WHAT A MONTH!



By David Diggle - Financial Adviser

For us Northern Hemisphere residents the summer is supposed to be a time of unbridled joy with abandon. With stock market and currency market volatility and more horrendous terrorist activity, one could be forgiven for a sharp intake of breath and a long sigh.

I'm not going to talk about terrorism (much). Nor religion. Nor migrants. And for the purpose of balance, nor the far right movement in Germany. Let's look at the movement of currency since Brexit Eve:

	Sterling V Euro	Sterling V US Dollar	Euro V US Dollar
22/06/16	1.30	1.47	1.13
29/06/16	1.21	1.34	1.11
06/07/16	1.17	1.29	1.11
13/07/16	1.19	1.32	1.11
20/07/16	1.19	1.31	1.11
27/07/16	1.19	1.31	1.11

Let's look at the movement of 3 stock markets since Brexit Eve:

	FTSE 250	% change since 22.6.16	German DAX	% change since 22.6.16	French CAC	% change since 22.6.16
22/06/16	17044		10071		4380	
29/06/16	16003		9612		4195	
06/07/16	15670	8% DOWN	9373	7% DOWN	4085	7% DOWN
13/07/16	16751		9931		4335	
20/07/16	17019		10142		4380	
27/07/16	17266	1.3% UP	10319	2.5% UP	4447	1.5% UP

Who would have believed that the FTSE 250 (Our best gauge of the entire British stock market), would be up by 1.3% on reading levels taken just before Brexit? I did, but not that quick. But investing is like that – it is the long game and it has always come good in the history of markets no matter what has happened.

And let's face it, a lot of negative incidents have happened in Europe in the last month. I just wanted to prove, with the compiling of the above tables, that despite everything, common sense and knowing what you own and why will always win out the day as long as it is not too wacky.

Both France and Germany have had an horrendous week of terrorist activity yet the markets at 27.7.16 are up on readings taken 6.7.16 by 8.8% and 10% respectively.

So, if you <u>play</u> the markets some good gains will have been achieved, and if you steadily own (<u>but not play</u>) stocks in companies such as Johnson & Johnson, Vodafone, British Aerospace, Rolls Royce etc you will collect dividends along the way and the share prices should stay fairly consistent apart from market blips that always return to common sense prices.

Now, that you are hopefully on board with the ethos of the above discussion, the same should apply to the strength of Sterling over the long term. If Sterling V Euro reached 1.42 a year ago, how come we have arrived at 1.19 yesterday? Sterling has clearly been undervalued and Blacktower have been bold in taking the opportunity for some investers in the last month, who predominantly had Euros to invest to convert some of it to sterling for sterling investments. Around 1/3 of the larger investment amounts were converted so hopefully the clients will get long term gains on the investments as well as make a currency gain on sterling as the months and years roll by. So if you have Euro's to invest, this is an opportunity in time to make a good decision.

In conclusion, on the back of a surprise Brexit outcome, a sudden change of prime minister, and opposition party in disarray, Sterling has settled at 1.19 against the Euro currently, so surely the only way is UP.

Meanwhile, some of our investment products have been insulated against all these changes and holders of those investments have indeed enjoyed the summer, terrorist atrocities aside.

Politically looking ahead, after the Nice attacks Presidential candidate Marie Le Penn of France indicated that if she were to win, her first wish would be for France to leave the EU and the French Franc be reinstated. What do you think that would that do to the sterling/Euro rate? Perhaps us Brits are ahead of the curve again.

Blacktower Financial Management (International) Limited are here to suggest the correct investment solution for your family circumstances and your risk profile. Regulation rules DO NOT allow us to place you outside of your comfort zone, so even if you are very cautious in nature, we will only recommend something appropriate for you, and nothing more and that is my guarantee!

We are here to help, so to arrange an independent, professional and impartial consultation please contact me by email dave.diggle@blacktowerfm.com or call me on 615 607 278.

The Blacktower Group has been established for 30 years and have worked with clients through the good and the bad times, offering sound independent advice.

Dave Diggle C.A.T., DipFA, (based in Costa Blanca South but covering all areas, Main office: Edificio Palau III, local 7, Javea 03730, Alicante, Spain)

The above information was correct at the time of preparation and does not constitute investment advice and you should seek advice from a professional adviser before embarking on any financial planning activity.



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CRIMINAL LITIGATION

German expat kidnapped in Torrevieja



By Ignacio Ganga. Lawyer.

Recently, 5 people have been arrested in Torrevieja on suspicion of causing serious injuries and illegal detention to a German who was held for at least two weeks in a private flat.

Three men and two women are being charged with the offences, but the operation is still open and more charges may be brought.

The kidnapped 's sister called the police reporting this offence. She was contacted by the gang and asked for money in exchange for her brother's life.

The man was locked in a room where the door only could be opened from the outside. He was found in a very bad condition showing signs of malnutrition and his captors caused numerous bruises on his face and body. The man was finally taken to the hospital to be treated.

All members were put before the Judge at Criminal Courts. Two of the members of the gang were taken to provisional prison without bail; the rest, were released with charges.

Spanish Criminal Code sets a penalty between 4 and 6 years of imprisonment for the Illegal Detention (Artículo 163) with a 5 up to 8 years aggravated penalty of imprisonment if the kidnapped has been held more than 15 days, which could be applied to this particular case. Also, as mentioned above more offences could be brought due to the injuries caused to the kidnapped.

Please do not hesitate a contact us for any query in regards to this or any other Criminal Issue emailing to iganga@rhv-lawfirm.com.

Ignacio Ganga – Lawyer & Barrister at Raymundo & Hopman Abogados.

UK PENSIONS UPDATE

DS & SJ Consultancy Ltd

Pensions Update

Brexit, Making Pensions Last, Travel Delays and Accidental Damage

By David Sawyer – Independent Financial Consultant at DS & SJ Consultancy Lt, UK.

Not My Fault.

Last month we were waiting for the result of the Brexit referendum with most of the pundits predicted a narrow In – but the result was a marginal Out. Since then the stock market went down -not to last years low – and the pound hit a 35 year low against the dollar. I went on holiday only to find that Boris had been "stabbed" in the back by Michael Gove, Theresa May was ultimately unchallenged and is now Prime Minister. Jeremy Corbyn is under pressure by a split Labour Party and the stock market has shown an interesting recovery. There is also the sad news from Turkey and Nice.

None of this is my fought but I promise to be more careful when I go away in the future.

What Does Brexit Mean for Pensions

This has presented a great opportunity for pension pundits to come to the fore to fill endless column inches. Once we break away from the EU we may see the return of gender based annuity rates although currently rates are low and becoming less attractive.

Ros Altmann quit her post as Pensions Minister due to her view that the government had thwarted her efforts to improve pensions due to its 'short-term political considerations. This post has deemed to have been downgraded by the appointment of Penny Mordaunt as Minister of State at the Department of Work and Pensions. This is seen as somewhat putting pensions on the back burner.

As was covered in previous updates George Osborne – the then Chancellor – abandoned the revision of the tax treatment of pensions and announced the introduction the Lifetime ISA - we will wait to see whether this will still happen. Philip Hammond, the new Chancellor, has already announced that there will be no immediate budget wishing to defer matters to his autumn statement. At least we can continue to work with what we have.

How Long Will Your Pension Last?

There is an expectation, following the Governor of the Bank of England's recent announcement, that interest rates will fall further which will also reflect on prevailing annuity rates, but has helped to improve the investment market. Pensions Freedom has meant that more emphasis is on taking tax free lump sums early, at retirement or deferring taking income in the form of drawdown and taking the whole pot. Unless an individual has sufficient other savings or will be happy to live off their State Pension then the question is how long will the remaining fund last when income is drawn down.

Retirement is no longer clear cut, it is something that will happen at some time in the future and can be planned for tomorrow. It is worth remembering that "the light at the end of the tunnel may actually be a train coming toward you". So the question is how long will retirement savings last.

The earlier one starts planning the better, not only one's pension but also ISA's and other savings vehicles. It is advisable therefore to seek professional advice. There are various on-line systems for those wishing to DIY which can provide a starting point. The Daily Telegraph has a simple system which does not require the use of their advisory services – telegraph.co.uk/pensions-retirement. If a reader is seeking financial advice, we have contacts which may meet their requirements or the FCA has a list on its website.

Gold as an Investment in a SIPP

The Royal Mint recently announced that investors Could buy their Billion to hold within the pension fund. However, many of the biggest pension providers will not make this service available to their savers and for those who wish to gain exposure to gold, other options are far cheaper and simpler.

Gold has become popular over the years especially when there is a downturn in the stock market and the pounded is under pressure. Exchange-traded gold funds have been available for some time which are easier and cheaper alternatives compared to the Royal Mint offering. The sting in the tail is that an individual would not normally be able to hold gold bullion in their self invested personal pension (SIPP) for two reasons. The first is that few providers would accept this as an investment and secondly it is acknowledged that professional advice be necessary. Further details will be available from the Royal Mint.

Relevant life assurance – tax efficient, for small business.

Relevant Life Assurance has been around for some time but is a somewhat forgotten option for the sole traders and SME,s. They are corporate life policies established under trust, usually on the managing director/owner for a fixed sum usually up to expected retirement date. The benefit does not form part of their Lifetime Allowance and therefore the death benefit does not aggregate with their pension fund to create a potential tax liability. This is particularly relevant now that the allowance is now down to £1 million.

Low Cost Whole of Life Policies – Potential Reductions in Sum Assured.

Low cost whole of life policies were particularly attractive to many wishing to provide life cover to protect their mortgage of family approximately 25 years ago. They provided a high sum assured for a moderate premium based on the assumption of underlying investment growth rates. The premium, in order to sustain this cover, was reviewed periodically usually after 10, 15 or 20 years, when they can be increased to retain the same sum assured. The alternative is a reduction in the sum assured to justify continuation of the existing premium.

Based on the above thousands of policyholders are now being hit by either increase premiums or dramatic reduction in the life cover often at a time when it would be most valuable. For someone who has a whole of life insurance – often with critical illness attached – it is worth checking that their policy is not on this basis and if it is check when potential premium or cover reviews are due. If the cover is critical it is important to consider the options available which in many cases may simply be the use of a simple term assurance policy for a fixed period.

Compensation for Flight Delays.

In an age where travellers are often delayed due to unforeseen circumstances it is important to be aware that the Airline Dispute Resolution Service, which is part of the Retail Ombudsman, and the Centre for Effective Dispute Resolution (CEDR) can order participating airlines to pay compensation to customers if they deem it necessary.

Historically many compensation claims for delays and cancellations of flights were put on hold while airlines undertook lengthy legal battles in court. This new resolution scheme will speed up the process.

Claim compensation of up to €600 under the EU261 rules for flights departed from an EU country to include Iceland, Lichtenstein, Norway or Switzerland or if they were flying with an EU airline to one of these destinations. Whilst we currently remain in the EU we expect this to continue but it may be reviewed as part of the Brexit experience.

Is Accidental Damage Home Insurance what it Says on the Tin.

Many household insurance claimants are finding that their understanding of accidental damage insurance is not the same as it used to be. The insurance market has changed the way it covers accidental damage which used to be standard on many policies. Once again this could be the product of online market comparisons where the cheapest is not the best. For example, such common household goods as televisions videos and DVD players may not be fully covered and in some cases fix glass mirrors in furniture are excluded.

Unfortunately, the answer is to check the wording or if using online services ring the selected product provider before taking out the policy to check exactly what is being covered particularly where accidental damage could be a major concern.

David Sawyer – Director <u>www.dsandsjconsultancy.co.uk</u>

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ANIMAL RESCUE



BARC – Busot animal Rescue Concern CV-01-044306-A

www.barc-busotanimalrescueconcern.org

Picture: Vicky, for adoption.

WHO ARE WE?

BARC is the Busot Animal Rescue Concern.

- We rescue, rehabilitate and rehome lost and abandoned pets in Busot and the surrounding areas.
- As of July 2016 we have 9 dogs and 8 puppies being hand reared in foster homes and in a first class local kennel.
- We have 2 cats being fostered, one of which is heavily pregnant and we will need to home the kittens.
- We undertake our work in a professional manner, working with The Mayor, Town Hall, Local Police, and 2 Veterinary Clinics.
- We are a registered Charity and receive no government funding.
- We have a strict no kill policy, unless recommended and sanctioned by one of our Veterinary Surgeons and in the best interest of the animal concerned.
- No animal in our catchment area is denied assistance.

WHAT WE DO!

- We foster animals with our supporters, or home them in a kennel whilst we search for permanent families.
- We ensure the animals receive all the necessary food, and veterinary care they need. We neuter, chip, vaccinate and obtain passports as required.
- We have a charity shop at Av. Generalitat 57, El Campello which raises much needed funds for our work.
- We hold regular and diverse fundraising activities and social events to also raise funds. (see page 19 of this newsletter).
- We are continually searching for volunteers to help in the Shop, foster and adopt animals and tirun our fundraising activities.
- Our next objective is to establish our own Animal Shelter.

WE URGENTLY NEED:

- Families to adopt our animals.
- Foster homes.
- Any items in good condition to sell in the BARC Shop.

8 puppies dumped by the rubbish bin.
All being hand reared in faster homes.

8 PARC FOR ADDITIONAL MIPPA

Coco aged 10.

All Of these dogs

1 AM ABOUT! YEAR OLD AND VERY LIVERY
1 AM ABOUT! YEAR OLD AND VERY LIVERY
1 TO GIVE ME A FOREVER HOME
TEL JOINY 965 975 470







HOW AND WHO TO CONTACT.

- Animals John 965 975 470
- Shop Steve 677 093 585
- Fundraising and events Pat 630 892 513
- Our Web Page is www.barc-busotanimalrescueconcern.org
- Our Facebook Page is BARC (Busot Animal Rescue Concern) Support Group.

PROPERTY LAW

'Habitation Certificate' Part 1 - BUILDING FIRST OCCUPANCY LICENCE



By Connie Raymundo- (Article published in CBNews)

Previously called the Habitation Certificate (Cédula de Habitabilidad) and still commonly known and referred to by this name, the Land & Building Laws now provide for two different types of 'Habitation Certificate': a First Occupancy Licence that has to be obtained for all New Build homes,

and a Second or Further Occupancy Licence that should be issued prior to any house resale.

In today's article we will briefly explain the First Occupancy Licence for New Build homes.

As specified in the Law, the First Occupancy Licence is the Local Authority's legal documentation which confirms that the building has been completed in accordance with the official building licence that should have been issued prior to the start of the building works. In cases where there have been any subsequent modifications or changes of any kind that are not described in the original building project for which the building licence was initially granted, this First Occupancy Licence will not be issued until and unless these modifications can be shown to fully comply with the Land Laws and the approved Town Plan etc, and an updated Architect's project is prepared, submitted and approved in order to properly record and so legalise all such modifications.

Basically, this Licence will confirm that the house is suitable for living and also that it complies with all applicable building rules and regulations.

Furthermore, the First Occupancy Licence (just as is the case with the Second Occupancy Licence) is a guarantee for the purchaser's benefit and peace of mind that the building does indeed comply with the Land Laws etc and that no demolition orders are pending for any of the building work covered by the Occupancy Licence.

However, and as mentioned in a previous article, it is important to check and confirm that from the time the Occupancy Licence was originally granted to the time that the house is actually bought/sold, no additional building or alteration works have been carried out – because these will not be covered by the Licence and could later have demolition orders and/or fines set against them.

The First Occupancy Licence has a validity of 10 years and is absolutely essential when signing contracts with the utility providers. These supply companies (Water, Electricity, Gas etc.) simply cannot connect their services to the property if the Occupancy Licence has not been obtained.

Also, and in accordance with the provisions of the Law (which incidentally have been legally case-tested and reconfirmed by Court precedent on many occasions), a house sold without an Occupancy Licence is not considered to be a proper house, as its suitability for living (ie habitation) has not been confirmed and approved: so the purchase-sale contract can be cancelled, which means that the builder will have to refund all the purchaser's monies and most probably pay compensation as well.

If you have bought a New Build home and no Occupancy Licence has been provided, please contact us and we will be happy to help you – your initial consultation or visit is free of charge.

Connie Raymundo – Lawyer & Barrister at Raymundo & Hopman Abogados. ICALI Reg. N° 5936.

And if you are **selling or buying** please, visit our website for some **basic guidelines** on these processes. You can also contact us, we will provide you with a free estimate of costs for the conveyancing services with no obligation.

BUY SAFE or pasting the link in your browser:

http://www.rhv-lawfirm.com/CONVEYANCING-BUYING.html

SELL SAFE or pasting the link in your browser:

http://www.rhv-lawfirm.com/CONVEYANCING-SELLING.html

THIS MONTH'S ADVICE

* DID YOU PAY FOR A HOUSE THAT WAS NEVER BUILT OR DELIVERED TO YOU? *

Money refund to Buyer's off-plan. Contact us today!



By Roberto Fernández, lawyer at Raymundo & Hopman Abogados.

As mentioned in the article wrote by my colleague Connie Raymundo in the previous

newsletter and that you can read in the Property Section, the Law protects the Off-plan purchasers as the Bank receiving the payments for the purchase, the same Bank where the builder is holding his accounts, has a legal obligation to guarantee these payments.

This new law has reinforced the old law and we can use both in your benefit when asking for the refund of the money paid for a house that was never built or delivered to you. The complaint will be addressed against the Bank that, unlike builders and developers that can disappear to avoid paying the compensation to you, will always be responding, and this can be a considerable relief to many off-plan purchasers.

At the moment, our Firm is dealing with a significant number of cases and we are already involved in many negotiations at the pre-Court stage. The positive Court precedents and our experience in these Bank cases with a rate of a 100% for positive outcomes will be strengthening your case in your benefit.

Please, contact us today for further information:

Robert@rhv-lawfirm.com

Roberto Fernández, Lawyer at Raymundo & Hopman Abogados

HELP THE CHILDREN

ELCHE CHILDREN'S & CARE HOME.



U RGENT !!!!!

VOLUNTEER

FUNDRAISERS NEEDED

FOR

ELCHE CHILDREN'S CARE HOME

CHARITY

CAN YOU SPARE A FEW HOURS EACH MONTH?

HAVE FUN – MAKE FRIENDS –
MEET PEOPLE
AND HELP THE CHILDREN

Contact:

email: echcharity@hotmail.com

Facebook: https://www.facebook.com/elchechildrencarehome

Telephone: +34 634 361 887

CHARITY EVENTS



BARC also presents a <u>tribute to IL DIVO</u>, Saturday September 24, 7:30 p.m., in BUSOT, Coves de Canelobre.

Tickets €13 include Tasty Bites Box. Reservations Pat – 630 892 513.

OUR FIRM

We are a Multidisciplinary and Multilingual International and Independent Lawyers and Barristers Firm based in Alicante Town's core and with collaborators all around Spain, UK, France, Netherlands, Ukraine, Russia and USA.



Our Staff:



Lawyers, Barristers, Tax Advisors, Economists, Architects, Financial Advisors, Medical Experts, Translators and Estate Experts.

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