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Welcome to the NEWSLETTER of Fisher's Law Office, providing you with legal information you can use in your everyday life. If you have any questions about any of the articles in this newsletter please don't hesitate to contact us.

1. Under a new Florida Law passed in 2016, guardians, executors, and trustees of decedents may obtain access to the dead person's online social media accounts if prior permission for such access was given or if a probate court grants such access. (See Florida Statute Chapter 740)



2. Credit card "new account fraud" increased by 40% in 2016. This can happen when someone applies for a credit card in your name without your knowledge. We recommend that you periodically pull your free credit report on Annualcreditreport.com and check for suspicious accounts you never authorized.



Last year, billions of dollars was scammed from the elderly in America. People over 65 are vulnerable to financial fraud. One safeguard is to give a loved one access to your bank account information without the right to access funds themselves. As Baby Boomers age, preventing fraud of the elderly will become a big issue.

3. If you or a member of your family is charged with petty theft or another minor crime (known as a "misdemeanor" in the legal world), you should consider a diversion program called MIP (Misdemeanor Intervention Program). It allows charges to be dropped with no criminal record upon completing a short program of monitoring and counseling. Only first time offenders are generally eligible for the program.
4. **Over 10,000 Baby Boomers a day are reaching retirement age. Before you quit working, seek the advice of a financial advisor to make sure you're ready to walk away from a good paying job.**

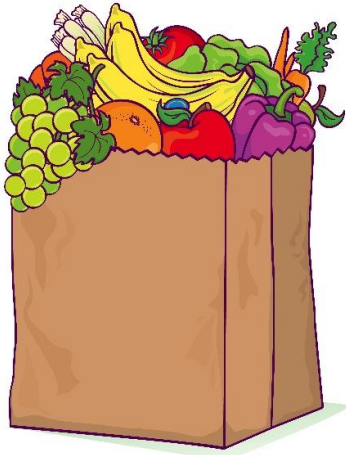
Experts say you should save 8-12 times your annual salary before you retire. That's a tough goal to reach.

5. Under F.S. Section 732.901, your will must be deposited with the Clerk of the Court within 10 days of your death. Wills are never recorded prior to death. Always tell your heirs where you keep your will.



6. Often times, the court cases of clients who have decided to file on their own end up languishing for months. When these clients come into the office, they usually say "I was waiting on the court to set it for a hearing." That is a mistake. Be proactive and call the

court to set your hearing if you are “pro se” (without an attorney.)



7. In a radical move, the state of Maine recently began requiring working age people to work 80 hours a month in order to be entitled to receive food stamps. Result? Enrollment in the food stamp program fell 90%. And according to the Wall Street journal, Maine will soon require some Medicaid recipients to work for their benefits.

8. A client wanted us to write a real estate contract, but didn't want to talk about the survey, the inspection, the title issues, or the tax issues. There's more to a contract than the contract itself! See a lawyer first and get the full story before you sign.



If you transfer the title of your house to a relative and you have a mortgage, you must pay a tax of 35¢ per \$100 (equal to 0.035%) of the portion of the mortgage transferred. For example, if you give your son 50% of your house and you have a \$200,000 mortgage, the tax is \$350.

9. There are at least four types of alimony in Florida:

- *Bridge the gap alimony
- *Rehabilitative alimony
- *Durational alimony
- *Permanent alimony.



Anyone looking at getting divorced should seek counsel on these important rights.

10. Under Florida Statute section 61.075(1)(i) the court can make an unequal distribution of marital assets if a party dissipates, wastes or destroys marital assets within 2 years of the divorce filing date

11. After a hurricane or other disaster strikes, we advise against “assigning benefits” of insurance claims. This often comes up when



you house is damaged by a storm. The contractor may ask you to assign your insurance benefits to him to have his name put on the claim check. It can be difficult to undo such an assignment if things go awry with the contractor. The end result: Your home isn't repaired and you may not be able to use insurance money to pay for needed repairs.

LOOK OUT!!!

12. Over 1,200,000 Floridians have suspended or revoked driver

licenses. It's a crime to drive without a license, but it's also a shame to



have a society that takes away people's only transportation, and then provides no viable alternative or rehabilitation to get back behind the wheel. Also, keep in mind that these illegal drivers likely do not have any type of insurance coverage.

13. Starting January 22, 2018, passengers with a driver's license issued by a state that is still not



compliant with the REAL ID Act will

need to show an alternative form of acceptable identification such as a passport to board a commercial airline flight. If the traveler cannot provide an acceptable form of identification, they will not be permitted through the security checkpoint.

Passengers with driver's licenses issued by a state that is REAL ID compliant will be able to use their driver's licenses or identification cards to board an aircraft.

Florida driver's licenses issued after 2010 are compliant with the REAL ID Act so if you have a new Florida driver's license, it is sufficient for domestic air travel.



Satisfied clients

We have the pleasure of meeting and helping people from all walks of life, with a variety of legal issues. Some of our most interesting cases from this quarter are:

- Our client was afraid her brother was going to probate her mother's estate behind her back, leaving her in the dark as a beneficiary. We explained to her how to file a *Caveat*, a form filed in the court that informs the clerk that you are the potential heir to an estate.

As a result, when the brother proceeded to probate the estate (as she suspected he would), she was notified by Certified Mail by the Clerk of the Court that the probate was pending.

- Our client had a terrible driving record. He was also unaware that, in Florida, you have a right to ask to attend driving school and avoid receiving points on your license. (You can attend driving school up to 5 times in your lifetime, avoiding points each time, so long as you are otherwise eligible.) Our client was very happy he was able to get car insurance at a lower cost, **and** managed to avoid any points on his license due to completing driving school.

CASE of the MONTH:

Our client is an elderly woman who made a big mistake in buying a rental property in a bad neighborhood. She was never able to keep tenants in the property, and the property fell into disrepair. She also fell behind on her mortgage payments, and was eventually sued by the bank for foreclosure.

Our client came to us with an unusual request: She wanted her credit to be improved within the next two years. One way to do this was to have the foreclosure case resolved as quickly as possible.

Normally, if a client receives foreclosure papers and does nothing, it may take one, two, or three years for the bank to finally process the case on its own. But Ralph Fisher, Esq. from Fisher's Law Office came up with an innovative solution: WE asked the court to enter a quick foreclosure judgment (in favor of the bank) to have the house sold as quickly as possible on the courthouse steps—ending our client's angst and worry over the ownership of a property she could no longer afford or maintain.

The court conducted a brief hearing, and granted our request, setting a sale date within just **three months** of our client being sued!

Moral to the story: Do not sign a mortgage to buy property that you have not thoroughly investigated, including other properties around the neighborhood. Also, make sure you have stable tenants, as well as back-up funds, just in case the tenant does not pay the rent or you need to make repairs to maintain the property.

Education:

1977

Degree in Accounting,
University of Florida,
Gainesville, Florida.

1978

License Issued (currently inactive)
Certified Public Accountant

1983

Juris Doctorate Degree in Law,
University of Florida,
Gainesville, Florida
Attorney, State of Florida

Memberships:

- Florida Bar Association www.flabar.org
- BV rated by Martindale Hubbell
- Gaucho Association www.gauchoassn.com



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