

# THE BUSINESS LEGAL LIFECYCLE

How to Successfully Navigate  
Your Way from Start Up to Success



JEREMY STRETEN

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For Abigail and Benjamin

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# Foreword

I believe entrepreneurs are extraordinary. Starting, scaling, and selling a business is one of the greatest endeavours a person can embark on. This endeavour has the potential for great financial rewards as well as personal growth but it also comes with enormous risks and many pitfalls.

Being an entrepreneur can be a lonely journey with no one to turn to for guidance, support or advice. For many entrepreneurs, they can't talk about their challenges with their employees, their family or their friends because they "just won't understand" or they fear being perceived as arrogant when talking about their business. This leaves many entrepreneurs feeling isolated when trying to figure it out on their own or, worse still, being guided by what they read on the internet or social media. From what I have learnt by helping over 1160 entrepreneurs grow sustainable businesses, this is never more true than when looking at the legal side of growing a business.

One of the blessings of growing a business is that you get multiple opportunities to test and measure, tweak and improve in all areas of business. If you make a mistake, you learn from it and do it better next time. Unfortunately, this does not apply to the laws around growing a business; for the most part, you only get one shot to get it right, so it has to be done right the first time.

Unfortunately, entrepreneurs often seek professional legal advice way too late, often to their personal peril or sometimes to the demise of their business. That's where the Business Legal Lifecycle steps in. It will give you early and accurate knowledge before it's too late.

This practical and easy-to-read book will become your companion guide as you discover the legal obligations and options that await you at each phase. Written with insightful intelligence and full of practical examples and anecdotes, this is a legal and business book that is easy to read and simple to follow. It is a book every entrepreneur should have within arm's reach because it will help you safely navigate the often nerve wracking and treacherous waters of the laws associated with running a business.

Although there are many books on how to grow a successful business (of which I have written one), there are few, if any, that focus on the legal steps associated with starting, scaling and selling a business. This book is the missing and critical piece of the puzzle that aims to support entrepreneurs in any phase of their business development. It is a long overdue and much needed resource to be added to the bookshelves of small to medium business owners everywhere. It gives the reader insight with the ability to predict and prepare for the future. Properly applied, it will allow entrepreneurs to not only grow a sustainable business but to make sure their treasured asset is also well protected.

The Business Legal Lifecycle is laid out like an old 'choose your own adventure'

novel, allowing you to enter at the place that is right for you. It then gives you the options you can take with the pros and cons of each, so you can be well-informed and grow your business with confidence and certainty.

This is a refreshing book not written by some lawyer sitting in their ivory tower pointing their judgmental finger at you like your school teacher did when you didn't do your homework. It's written by someone who not only cares about entrepreneurs but who has walked the path himself. Jeremy started his business from scratch and has grown it into an iconic boutique legal practice. He is also an entrepreneur who has experienced the highs and lows of growing a sustainable enterprise. Unlike many legal texts which are long, boring and full of legalese, this book is written in plain English, making it simple to understand and easy to apply. It is also written with compassion, care and clarity.

In my experience, people want more direction, not more information. While this is an informative book, you will also come away with very clear direction as to what your next business legal steps should be. I expect it will help you navigate safely through your entrepreneurial pathway as you set out to achieve your dreams and desires in business.

Enjoy.

**Dr David Dugan**

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Author of Bullet Proof Business, Amazon No 1 Best Seller

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# Preface

As a lawyer and a business owner I am often frustrated with the legal industry as a whole. All too often, advice from lawyers is boring and repetitive with no thought for the client's actual situation. What happens more often than not is that clients are scared of going to their lawyer, scared of being told that they need to spend tens of thousands of dollars to do everything that they need to do. There is no commercial advice given and legal advice becomes unworkable in the real world. This frustration led to the creation of the Business Legal Lifecycle, a concept to shift legal advice away from the simple 'do everything at once' approach to a more commercial set of instructions for every business owner to use.

This book is all about demystifying the legal processes and unlocking the often confusing world of legal advice for business owners. My aim is to give business owners a reference guide to be able to use in business, to give guidance on legal terms, and to give a clear direction of where a business is and should be going. The 13 phases of the Business Legal Lifecycle have been developed to solve these issues and give business owners a clear path for their business.

As with anything in life, business owners are on a journey of discovery. In writing this book, I have developed a deeper understanding of the Business Legal Lifecycle in general and discovered new and interesting ways to look at businesses. The examples I have given are designed to give that clarity to business owners to be able to identify whether they have encountered a similar problem in the past or as a beacon saying to a business owner that they are not alone and that issues that they face in business are normal. Moreover I want to give you the knowledge and confidence to tackle problems head on and know that other business owners have been there before and there is always light at the end of the tunnel.

In writing this book I have researched other business books and legal processes and have also undertaken an extensive review of the business owners that I have dealt with over the years. I have examined where businesses did things correctly and where they did not, and I have developed the phases of the Business Legal Lifecycle as a guide to where the most successful businesses did things correctly.

Your journey as a business owner will be fraught with danger but it should be a journey that is interesting and allows you to develop many different skills. Whether you are a small, medium or large business owner, you will at some stage of your business life have many different roles, embrace them and learn from your mistakes and also from your successes. This book has been designed for you to establish and build a successful business.

# Introduction

## Business owners are in business to take control

When you first start out in business, you need to do everything yourself to keep your business going. You need to be the marketer, strategist, salesperson, manager and even the cleaner. Staying in control of all aspects of your business is vitally important to its ongoing success. As your business grows and develops, it is critical that you are aware of the changes and cycles that it will go through. All businesses go through very predictable and repetitive cycles that are both positive and negative. They are all very important and you need to be proactive and ready to take action when the time comes. I have examined not only what successful business owners have done well, but also where business owners have failed, in order to work out what went wrong. This led me to develop the 'Business Legal Lifecycle' based on my experiences as a lawyer working with over 5200 business owners and their businesses.

The main problem that I observe is that many business owners do not know what they need to do with regards to the legal side of their business. They often do not establish the appropriate structure for their business and do not know when certain legal processes of the business should be undertaken. I developed the Business Legal Lifecycle to guide businesses through what legal steps they need to take and when they need to take them.

## Experiences

As a young corporate solicitor during the 2000s it was drilled into me that a business should have every single legal document in place before it starts to trade. Part of this is due to the increasingly litigious nature of our society, and part is due to the commercialisation of legal businesses.

Crossing the t's and dotting the i's before you start trading is critical in order to make sure that you are ready for the challenges that you will face as a business owner.

## What we see from many business owners

All too often, a business owner, struggling to get their product off the ground, engages with clients and starts employing staff without having the resources or the time to implement all the necessary steps at the beginning of their journey. Setting up your business properly from day one is crucial as the decisions you make at the start will have huge impacts down the track, and could be the difference between success, failure and even bankruptcy.

The Business Legal Lifecycle was developed to help business owners overcome the challenges and protect yourself from the risks that you will face at different stages of your business' development. When your business is about to transition to the next

phase, it is critical for you to understand what your legal options and obligations are so as to ensure that the transition from one stage to the next is successful.

## The aim of the Business Legal Lifecycle

The aim of this book is to demystify the legal processes, explain the different legal practices, and demonstrate why they are necessary through the use of real-life examples. I will also attempt to fight my inner lawyer by doing all of this in plain English! The focus of this book is not specific to any particular type of business and can be used by all types of businesses and business owners.

It should be used by entrepreneurs, existing business owners, accountants, lawyers, financial planners, business mentors, business coaches, mortgage brokers, business brokers, real estate agents and other professionals as a guide to the legal aspects of a business.

It may be that some steps occur in a different order or certain events trigger the phases slightly differently, but from my experience, both as a business owner and as a lawyer, successful businesses generally follow a predictable pattern as presented in the Business Legal Lifecycle.

## How to use this book

Before we begin, a word of warning: specific businesses and business owners have requirements that are unique to their particular circumstances. This book is a general discussion on the phases of the Business Legal Lifecycle but it should not replace the advice that you, as a business or business owner, receive from your professional team of advisors which is specific to your own particular circumstances.

I have included many different case studies and examples to show how following the phases in the Business Legal Lifecycle can help your business grow into an asset that can either be sold or be used as a lifestyle business (a business set up to fund your ideal lifestyle as opposed to a larger type business). I have not included any names and some of the details have been changed for privacy. The effect of what happened in each case study or example, whether it is positive or negative, is very real. Ideally, you should read this book from cover to cover at least once and I encourage you to flag chapters that are especially relevant to you and scribble notes as you go. You may discover things that you have done correctly (or incorrectly) and, as you reach each transition to a new phase in your business, I encourage you to continually revisit the book to ensure that you follow the correct processes and seek the appropriate advice from your consultants.

## What is the Business Legal Lifecycle?

Starting a new business is an exciting venture for any entrepreneur. I know from my personal experience of starting three businesses that sometimes you get swept up in the excitement and resist getting bogged down in important, but let's face it, often boring, legal matters. There is a long list of considerations that a business owner needs to think about when starting a business, with initial start-up costs typically

being the driving factor behind making decisions.

This is one of the reasons that the Business Legal Lifecycle was developed: to ensure that you are aware that you need to start thinking about implementing the different legal processes from the very beginning.

The different phases of the Business Legal Lifecycle are:

- (a) Phase 1 - Conception
- (b) Phase 2 - Start-Up
- (c) Phase 3 - Initial Clients
- (d) Phase 4 - Bringing on Employees
- (e) Phase 5 - Protecting Intellectual Property
- (f) Phase 6 - Maximising your Business/Bringing in Investors
- (g) Phase 7 - Expansion/Franchising/Licensing or  
Buying an Existing Business
- (h) Phase 8 - Estate Planning
- (i) Phase 9 - Investing in Property
- (j) Phase 10 - Litigation and Dispute Resolution
- (k) Phase 11 - Sale of Whole or Part of your Business or the  
Listing on a Stock Exchange
- (l) Phase 12 - Retirement
- (m) Phase 13 - Insolvency/Winding up

Each phase of the Business Legal Lifecycle will have a different impact on your efficiency and profitability. Consequently, you may decide not to go through a particular phase, or another phase may present itself earlier for you. Your company may enter into litigation much earlier in its lifecycle, or you may decide to invest in property sooner than others typically do. Some business owners decide never to franchise their business.

The phases of the Business Legal Lifecycle were created as a general guide based on our experience in dealing with business owners and the stages we see them experience during the life of their business. Whether you follow the cycle exactly or not, the book is designed to give you an idea of where your business is currently situated and where it is headed.

## A word on contracts

Throughout the book I use various terms that refer to a contract, such as: a company constitution, a lease, agreements with your staff and so forth. These are all forms of contracts which are very important legal documents. There is an old saying in the

legal profession, “in any dispute there is your belief as to the truth, there is the other side’s view on the truth and then the actual truth is somewhere in the middle.” This is especially true if you do not have a contract in writing as each party to the contract will have a different interpretation of the agreement. In the ever-increasingly litigious nature of our society, putting a contract in writing is imperative for any agreement so that all parties can agree upon the terms and conditions.

# CHAPTER 1

## Phase 1 – Conception

The initial phase in the Business Legal Lifecycle begins when you first have the idea for your business. Other business coaches may call this phase 'Birth' or 'Courtship'. In essence, the Conception phase involves everything you need to consider before you actually start your business.

At this phase of your business, you are simply trying to breathe life into an idea. The phase is built on your enthusiasm and commitment to your idea for a new business, product or service. You need to satisfy a market need and determine if the new business, product or service is a viable offering. During this phase, funds are always at a premium and capital is scarce. You are often living day-to-day or week-to-week to make ends meet for your dream.

Important considerations during this phase are:

- Do I have a conceptually viable new business, product or service? What makes it viable?
- Is there a market for my business, product or service? How is my business, product or service better than what is already out there?
- Who needs my service? What kind of client am I looking for?
- How much is it going to cost to get through the Start-Up phase?
- How am I going to fund my business before I get to the Start-Up phase?
- Who will be my first client?

Dangerous ways of thinking during this phase are:

- Having second thoughts about the business
- Examining the future without looking at the present
- Having an exclusive focus on making money with no foresight on what is necessary to build the business

Successfully navigating through the Conception phase from a legal perspective requires business acumen and the right advice. Obtaining the right information and advice early can save you thousands of dollars in costs and taxes in the future. During this phase, I will discuss a number of elements that are important to you as an entrepreneur. These include: putting together your initial team, setting business goals and creating the right business name and brand. I will also provide some examples where this phase has been successfully navigated by other business owners.

### 1.1 Your Initial Team

A trusted long-term client of mine once said to me that every business needs a good accountant to minimise your risk, a good solicitor to ensure that your business is legally compliant, a good financial planner to guide you through the complexities of your finances, and a good mortgage broker to ensure that you get the best deal for your loans.

This statement has always rung true for me. I have seen clients who have tried to obtain advice from as many people as possible or, worse yet, 'barbecue advice' from friends and relatives, resulting in disastrous consequences.

There is no 'one size fits all' solution when it comes to advice for entrepreneurs and business owners. Each business and business owner is unique and it is critical that you obtain advice from a small, trusted group of professional advisors to ensure that your own situation is properly considered. These sources should be sufficient to give you the advice that you need; however, they should be able to acknowledge when they have reached the limit of their usefulness and additional expert advisers are needed.

It is essential, as a minimum, that you obtain advice from an accountant and a solicitor during the Conception phase of your business. If you do not, you are travelling blind through the opening phase of the Business Legal Lifecycle. I can assure you that a small investment of time and money during this phase will end up saving you thousands in the future.

Also keep in mind that you need the right third party consultant for the job. You need to interview the third party consultant, whether it be a lawyer, accountant or other consultant, and make sure that they know what they are doing. By all means take recommendations from friends and family, but ensure that the third party consultant that you engage meets your requirements in terms of what you need from that person for your business.

## 1.2 Goals

During this phase it is also a good idea to start considering your goals for the business. What do you hope to achieve in five years' time? Where do you need to be at the three-year mark, the two-year mark, and the one-year mark to reach those goals? Setting clear, defined goals with manageable steps to reach them is a sure-fire way to ensure that your business will be a success. If you do not have any idea about where you are going, you are never going to get there. Ideally, as part of this process, you should draft a business plan to establish what you will need to do to achieve your goals.

As a business owner, you should also consider key financial documents such as cash flow projections (depending on the type of business, you may want to do this for 13, 26 or 52 weeks) as well as a first full year budget. I know from personal experience that when you set yourself a goal, not only is it a great motivator to help you actually achieve your goal, it is also a wonderful feeling when you accomplish it. This is the simplest way to get the business that you want and ultimately to live the

life that you want to live.

## 1.3 Choosing the Right Name

In the process of developing your business through the Conception phase, you also need to consider what you are going to call your new business, product or service. Ultimately, it is a matter for you and you should only use a name that you are comfortable with going forward. This is going to be the name by which all of your customers and clients will know your new business, product or service, and you need to ensure that it is catchy and memorable.

### *From the Case Files*

I have seen a number of success stories where business owners put together the right team before they started their business. One such example was a client who bought a bicycle shop. This was an existing business that had been trading for a number of decades but the owner wanted to retire and get out of the game. The client was not an experienced business person but wanted to build a successful business. He came to us seeking advice before he entered into the contract to purchase the business and we ensured that he had accounting and business strategy advice from the right team before he did anything else. This meant that from the outset, his business was set up correctly by having all of his consultants on the same page and the business could properly proceed to the next phase. It also potentially saved him thousands of dollars from going back and recreating what he should have done correctly right from the start. This client continues to operate a very successful business as a result of implementing the right steps at the Conception phase.

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## 1.4 Conclusion

Unfortunately, the first three phases of the Business Legal Lifecycle (Conception, Start-Up and Initial Clients) are the phases that most business owners do not get right. The reason for this is a combination of trying to cut costs and save money, a lack of knowledge, and excitement about going into the market quickly.

Often business owners will only see their lawyer once they have started to employ staff to help with their business. Unfortunately, this is often too late and problems that could have been avoided have started to manifest.

Successfully navigating your way through the Conception phase of the Business Legal Lifecycle is critically important to the long-term success of your business. Once you have conceived your idea, you should seek advice from your lawyers, accountants, financial planners, business mentors and coaches to ensure that you



can successfully navigate your way through to the Start-Up phase.

Doing this ensures that you are on the right track to establish your own successful business by not rushing the crucial first steps and starting your business in the correct way.

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## QUESTIONS TO ASK BEFORE YOU PROGRESS TO THE NEXT PHASE:

1. Do you have a clear understanding of your new business, product or service?
2. Is the new business, product or service viable?
3. What is the market for the business, product or service?
4. Who are your ideal clients for the business?
5. Do you have the right team in place?
6. Who needs your service? What kind of client are you looking for?
7. How are you going to fund the Start-Up phase?

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# Conclusion

In business you are always learning new systems, procedures and methodologies. This book is all about educating you on the different aspects of your business and when legal processes and considerations should be implemented. The main reason that I wrote this book and developed the Business Legal Lifecycle was to share my experience as a business owner and a lawyer. We built our law firm on the principle of 'Solutions for a Better Life' and all of the work we do is geared towards that goal.

Understanding the Business Legal Lifecycle is not the end point for any business owner; it is the beginning of how to operate your business, how to grow your business, and how to prepare for your future. It is critical that you understand the different phases and times when different legal processes should be followed. It is also critical that you have a basic understanding of a number of legal concepts when in business. I hope that you have appreciated the explanations that I have given in this book and that it gives you, as a business owner, a greater understanding of the legal processes involved in operating a business.

I have used many examples and case studies in this book to illustrate how legal processes work and why they are important. You may find these examples similar to your own experiences or you may find that when you are faced with a similar situation, you can identify a potential problem and fix it before it becomes an issue. No two situations are ever exactly the same but you need to know when to take action at the appropriate time. This will prevent you from continually treading water or, worse yet, being swept away when problems occur.

It is important to remember that in business you will face tough times; that is the nature of business and it is entirely normal. It is *how* you deal with those problems that will determine how successful you are in the future. I also encourage you to read all you can and take in as much advice (but not 'barbecue advice'!) as you can in relation to operating your business. Do not implement everything you read and hear; consider your options and, if you are not sure of which way to go, it is probably best to take the course of a trusted advisor. Running a business is a rewarding endeavour and is something that I am very glad I have been able to participate in.

As you will have gathered from this book it is important that throughout the Business Legal Lifecycle you obtain advice from the right consultants at the right time.

Often lawyers or accountants will try to do too much, or they will not allow the other consultants to do their job. I have tried to also point out the various types of consultants that I recommend that business owners engage with at different times in their business.

I wish you the best of luck in your journey in business and through the Business Legal Lifecycle. If you have any questions, then please feel free to email me at [lifecycle@jeremystreten.com](mailto:lifecycle@jeremystreten.com).

*“The Business Legal Lifecycle is one of those books every business owner should own. Written in plain English with practical advice, no matter where you are in your business journey there are gems of wisdom on every page.”*

**Adam Houlahan, Author & International Keynote Speaker**

Whether you want to have a large company or a small, lifestyle business; you have to pay attention to the legal aspects – right from the start. If you don't take care of your legal obligations and plan for the inevitable problems that will surface, you will be exposing yourself to strain, stress, loss of business and potentially even bankruptcy.

*The Business Legal Lifecycle* is designed to guide and empower you with the knowledge you need to successfully navigate your business journey.

**In this book you will learn:**

- Why and when you need to pay attention to the legal aspects of your business;
- How to successfully start up your business;
- What you need to put in place to sell the business in the future;
- Whom you should consult with along your business journey; and
- What you should look at when your business is coming to an end.

**Act now and get ready to build a successful business – today!**



Jeremy Streten is a successful entrepreneur and lawyer. His passion is to help entrepreneurs and small to medium-sized business owners to succeed in their business so that they can live the life that they want to live. He has challenged and changed the way that many people look at lawyers. With a personal perspective from acting for thousands of businesses and their owners Jeremy often contradicts conventional wisdom.

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