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JOSEPH MARRA

STATE OF NEW YORK ELDER LAW
& BUSINESS ATTORNEY

UNMARRIED? YOU'RE NOT ALONE, BUT YOU STILL NEED A PLAN



If you are among the millions of Americans in a committed long-term relationship who have decided to put off—or forego altogether—marriage, estate planning takes on a heightened importance for you. The law continues to confer certain benefits and rights on the legally married that simply don't exist outside the bounds of marriage. Fortunately, careful estate planning can accomplish what the law does not. While much of the discussion involving estate planning focuses on married couples, this topic is just as important for a single person. In fact, many times it is even more important that a single person have a well-coordinated estate plan. This is because the default laws governing estates often work poorly for people without a spouse and may not adequately provide for a significant other or unmarried partner. Having a cohesive and well-drafted estate plan will ensure that you protect and provide for those you truly care about upon your death.

The laws do not keep pace with societal norms

Not all that long ago, it was almost unheard of for two unmarried people of the opposite sex to live together. In fact, figures released by the U.S. Census tell us that in 1968 only 0.1 percent of 18- to 24-year-olds and 0.2 percent of 25- to 34-year-olds lived with an unmarried partner. Fast forward 50 years, and now 10 percent of 18- to 24-year-olds and 15 percent of 25- to 34-year-olds live with an unmarried partner. The law often does not keep pace with societal norms, which is why it is important to have comprehensive estate plan if you are in this type of relationship.

Evolving estate planning

It is important to understand that your estate plan can change over time. You may eventually experience life changes like

getting married, having children, or buying your first home that will necessitate changes to your estate plan. Although life is constantly changing, it is best to get in the driver's seat early when it comes to estate planning. If you die without a will -- referred to as intestate -- all of your possessions will be distributed according to the default laws of your state. While most state laws have a married person's assets go to their surviving spouse and children, the same is not true for unmarried individuals. Generally, state law provides that a single person's assets are passed on to their next of kin. This includes children, parents, and siblings. Noticeably absent for many unmarried people are provisions providing for a long-term boyfriend or girlfriend. And, if there are no surviving close relatives, the assets will likely go to the state. To avoid the state dictating what happens to your assets, it is vital that you have a properly drafted estate plan put together.

As an Unmarried Person, How You Own Things Is Very Important

There is an increasing number of couples that are not getting married, and other individuals who are deciding to remain single. For this group, estate planning is important because taxes and other financial benefits tend to favor those who have tied the knot. It also brings up the need to be very careful about how assets are titled. How your assets are titled and how the beneficiary designations are prepared will impact how your assets will be distributed upon your passing. The most common ways to hold title to property is tenants in common (TIC) and joint tenants with rights of survivorship (JTWROS). Property that is held as TIC means that each owner owns an interest in the property. At the death of one owner, that interest is transferred according to his or her estate plan, or intestate succession if there is no estate planning. This is not an ideal way for unmarried couples to own property because at the death of one of them, the other person will end up as joint owner with the deceased's next of kin. JTWROS is one option for unmarried couples because when one owner dies, the property automatically transfers to the surviving owner. There are several other planning strategies that can be beneficial for unmarried individuals -- involving tax benefits, retirement plans, wills and trusts, and healthcare powers of attorney -- if the right estate plan is carefully crafted.

How Can Estate Planning Help Unmarried Couples?

Having a comprehensive estate plan in place protects you and your partner in

several important ways.

Making sure your partner inherits from your estate – if you were to die without at least a basic Last Will and Testament in place, you would leave behind an intestate estate. When that happens, the state intestate succession laws determine what happens to your estate assets. Although state intestate succession laws can vary somewhat, they all distribute an estate to a spouse and/or close relatives only. Because you are not legally married, your partner would receive nothing from your estate – no matter how long you have been together. He/she would not even be entitled to sentimental personal property that you would undoubtedly want him/her to have. Executing a Will, however, allows you to gift any – or all – of your assets to your partner. Giving your partner authority over you and your assets – if you were to become incapacitated tomorrow, someone would have to take over control of your assets and make certain decisions for you. You might want that person to be your partner; however, the law would not favor appointing him/her should it become necessary for a judge to decide. Creating a power of attorney appointing your partner as agent in the event of your incapacity allows your partner to handle your finances and speak with government agencies or other organizations, such as your credit card company or the HR department at work. Creating a revocable living trust that appoints you as the Trustee and your partner as the successor Trustee in the event of your incapacity or death can also help resolve this dilemma. Major assets are transferred into the trust and if you become incapacitated, your partner takes over as the Trustee, giving him/her control over those assets without the need to seek judicial approval. There may also come a time when you are unable to make your own

medical decisions. Someone might even have to make life-sustaining, or life-ending, medical decisions for you. If you want your partner to make those decisions, you need to execute the appropriate advance directive because if a judge is forced to decide who will be your health care agent your partner will not likely be appointed. Putting your partner in charge to honor your wishes – like many people, you may have very strong feelings about how your body is handled following your death and about your own funeral and burial. You, however, won't be around to ensure that your own wishes are honored. Someone else will decide what happens. Once again, if there is a dispute as to who is in charge, a court will likely appoint a close family member instead of your partner because you were not legally married. Incorporating a funeral and burial component into your estate plan can resolve this potential disaster by allowing you to put your partner in charge. You may also have strong feelings on how and to whom you want your assets distributed at death. A Will or Trust allows you to designate the person you want to make sure your wishes are carried out. Without a Will or Trust, a probate court judge would designate the person to carry out your wishes.

Speak to a board-certified estate planning attorney if you do not have an estate plan yet, you should contact us today. Whether you are married, single, or cohabiting with a partner, these professionals can help you craft a comprehensive financial plan that is tailored to your personal situation and assists you in protecting those you care for the most. Give us a call Contact us today to discuss further by calling 956-791-5422.

LMCA MEMBER SUMMER COOKOUT RECAP



Melissa Huddleston serves as the Executive Director of LMCA, Laredo Motor Carriers Association, which is committed to support, promote and encourage efficiency and safety on highways, while providing educational programs, seminars and trainings to its members. Melissa has provided Dickerson Digest with a recap of their summer member mixer held in July. You can reach Melissa Huddleston via email melissa@laredomca.com or contact contact@laredomca.com



With Gerardo Maldonado of Warren Transport, current Pres. of LMCA



The LMCA Summer Cookout in July was definitely a time for LMCA members to gather together, both carriers and allied



Allied Members, Mr. & Mrs. Hector Hiriarte

companies. We had well over a 150 people in attendance. LMCA currently represents 277 members, representing over 40,000 trucks. At our cookout we gathered members and gave them an update on membership, upcoming seminars and lunches, events, fundraisers and most importantly we communicated with them, how involved we are in the city, state and federal level when it comes to representing and speaking for all things trucking. We are passionate about helping our members. We also shared our



Melissa Huddleston, Executive Director & Maribel Villareal, Executive Assistant

legislative wins and the long road to victory this year as HB-19 passed legislation and it is now an official bill. This bill helps all commercial trucking companies have a fair trial in court when it comes to accidents that commercial trucking companies are involved in. All the trucking industry ever wanted and asked for was to have an opportunity for a fair case and this is what this bill does and accomplishes. At the cook-out, we also shared our successes as



Thank you to Melissa, Ernesto Gaytan, Jr., Gerado Maldonado, Maribel, and Andrea Vasquez of LMCA for the invite...good times!

some of our current board members are now sitting in positions here in our city of Laredo and support advisory committees. One of our very own LMCA leaders Ernesto Gaytan, Jr., is now sitting as the executive chairman of the Texas Trucking Association. He is the first Hispanic and youngest individual to hold this position. So, that definitely helps us a lot, provides us great representation and it puts Laredo on the map. Laredo Motor Carriers Association assists our members with questions or concerns in regard to permits, licensing or licenses, starting a trucking companies or if they're needing legislative help or help from attorneys. Our members can count on us to help them provide the avenues to be able to be able to connect them with the right person

and prides itself in being the unified voice of Laredo trucking. To find out more or to become a member go to www.laredomotorcarriers.com

To watch the webinar taped exclusively for the Laredo Motor Carriers in Spanish in July 2020 on Mr. Dickerson's book on his 3 bucket strategy to protect business owners' assets, check out the QR code below:

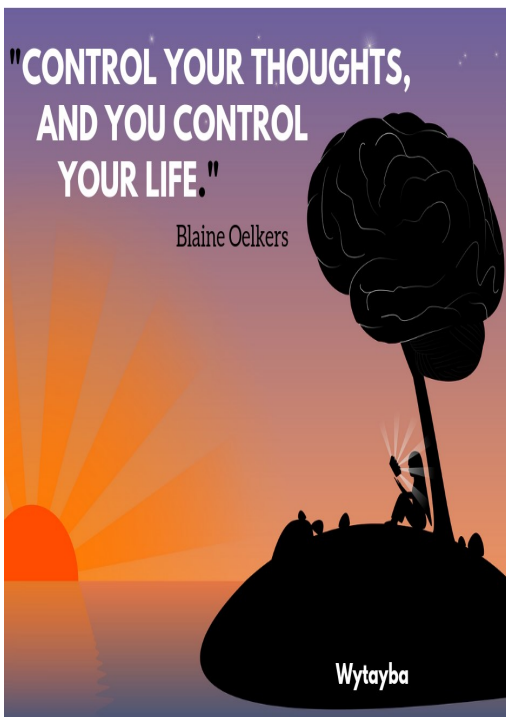


THE J.M. DICKERSON LAW FIRM PRESENTA UN SEMINARIO WEB, EN ESPAÑOL, EXCLUSIVAMENTE PARA LMCA SOBRE

MD **EL MÉTODO DE LAS 3 CUBETAS PARA PROTECCIÓN DE ACTIVOS**
LO QUE DEBE SABER COMO UN TRANSPORTISTA

JULY 16, 2020 | 2:00 PM

THOUGHT CONTROL



Totally Under Your Control

It's not the outside world, the local community, life's circumstances, life's ups, and downs – it's none of that. It solely rests on your shoulders – literally – it's your brain. You have total control of your mind and can choose the thoughts you desire to have. Initially, it's work and takes focus, but it gets easier over time. You have all the power over your own mind. You can't control what happens in life, but you can control your response to what happens. That makes all the difference.

So How & Where Do I Start?

The first thing you need to do is **get clarity about what you want to bring about in your life.** To know what to think about you need to know what you want to bring about. What is it for you? What do you want to bring about in your life and business? Who do you want to become? What do you like best about yourself?

Focus completely on what you want – NOT on anything that you don't want. NOT on anything negative. NOT on any of your bad habits or shortcomings. The first step is to decide, for now, what you want to bring about. You don't have to figure it all out but at least get a starting point of a few things you want to bring about in your life and business.

For example, on the personal side, maybe you would like to bring about more happiness and joy in your life. What does that look like? How will you know when that is achieved? Is that you smiling 5 times day? Laughing, enjoying time with someone you love. Having happy thoughts is powerful.

On the business side, perhaps you would like more success for your business. What does that look like? Is it a certain amount of profit per month? A certain value of the business? Taking a full day off each week?

We Need To Set Our Thoughts Upon That!

We need to FOCUS – Follow One Course Until Successful. You can control your thoughts by keeping them focused on what you want to bring about. You will have a positive expectancy about them. There a few key ways to do this. Master them, and you master your life.

The 6 Power P's of Thought Control

The power to control your thoughts comes from the 6 Ps of Thought Control Power:

- ⇒ **Placement-power**
- ⇒ **People-power**
- ⇒ **Past-power**
- ⇒ **Proactive-power**
- ⇒ **Pain-power**
- ⇒ **Purpose-power**

Placement Power – You need to place your desired thoughts in front of you throughout the day. This Spaced Repetition is powerful and ensures you stay on course with your thoughts. Here are a few to get you started.

- *Your Phone's Unlock Screen (the picture you see)*
- *Post-it Notes*
- *Voice Memos*
- *Write it out Daily*
- *Digital Reminders (on your smartphone)*
- *Habit Linking - Link the placement of your positive thoughts to a habit you are already a master at like brushing your teeth – then twice a day you will be able to reset your thoughts to your bring about statement.*

People Power – Your contact with people controls your thoughts in many ways. It's important to use this people power to your thought control advantage – let's look at a few ways.

- *Positive Partner - partner up with a positive supportive person to remind each other of your bring about statements and keep the focus on that*
- *Talk About It - hearing your own*

If you know me, then you know one of my favorite sayings is WYTAYBA: What You Think About You Bring About. I've written articles and a guidebook book about it. I've done a TEDx talk about it. WYTAYBA plays a large role in our lives. What you focus on expands. What you think about, you literally bring about in your life. Every feeling you have is a direct result of something you were thinking. This begs the BIG QUESTION...

How Do You Take Control Of Your Thoughts?

When you take control of your thoughts, you will have taken control of your feelings, your life, your success, and your destiny. **So how do you do it?** How do you control your thoughts? How do you choose which thoughts you have? How do you keep your thoughts upon the things you really want? How do you silence the unproductive and negative thoughts? **Wherever your thoughts go, the rest will flow.**

The Good News Is That It's

voice saying those thoughts you want is helpful

- *Invisible Counselors - in Chapter 14 The Sixth Sense of Think and Grow Rich Napoleon Hill talks about having conversations in his mind with influential people – you can do the same by imagining conversations with those that can inspire you and your thoughts*
- *Be Around People With Qualities You Want To Bring About*
- *Connect with a Mentor – for me, it's Jim Rohn and his audio series: The Power of Ambition*
- *Do Daily Check-ins - Text, Facebook Groups, GroupMe, Email*

Past Power – There is power in the past. Your past and the past of others prove that something can change, something can be done and you can transform.

- *Your Greatest Moment – visualize one of your greatest moments – maybe a big sports win, a big work win, wedding day, the birth of a child, a loving moment – think about it and relive it in your mind*
- *Use an Achievement Journal/Log – accumulate small wins – win early and win often*
- *Know You Can – look to your past successes or the successes of others to know you too can do it*

Proactive Power – You have the power to act – to do something and to do that something right now. You can take control of your situation and your thoughts proactively.

- *Affirmations – create statements about your best self and repeat them daily*
- *Affirmations – create empowering questions and repeat them daily*
- *Gratitude*
- *Meditation*
- *Qigong*
- *Exercise – anything that can clear your mind*
- *Mindfulness – take a step back from your thoughts - awareness*
- *Music*
- *Food – all the inputs – surroundings*
- *A Spiritual Connection*
- *Take Extreme Ownership*
- *Routines – Morning, Evening, Daily*
- *Daily Plan*
- *Reading a Good Book*
- *Write Out and Release – take your negative thoughts and experiences and write about them – look back and ask “What did I learn from that?”*

Pain Power – Take the pain, doubt, and bad attitude and use it as a springboard off the bad stuff to the good stuff.

- *Yeah, but... - as soon as you have a negative thought or catch yourself saying something critical immediately say out loud: “Yeah but...” and answer that question.*
- *Cancel, Cancel - When you have a bad or wrong thought say “Cancel, Cancel” and switch it to an Affirmation: “What do I find it so easy to...(insert thought or behavior you want)”*
- *The Solution to Pollution is Dilution – you have to dilute all the negative and bad thoughts that you have. The best way to do that is to overload your mind with good thoughts. You have to put in 3, 5 maybe even 10 times the number of good thoughts to dilute the bad ones. I do this by being around positive people, reading self-*

development books like Think and Grow Rich, and most importantly flooding my mind with positive audio programs (with Jim Rohn being a favorite!).

Purpose Power – The strength and persistence needed to take full control of your thoughts come from alignment with those things in life that really matter. The purpose of your life and the emotions you have around that purpose is very powerful.

- *God – What's God's purpose for your life? Stay in alignment with that.*
- *Family – In the end, all thoughts go back to memorable moments with people you love. Keep your thoughts focused on those you love the most.*
- *Purpose – connect to a purpose greater than yourself.*
- *Relationship – invest in thoughts about key relationships in your life.*
- *You have the tools and can begin right now to take control of your thoughts, your life, and your business. Start by getting some clarity on what you want to bring about and then start using the 6 P's to make it happen. The key is to start now, to win early and win often. The steps are laid out and all you have to do is to take the first one.*

Now it's your turn. Take control of your Thoughts and make it a great day, Blaine

To learn more visit
www.BeingADayAhead.com



6 POWER P'S
Placement
People
Past
Proactive
Pain
Purpose

#WYTAYBA

DOES NOTARIZING A DOCUMENT MAKE IT LEGAL?

Written by Evelin Garcia, a Contributing Writer with the American Association of Notaries, Inc.



Most adults will have to get something notarized at some point in their lives. The public's perception of what a notary does and what notarization accomplishes is often incorrect. This is particularly the case when a person brings a document to a notary public to be notarized, thinking that the notarization will in some way "legalize" the document or make it "official." Although most of us are familiar with the phrase "notarize a document" or "notarize a paper," it is generally the signature - not the document itself - that is the concern of the notary. California makes this exceptionally clear to members of the public by requiring a notation above all notarial certificates that explains that the notarization only verifies the identity of the signer, not the truthfulness, accuracy, or validity of the document. This is generally the case in every state except Louisiana. (Louisiana notaries are trained legal practitioners and often certify the contents of a document.) To explain more thoroughly, we should

look at the two most common types of notarial acts - acknowledgments and oaths. Both of these acts are sometimes referred to as "notarizing a signature." With an acknowledgment, the signer is declaring before the notary that he or she has voluntarily executed the document. With an oath, the signer is swearing (or affirming) to the notary that the contents of the document are true and correct. In either situation, the notary is not concerned with, nor responsible for, the contents of the document. The notary's certificate only certifies that the named person appeared before him or her, was properly identified, and either acknowledged the document or swore to it. (Remember, notarization typically requires either a certificate of acknowledgment or a jurat; you should not simply sign your name and affix your official seal to a document.) The contents of the document remain the responsibility of the signer. Although prudent notaries should scan over a document to make sure

it is fully completed prior to notarizing, notaries are not required to read a document for its content. However, notaries should diplomatically decline to notarize a signature on a document the notary knows to be deceptive or false. Because the public often believes that notarization will "legalize" their documents, notaries should be particularly cautious when notarizing sensitive documents that were prepared without the assistance of an attorney, such as estate planning documents or real estate documents. It may be helpful to explain to your customer that notarization only attests to the signature, and that the notary's seal only identifies the notary. To conclude, because notaries public notarize signatures, not the content of a document, notarization does not make a document "legal" or "official" in any way. It is important to note that a document that is illegal or false prior to notarization is still illegal or false even after being notarized.

INFRASTRUCTURE PACKAGE & VEHICLE MILEAGE TAX PROGRAM

Written by Zack Friedman, Senior Contributor for Forbes (August 2021)

The new \$1 trillion infrastructure package will include a vehicle mileage tax program.

Here's what you need to know.

Infrastructure Package The U.S. Senate passed President Joe Biden's infrastructure bill with bipartisan support from 19 Republicans, including Senate Minority Leader Mitch McConnell (R-KY). Buried in the 2,700 page infrastructure package is a pilot program for a vehicle mileage tax. Here's how it works and what it could mean for your wallet:

What is a vehicle mileage tax? A vehicle mileage tax, or vehicle miles traveled fee, would charge motorists a fee based on how many miles they drive. Simply put, if you drive a vehicle, you would pay money to the government for every mile you drive. The time period can vary, but is typically a vehicle miles travel fee is measured in a one year period. A vehicle mileage traveled fee can be used to raise revenue for transportation and infrastructure projects.

How big is the vehicle miles traveled tax? The infrastructure bill includes \$125 million to fund pilot programs to test a national vehicle miles traveled fee. National pilot program: This includes \$10 million each year from 2022 to 2026 for a national vehicles miles traveled fee pilot program. State and local pilot program: This includes \$75 million provided from the federal government to regional, state and local transportation agencies. The breakdown is \$15 million provided each year from 2022 to 2026.

Why does the infrastructure package include a vehicle miles traveled fee?

According to the infrastructure package,

the goal of the vehicle miles travel fee is "to test the feasibility of a road usage fee." Another goal, according to the infrastructure bill, is "to conduct public education and outreach to increase public awareness regarding the need for user-based alternative revenue mechanisms for surface transportation programs."

When do you have to start paying a vehicle miles traveled fee? This is only a pilot program for a vehicle miles traveled fee. Therefore, following the completion of a pilot program, the Biden administration



may or may not implement a vehicle miles traveled fee. For the pilot programs, there will be volunteers from all 50 states, including both passenger and commercial vehicles. The drivers would have their miles tracked with GPS and data apps, for example, that would track their miles driven for a certain time period.

Will a vehicles miles tax replace the gasoline tax? It depends. A vehicle miles tax could replace a gasoline tax, or it could be implemented in addition to a gasoline tax.

Is a vehicle miles driven fee a good idea? There are pros and cons of a vehicle miles driven fee:

Vehicle miles driven: advantages

Supporters say that the advantages of a vehicle miles driven fee include:

- ⇒ A vehicle miles driven fee could help raise revenue for essential transportation and infrastructure projects;
- ⇒ From a fairness perspective, both passenger and commercial vehicles would pay the vehicle miles tax; and
- ⇒ If a vehicle miles tax replaces a gasoline tax, then drivers would be taxed based on how much they drive, rather than pay at the pump.

Vehicle miles driven: disadvantages

Opponents say that the disadvantages of a vehicle miles driven fee include:

- ⇒ Privacy concerns, namely that the government could track citizens' movements, including where and when they drive;
- ⇒ Administratively difficult, since every driver in the U.S. would need a device installed in their vehicle to track how many miles they drive; and
- ⇒ Disparate impact, as rural drivers tend to drive more, on average, and could therefore pay more than their urban and suburban counterparts.

There are other permutations and combinations to a potential vehicle miles driven fee. For example, there could be different fees for urban versus rural drivers, or commercial versus passenger vehicles. There could be other adjustments for vehicle weight or type of road as well as different fees during rush hour and non-rush hour times, for example.

WHAT CLIENTS DON'T TELL US COMES BACK TO BITE

JMD [00:00:04] All right, welcome to The Solution Point where we find solutions for your life, the law and your business. And before we get too far ahead, remember to hit the subscribe button and like this, especially if you like what you hear as you go along our channel. Let me introduce you to my co-host, Catalina Dickerson.

Catalina [00:00:29] Hi Everybody!

JMD [00:00:32] Now, today, we have a special guest, a good friend of mine from New York, he is attorney, Joseph Marra, and he's going to tell us a little bit about what his practice area over there, and then he's going to share with us a problem and a solution that he's got for us. So, Joe, tell us a little bit about yourself.

Joseph Marra [00:00:54] Thank you, Mike. Thank you. Thank you both for inviting me to participate in this. I was really looking forward to it. A little bit about me. I was born in the Bronx and raised in the Bronx. And my first job out of law school was at the Bronx District Attorney's office. And while I was in law school, I worked for the attorney who was actually Joe Torre's personal attorney when he managed the Mets. So, I got to spend a lot of time around a lot of athletes who would go to various events, which is a lot of fun. I have an accounting background and I started at the Bronx DA's office. Thinking I was pretty sophisticated, having grown up in the Bronx, it turns out it wasn't that way because even though it was only six or seven miles away from where the courthouse was, where everything was happening, it was like a world away, via the culture and the incidents that I saw. But after a couple of years there, I really want to go back into the accounting area. And I got a job with Deloitte at that time was Deloitte Haskins and Sells and in the tax department where I also received an LL.M. in tax. But after a couple of years there, I really by the way, I worked on the first floor of One World Trade Center when I was there. And actually, now my son got a job on the fourth floor of the new one World Trade Center, but. While I was there, I

said this, this is not for me, I can't do this the rest of my life. I will shoot myself. So, I went back to work for the guy I who worked for in law school, and then I opened up my own practice. So that's basically me, married, two children, basically background on me.

JMD [00:02:27] All right. Well, tell us. So, your practice areas, it's kind of business and tax based on your background?

Joseph Marra [00:02:35] It is. We do a lot of elder law. And one reason for that, Mike, is when I was when I just got out of law school, my mother became very sick, and she was actually sick for seven years before she died; I found that we were consulting with elder law attorneys. And I said, gee. If I'm going through this and look at the aging population; other people are going to go through it. So, before I opened my own practice and while I was there, I educated myself a lot on it. One thing that was good about that, too, is because I had the criminal background and I worked for a generalist before, and I worked in tax, people would come with problems, and basically, I didn't have to consult with other attorneys because I had the background in those areas. You get things like that, and it happens today. At least up here. You get two older people in their 70s or even 80s, sometimes getting divorced and they have elder law issues. So, we can handle both at the same time without bringing another attorney in. So basically, because of the criminal, I also did a lot of criminal work, particularly early in my career. One thing I did a lot of, we had one of my good friends became a partner and counsel for the archdiocese in New York. And back in the late 90s, early 2000s, she referred about twenty-five cases involving priests and other religious people accused of malfeasance. So, I handled a number of those and a few of my cases made it to the front pages of the tabloids here in New York. And one case in particular, I'm pretty proud of, was a white Irish Marist brother, for those of you who don't know of the brothers, they are like the male equivalent of a priest who was working in the South Bronx, and he

was accused of raping an 11-year-old black student of his. And I don't think he did it, but he did have other issues. He liked to smack kids around. He was kind of a closet alcoholic. So, he had other issues. But I don't think he raped this child, and I was able to get him acquitted. And that was quite an accomplishment in those days. But now, the practice has more morphed into transactional real estate, estate planning, matrimonial. We have two attorneys working for me and both of them are doing different things. One in particular is doing most of the litigation work and then we have other staff helping us out.

JMD [00:04:55] Right. Well, tell us about the problem and solution that you've got to share with our viewers and listeners.

Joseph Marra [00:05:05] You know, Mike, it's very interesting because I have a problem and I have a solution, but I find that people don't always take your advice and follow the solutions, so this still becomes a problem. Give you an example. The biggest problem is many times clients do not tell their lawyers everything. That is a big problem. Not only that, but they also sometimes lie to your face. Why? I don't know why. I mean, there's many reasons you could say why, but if you really think about it,

JMD [00:05:39] there aren't any good ones.

Joseph Marra [00:05:40] Yeah, there aren't any good ones. And the main reason you're going to an attorney is to assist you. And if he doesn't know all the facts, how is it going to assist you? And people also sometimes don't realize that everything you say is supposed to be confidential. And if it isn't, an attorney can be suspended or lose their license for giving up the information. So, you know, if somebody in my personal life tells me something, if they don't tell me to be quiet, I'm the biggest gossip and blabbermouth in the world. When a client comes in the office or someone tells me, "Please don't share it with anyone", it never leaves me. And I don't know if people realize that or they don't understand it, but it's a common problem. Now, just another

The Solution Point (on YouTube) interview, taped July 2021, with Attorney Joseph Marra of Marra Law in the state of New York. Mr. Marra specializes in elder law and tax and business law. In this taping, Mr. Marra explores the problem of clients not being completely truthful and the fallout that later ensues.



example that reared its ugly head, after I tell you what my solution is. But someone came to me a number of years ago, and he was an older Italian American gentleman and a wife and two kids. And he and the wife came in and basically, they said, you know, we need wills and everything else. And they came in with one of the daughters. So, I spoke to them, and I said, "You feel comfortable with your daughter here?" "Oh, yes, absolutely." I said, "Maybe she wanted to leave." "No, no, no. We want too here." "OK, fine." But one of the questions I asked was, "Is anyone in your family under any type of disability, is anyone receiving government benefits", questions along those lines, which I usually ask when you're doing planning for people. Well, a number of years later, the wife dies, and the husband dies. And guess what? I then found out that the daughter who was sitting in the room with me had suffered from severe depression and she was on disability, and she was receiving

Social Security disability. And what would that do? It totally blew away the estate plan, right?! Because she was getting half the money, had I known this, we could have set up a supplemental niche trust in New York to protect the money for her. Right? And on top of that, I get a call from the sister who says, "You know, my sister's crazy", and I'm like, "No, I didn't". And she tells me that she's now living in the house. The other thing that he (the dad) made me do is give her a life estate in the house. Basically, I'm stuck here until something happens to her, and God knows what's going to happen to this house while she's living there. So, this became a major problem. And if he had told me up front, it would have been something we have dealt with. And just as a postscript, I go to a wedding once and I introduced myself to the parents of the bride. And they look familiar to me. She's also, "Nice to see you again under different circumstances." And I'm like, "Who is this, who is this person?

Right?". That night, I go to bed, I wake up in the room and say, now I know who it was. It was one of the daughters, the daughter who didn't have the issue. And needless to say, the other sister was not at the wedding. And what do I do? The solution to that problem is to try to impress upon the client the points of it by giving them examples just like this as to why you need to tell me. Because if you don't, I can't properly help you. When I was doing the cases involving the priest and this was kind of odd because believe it or not, I once was representing a priest, who was the principal of my Catholic high school after I graduated. And I told him, and I told all the priests that I represented, "Look, plaintiffs' attorneys, or the prosecutor, they have a lot of resources. These are big firms or their government agency, and they're going to be doing a lot of research and everything on you. Anything you ever did in life is going to come forward. And if I am blindsided, I am not going to be able to

help you. And then I would explain to them cases where that happened. And, you know, most times people will tell you, but even with that, they don't tell you. I had someone come into my office yesterday. As a matter of fact, our friend did a will, and I did the will for the friend back in 2019. And I look back at my notes on the interview and she said, "Well, you know, I'm one of seven children". She was from Puerto Rico originally one of seven children and she was married, but her husband predeceased her, and she had no children of her own, and immediately, I'm sure it's similar in Texas, but you have to give notice to people who would take if there were no will. And I said, "Well, you know, these other people, they have to be notified and explained everything". And I told her about cases I usually do where I had problems, this one time I had a fly genealogist in from Italy to approve the family tree and I explained that. So, she tells me, I have all these siblings. One of them had one child and another had two children and I'm in contact with them. I told her that I still suggest you do a trust, but it's not going to be a big deal when you die. OK, well, now she dies and the executor, who is a friend comes in, and it turns out two of the nieces and a grandniece are listed as beneficiaries, so I said, let's call them. I find out that one of her siblings had between 12 and 18 children! And some of them are dead. And one of the people who was a beneficiary, this is her branch of the family, the decedent's sister was this lady's grandmother. We should be able to figure this out. And they just say, "I don't know. I don't know. She had so many kids. We don't talk to my cousins". So now, this this is great for me because I'm going to make a lot of money on this case, but it's not so good for the beneficiaries of the estate. And all of this could have been avoided. And I showed her my notes. Here's what she told me. And I specifically asked, you know, and that's why you do that, right? And people sometimes don't listen. That's basically the problem. And the solution is to basically try to explain to them how it could come back to bite them

in the rear end if they don't disclose what they really should to me. But still, that's not a cure all. It's not a total solution.

JMD [00:12:07] And that's a very good point, because we've had some clients come back recently, similar case where, you know, I don't know if they do muni-ments of title in New York.

Joseph Marra [00:12:21] I don't know what that is.

JMD [00:12:22] OK, that's really a Texas thing. Basically, you just submit the will, and the will transfers title. And so, we did this for a client, and it was in like 2003 and I actually took the case over from somebody else and we did that and then he's like, "Hey, why didn't I get appointed as the as the executor of the estate?". You know, this is now 15 plus years later. So, I told him, "Well, because you had already started down this road and you probably didn't want to pay a lot of fees for administration if all we were doing was transferring the property". So now we have to open up an administration. So, the one thing is not telling you everything and the second is pretending like they don't understand what you've explained to them five times and in writing.

Joseph Marra [00:13:17] Exactly. Well, that's the other thing, too. I mean, we're not always perfect in doing this, but whenever I see an issue, I try and send a letter on it or an email and then make sure it's saved. Yeah. And particularly with estates, when there are children involved, where I know it's going to be a problem, you really should do a trust for X, Y and Z reasons and they don't want to do it. That'll go in a letter. And then when the kids come back, there's a letter and show them I sent this to Mom, and Mom didn't want to follow my advice.

Catalina [00:13:46] So you bring up a good point. I mean, and it's that documentation, you know, it's that due diligence and that's another solution to it. And you know, it takes that effort, but it is well worth it because you know, verbally, it's in this ear then out the other ear, but on paper it

does make a difference. I have a question here. You talked about impressing on them the importance of how important of attorney client privilege. I can imagine that it might be lost on people what that phrase means in such a world where with social media and you can express your every whim and every talking point. It has become so easy to communicate and we're in a kind of a mindset that, where one might think, let me shut my mouth because I don't really know what's going on. Could there be more awareness about what attorney client privilege means? Should attorneys be more vigilant in creating more of this awareness?

Joseph Marra [00:14:57] Well, you know, that is a very good point, but people I mean. People are not going to believe you. I know that it's happened to me where people that I'm close to would prefer to go to a stranger. There is an elder law attorney here in Westchester County, New York, who used to be a neighbor of mine, and he's one of the top elder law attorneys in the county. Just recently, his wife's first cousin came to me and she's very close to the wife. But she says, "You're probably wondering why I'm not going to Anthony. I just don't really want them involved in this level". So, for whatever reason, people think that, OK, even though you're not specifically going disclose it, how do I know you're not going to disclose it?

Catalina [00:16:00] It's a culture of mistrust that has been incubated.

Joseph Marra [00:16:04] Absolutely.

Catalina [00:16:05] And we need to kind of break that down. It's important and we stress that with our employees because maybe it's not the attorney, but then they might mistrust the staff as a whole. And we make sure that that we let our staff know that there are boundaries that have to be abided by.

Joseph Marra [00:16:28] It's very important, very important.

JMD [00:16:29] And I think our brethren attorneys don't help the situation because,

you know, there's always the watering hole where attorneys hang out and you can kind of sit and listen like a fly on the wall and you can figure out who they're talking about, especially if you're in a small town. "Oh, yeah. My client...I'm not going to tell you who it is, but he's the guy that has a truck and this and that and the other. And so, he's in this problem that's been in the newspaper and that's my client. And so, this is what we're going to do". And it's like, OK, everybody knows who you're talking about, even though you didn't say the name, everybody knows who you're talking about. That kind of puts a perception that they're not going to disclose the name, but your dirty laundry still going to be exposed. It's just nobody's going to know. It's not going to have your name on it like one of our scoutmaster's used to say, "Tell your parents not to put your name on your underwear because if you lose them and you don't want them to find out who you are". So, I mean, I think that's kind of as professionals, we need to tighten the ship. And I know I'm speaking to the choir, but I think that's something important. The other example that I've used, especially when I've had some clients that have some sensitive stuff, that they're like, I really need to be able to talk to you about this stuff and that it's not going to leave this room. And I say, look, it's I'm kind of like the priest in the confessional, except you get to pay me. So, it kind of helps. We're in a predominantly Catholic city, so it's not lost on people. But that's another way that I try to kind of put forth that, you know, if whatever you tell me is completely confidential. And the other thing is, like you said, you're only hurting yourself by not telling me everything because there could be a ticking time bomb that's going to blow up and it may blow up when your grandkids receive things and I'm not going to be here anymore. And it's going to be more difficult to fix the problem after two or three generations of people are gone and you don't have any living people to sign something or to be able to swear an affidavit or anything because they were never around. They never saw these people.

They never met them. They don't have any knowledge.

Joseph Marra [00:19:20] It's interesting. People not telling you the facts or actually lying to you. It's just amazing. Here is an example. I had this couple that was going through a very contentious divorce, and they had adult children. They were together twenty-five plus years it was you know; you're wondering why it got to this point, but be that as it may, she took out an order of protection against him. A total stay away order of protection. I don't know how Texas enforces these things, but New York is crazy the way they enforce. So, one day he is driving by the house she's living in. She's driving the other way. And she sees him. She goes to the DA's office, takes out a complaint that he violated the order of protection. And I tell him, it was a total stay away and he says all I was doing was driving by the house. I understand that, but it's a total stay away which means stay away from the house, you have no reason to be there. Then he tells me, "Well, that's my normal route to work". He had his own business, and it's funny in New York, just as a quick story, New York is a huge place, as you know. We are tri-state area with twenty-five million plus. But still, it's an area of neighborhoods. And our neighborhoods are like your little villages and towns. So, where this person lived, he moved out of the house, got an apartment in the neighborhood and his business was in another part in the neighborhood. And he said, well, look, if you look at a map, this is the fastest way to go by it. OK, well, that's a defense. Now, this is a misdemeanor, or, by the way, in New York, it's a misdemeanor. OK, so we go to court, and we go to trial. And I put him on the stand and guess what he says? "I had no reason to be in there. Just wanted to drive by the house".

JMD [00:21:21] Oh, oh.

Joseph Marra [00:21:24] And I'm sitting there like "What!?" And after he got convicted, I said to him, "You told me repeatedly! We went over this, I just showed you

a map! Right!? I'm like, oh, I don't know. But he lied. He made up a lie. And I guess for some reason when he got on the stand, I guess he swore, and he couldn't lie under oath in the truth.

Catalina [00:21:48] And to be honest, Joseph, I mean, that could be very well the truth in the core. His heart was exposed, and it came out like true love and probably wanted to see who was around. How is it looking? Is it in shambles? But the truth comes out and guess what? The consequences then follow.

Joseph Marra [00:22:13] Yeah. I mean, I tell people these stories all the time. This is why you need to tell me. You don't want to waste hours telling them. You tell them one or two that maybe you'll make the point, and you move on. But it doesn't always work.

JMD [00:22:26] Like I always say, you can't save somebody from themselves. And so, we can just do the best we can. And hopefully people watch this this podcast and YouTube video. When you go see your lawyer, they're there to help you. And if you tie their hands, they're not going to be able to help you. And by not providing them with all of the information and being truthful, that's going to wind up creating a problem because the truth will always come out. And almost assuredly it will come out at the worst possible moment for you. And that's I mean, it's just that's the way it works. And it's going to come back and bite you eventually. So definitely I hope that everybody who's out there is talking to their attorney, you know, just tell them tell them what you've got going on. Don't hold back because you're only hurting yourself.



2022 OR 2026? EITHER WAY, THE PARTY IS OVER



As of writing this to you, we're at the end of September, and the Democrats in Congress have recently put forth a proposal that could affect a lot of people with estate tax and related estate and gift tax issues. I want to go ahead and take the time to just kind of go over their proposal and some of the options you may have if you find yourselves affected by any changes that might go into effect. But before I get too much into the details, I do want to stress that this is only a proposal, and it has not passed yet and is not currently the law. I just want you to have a heads up as to what potentially could come down the line if they're able to secure enough votes to pass all of these things that they're wanting to accomplish and if it does become the law, we will have a short window of time to take action and sufficiently protect your assets.

OK, so a few points of interest. Right now, the estate tax credit, meaning how much a US citizen can pass to their family or to anybody without paying estate tax

is \$11.7 Million dollars, so that's really \$10 million adjusted for inflation. This current law is set to sunset or expire at the end of 2025, so January 1, 2026. That means that the estate tax credit would go back down to \$5 million (adjusted for inflation), per person. That would happen in 2026, whether or not the Democrats' current proposal gets some life breathed into it or not and that's something we still need to be aware of and keep in mind. This proposal is wanting to accelerate the expiration of the current law. One of the things that they're doing as of January 1, 2022, is reducing the estate tax credit to \$5 million (adjusted for inflation) which would put us at about 6.2 Million dollars of estate tax credit. Now that's still going to cover a lot of people, but for those that are on the edge and closer to the \$10 million mark, and with assets over 6.2 Million, they will want to make sure that they take a look at this very closely and maybe start putting some tax planning into effect before they lose some windows of opportunity.

Now the good news is the gift tax. The annual gift tax credit does not seem to be being affected. It is currently \$15,000 per donor, per donee, per year. That means you can give \$15,000 per person per year free of the gift tax, and so that would pass outside of your estate. That's one of the things that will continue to be favorable and something that we can look at as an option. The gift tax is set to adjust in 2022 to \$16,000 and that is a little bit of good news.

What should we take away from just these two particular points? Well, what we need to realize is that the \$11.7 Million dollar estate tax credit is inevitably going to go away, and the party is going to end, whether it's at the end of this year or at the end of 2025. If you see yourself in this scenario, we need to start bringing you into the office and begin to evaluate if this something that is going to affect you. You need to ask yourself how the increase in your real estate values, your investments or the if the increase in

the value of your business will affect you. What does your estate look like right now? Are you going to be hit with an estate tax problem? This needs to be addressed and the best way to do that is for us to sit down with your personal financial statements, maybe even with your CPA, to discuss where you are and see what kind of gifting options you have now before any changes in the law actually occur.

There is some good news in this proposal. There is a qualifying farm property credit, meaning you could get a valuation discount of up to \$750,000. The proposal would put it up to \$11.7 Million for farm property that's eligible and there's certain restrictions. That might help a few people and it's something that, obviously if we have that available, we want to make sure that that we have that covered.

The other thing that really is even more important or more urgent to be looking at your estate plan for tax purposes is the estate taxation of grantor trusts and the sale of assets to grantor trusts. These are some advanced techniques that we use to freeze the estate value and we pass the estate onto to your beneficiaries. Typically, these would be one of the methods we would use for taxable estate. At this point, the Democrats are proposing to limit the ability for us to use some of these things. So, in a typical situation, we would transfer assets to a trust that is going to be treated as a grantor trust. Now, what that means is that the grantor, the person transferring the assets into the trust, will make a gift of that to the trust, but they will still remain responsible for the income tax. The income tax at the personal rate is much more favorable than the trust tax rate. That being said, they're trying to eliminate that tool, so their proposal basically takes the grantor trust status out of the trust. In the past, the income tax paid would not be considered a gift or an additional gift to the trust, but under the new rules, you would not be able to pay the income tax or have the tax responsibility and still have the assets pass outside of your estate because you would have already paid gift tax. Furthermore, the trans-

fer of the assets to the trust would be considered a taxable event. So, there's a lot of hamstringing of options that are in this most recent proposal which will really affect grantor retained annuity trusts, qualified personal residence trusts and even irrevocable life insurance trusts. These are some of the tools that are often used for taxable estate and the Democratic Party in Congress is really pushing the ability to pass on wealth with the reduced estate tax risk and this is a big thing that we need to be aware of. If you find yourself in this scenario and if this were to take effect January 1, 2022, and you have not yet put a plan in place and funded and completed by the 31st of December 2021, you and your estate will be subject to the new rules. So that's going to be a really key reason why we need to accelerate taking action now.

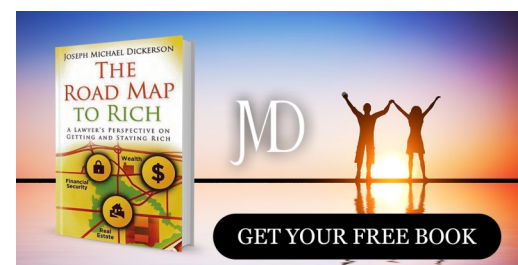
OK, so another blow to the estate tax planning process is that the valuation for non-business assets is going to change. The proposal will require a different treatment. Right now, if you pass to your family limited partnership and you make gifts of real estate that may be subject to a triple net lease, meaning you don't really have to do anything, the money just gets deposited and the tenant takes care of everything else, or it has marketable securities that also don't involve any actual action; they are considered passive assets, and they're considered non-business assets. Under the current law, you could take certain discounts in valuing them. Valuing them for lack of marketability because what you're actually gifting is a limited partnership interest or an LLC membership interest that is not readily available to sell in the open market. That discount and other discounts, such as lack of control, having a minority interest discount, and other discounts are going to be disallowed under this new proposal for anything that is a passive asset. So being able to take discounts could reduce, conservatively 35% of the value of the assets being transferred. That tool is just not going to be available if this particular proposal passes the House and Congress and becomes law and I anticipate that not being

able to take those discounts is really going to have a major effect on some people.

I know that some of the stuff that I'm talking about is more high level, more technical and may not apply to everybody. But as I mentioned before, if this proposal that is moving along the Congress does become law, we will have a very short window to react to. If you anticipate having an estate tax issue or you just want to find out what your estate valuation would be, give us a call. You can reach us at 956-791-5422. I will be happy to visit with you. Let our staff know that you are setting up the appointment because of the video that you saw, and we will waive our consultation fee. So go ahead and set your appointment now. It's extremely important to start getting ready for this. It's going to happen whether it happens in 2022 or 2026. Take steps to restructure put yourself in a position to be able to benefit your heirs and not have to have our Uncle Sam be your largest beneficiary. Don't let this slip away. If this proposal does take effect, if they make this law, it is going to be extremely difficult to be able to pass wealth on without being subject to that estate tax and a lot of the planning tools that we currently use in tax planning are going to be limited. Also, another thing you can do is reach out to your congressmen. If you don't like what this sounds like, it's still not law. A lot of stuff can change between now and the end of the year. All right. Thank you and until next time, I'm at your service.

Best Regards,

Joseph Michael Dickerson



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If you are looking for a sign to get your estate planning done... this is it.

