



Sandra Clariz

SPECIAL GUEST INTERVIEW

2ND ANNIVERSARY ISSUE



WHO CAN CHALLENGE MY WILL & ON WHAT GROUNDS?



After considerable thought, you've decided how you want your estate to be distributed. You are ready to write your will. But will your family accept your decisions? A successful challenge to your will can alter your estate plan in ways you do not want. An unsuccessful challenge can drain your estate leaving less for your beneficiaries. Below, we discuss who can challenge your will, what grounds they may assert, and ways to prevent or at least discourage a will contest.

The people who have the right to challenge your will are typically divided into two categories, heirs at law and beneficiaries.

HEIRS AT LAW

Every state has laws of intestacy. These laws determine who inherits your property when you pass away if you do not leave a will or the court invalidates your will. These people are your heirs at law. The laws of intestacy leave your property to the people who are

most closely related to you, starting with your surviving spouse and children. If you have neither, your property will pass to the next closest surviving relatives. The order in which relatives are entitled to inherit may vary from state to state. Other people who may stand to inherit your property under the laws of intestacy if you have no spouse or children include parents, siblings, half-siblings, grandchildren, aunts and uncles and nephews and nieces. In some states, you can also include cousins, guardians, next of kin and stepchildren. Most heirs at law will be related to you by blood or marriage. If a person would have had a right to inherit from you if you did not have a will, he or she may have standing to challenge your will. Even if you left property to an heir at law, he or she may choose to challenge the will in an attempt to get more or different property.

BENEFICIARIES

Beneficiaries, people to whom you leave a gift in your will, may also be able to challenge your will. They may be dissatisfied with their share or believe that you were unduly influenced to provide less for them.

OTHERS WHO MAY BE ABLE TO CHALLENGE YOUR WILL

A few people other than your heirs at law and your beneficiaries may be able to challenge your will. For example, if you live in a state where dower (a wife's interest in her husband's property on his death) and curtesy (a husband's interest in his wife's property on her death) are recognized, an ex-spouse may have an interest in your property. If your will has terms that contradict another legal document like a buy-sell agreement regarding your business, your business partners or others involved with the

business may be able to challenge your will or seek a judgment from the court that the terms of the agreement override the language in the will. Creditors may be able to challenge a will in some jurisdictions. Potential challenges to a will may include the validity of the will, the question of capacity or authority, undue influence, clerical mistakes and mistakes of fact.

THE WILL IS INVALID

Strict formalities must be followed to make a will valid. Most states require that at least two people witness the testator (person making the will) sign the will. State law may further dictate that the witnesses must see each other sign the will. The testator may have to make certain declarations at the time of signing the will, such as acknowledging that it is her will and she intends for the witnesses to witness the document. If the will is handwritten, which is not recommended, there may be additional requirements. If these formalities are not followed, the will may be invalidated.

LACK OF CAPACITY

To create a valid will, the testator must know:

- **What assets are in his estate.**
- **Who his family members and other loved ones are.**
- **That he is making a will.**
- **To whom he is giving his property.**

If an heir at law or beneficiary can show that the testator did not possess these mental faculties when signing the will, it can be invalidated on grounds of lack of testamentary capacity.

LACK OF AUTHORITY

A person can put whatever he or she wants in a will. However, some provisions may not be enforceable by the court. For example, a testator may try to disinherit a spouse. However, the spouse may be able to elect to take the share to which she is entitled under the state's laws of intestacy. Similar arguments may be available for spouses who have a property interest because of community property laws or dower or curtesy. All states except Louisiana allow a testator to disinherit a child. However, the testator's failure to mention a child in a will, especially a child who was born after the will was written, may be treated as a mistake and the child may be allowed to inherit.

UNDUE INFLUENCE OR COERCION

Another common legal challenge to a will is undue influence. This occurs when a person gets the testator to write a will in her favor using her power or influence over the testator to overcome the testator's objections or free will. Loved ones may argue undue influence occurred if the testator left a large share of her estate to a non-relative or a caregiver in contradiction to the testator's previously stated intentions. A similar argument is coercion in which a third party overcomes the testator's free will by force, threats of force, intimidation, or other means.

CLERICAL MISTAKE

If the challenger can persuade the court that the will contains a clerical error, the court may revise the affected provision in the challenger's favor.

MISTAKE OF FACT

A mistake of fact argument alleges that the

testator based a provision of the will on an incorrect belief about a fact and the provision should be altered in a manner consistent with the correct fact. For example, the testator said she was disinheriting a child because she believed the child had already received a large inheritance from another relative. The disinherited child can prove that he had received no such inheritance. The child may be able to inherit a share of the parent's estate.

STEPS TO TAKE

Here are some steps you can take to prevent or discourage a challenge to your will:

USE A NO-CONTEST CLAUSE

A no-contest clause says that if beneficiaries challenge the will, they will not receive the gift left to them in the will. A no-contest clause may be an effective deterrent to a will contest. However, they are not enforced in some jurisdictions.

GET A MENTAL CAPACITY EVALUATION

If you believe that your mental capacity may be challenged because you disinherited a child, gave a large portion of your wealth to a caregiver, or for some other reason, you may be able to establish your mental capacity and frame of mind during your lifetime. You can meet with your doctor or a specialist to have a mental capacity evaluation performed and leave a copy of the results with your estate planning documents to show you were mentally competent at the time.

DO NOT PROCRASTINATE

Many people put off estate planning until they are seriously ill or advanced in age. However, if you wait to complete your estate plan until this point, people may have

stronger footing to question your mental capacity and motivations. Try to be proactive about establishing an estate plan while you are in relatively good health and unquestionably competent.

EXPLAIN YOUR WISHES

In some cases, disputes arise among family members because of misunderstandings. One child may believe that you would not deliberately have left her no inheritance or less than you left another child. Children may think that your new spouse influenced you to better provide for him or her. If you explain your plans to your loved ones, they will more easily accept that your documents express your wishes.

AVOID DISINHERITANCE

Disinheriting a child can be painful for the child and may motivate him or her to challenge your will. If your concern is that the child will waste his or her inheritance, consider leaving it in a trust. The trust can specify conditions under which the trustee can make distributions to the child.

PROBATE YOUR ESTATE DURING YOUR LIFETIME

Some jurisdictions permit you to probate your will before you die. This offers you the opportunity to go through the process and explain to the judge and your family

why you have planned your estate a certain way. It will be easier to prove your capacity and the voluntariness of your decisions during your lifetime than after your death. However, if you later change your will, you will have to probate it again or it will need to be probated after your death.

PREPARE OTHER IMPORTANT ESTATE PLANNING DOCUMENTS

A complete and consistent estate plan can discourage challenges. In addition to your will, prepare other estate planning documents that protect your interests and property including a medical power of attorney and durable power of attorney for finances.

REGULARLY UPDATE YOUR ESTATE PLAN

An estate plan should not be a one-and-done task. Your life will change and your will should change along with it. If you regularly update your estate plan, it will be easier to prove that your will expressed your wishes, you were aware of changes in your life, and it was your choice to change the will. Plan on reviewing your will every few years and consider updating your will if any of the following occur:

- **You get married or divorced.**
- **You have a child.**
- **The executor you chose has died or become incapacitated.**
- **Your relationship with your executor or beneficiaries has changed.**
- **You moved to another state or country.**
- **Your property or its value has significantly changed.**

Plus, keep your will in a safe location and tell trusted individuals where to find it.

WORK WITH AN EXPERIENCED ESTATE PLANNING ATTORNEY

An experienced estate planning lawyer can ensure that your will complies with the laws in your state and that the proper formalities for signing are followed. Additionally, an estate planning lawyer can anticipate potential challenges and can draft your will and estate plan to address them. If you have questions, we can provide skilled counsel and advice to help you through the process. We can also help you set your own estate plan, so your family can avoid the stress of probate. Give our office a call at [956-791-5422](tel:956-791-5422) and contact us today to discuss further by calling 956-791-5422.



MR. DICKERSON’S COOKIES & OUR TRUE MOTIVES

Reader Exclusive!

JUST FOR OUR DICKERSON DIGEST READERS... Presenting Mr. Dickerson’s famous chocolate chip cookie recipe we make for every client who comes in for an appointment... these cookies are soooooo good. And you don’t have to take my word for it! Enjoy this exclusive recipe and make at home or come on in to catch up with Mr. Dickerson and enjoy at your next appointment. Let’s have you both catch up and help you be ready for the new year “to-dos”, like preparing or updating your will, getting your business entity minutes up-to-date, consider a trust in your estate plan to avoid unexpected family tension that a probate can spark... so many reasons to be more ready than the years before. We can’t even list them all here, because everyone is different. Everyone has their own unique story. Not every estate plan or business entity formation can be “cookie cutter” (haha, pun intended). We know that. That’s why we truly honor the time you spend coming in to visit us at our firm. You have made the decision to call, the effort to prepare and gained the mental momentum to carry out the exercise of making (in some cases) the hard choices. We want our clients to know that we honor all of that effort. But more importantly, we want *everyone* to know we don’t love what we do and make every effort to be their guide and show care with every detail of their estate or business planning because we want a big pat on the back. We do what we do because we love to see the relief in our clients’ faces. It means the world to us when we sense the confidence our clients have when they share their new business plans of expansion and they let us know they are glad we are in their corner as they



Mr. Dickerson’s Cookie

- 1 Cup Butter (2 sticks)
 - 1 Cup Sugar
 - 1 Cups Brown Suga
 - 2 Eggs
 - 1 Tbsp. Vanilla
 - 2 Cups Flour
 - 2 ½ Cups of Blended Oatmeal.*(See below)
 - ½ Tsp. Kosher Salt
 - 1 Tsp. Baking Powder
 - 1 Tsp. Baking Soda
 - 12 Oz. Semi-Sweet Chocolate Chips
 - 4 Oz. Dark Chocolate Bar (grated)
- and
- 1 ½ Cup Chopped Pecans



Instructions:

In a stand mixer, cream the butter and both sugars. Add eggs and vanilla mix to combine. In a bowl, combine flour, oatmeal, salt, baking powder, baking soda, add to the mix. Add chocolate chips, graded dark chocolate, and pecans. Preheat Oven to 375 degrees. Roll into balls and place on parchment lined cookie sheet. Bake 16 minutes. Cool on wire

In a stand mixer, cream the butter and both sugars. Add eggs and vanilla mix to combine. In a bowl, combine flour, oatmeal, salt, baking powder, baking soda, add to the mix. Add chocolate chips, graded dark chocolate, and pecans. Preheat Oven to 375 degrees. Roll into balls and place on parchment lined cookie sheet. Bake 16 minutes. Cool on wire rack. Enjoy.

* Prep before:

Blended Oatmeal: Put oatmeal in a blender and blend into a fine powder.

grow. We love it when our clients stop us at the grocery store to share how more joyful the holiday season feels now that they FINALLY wrote their will with us. And we most definitely love when our clients enjoy their moment of clarity during their consultation with Mr. Dickerson, whether it’s for what to do next with their business entity, what to do about protecting their family assets. The cookie during the consult is the cherry on top! It’s what takes that smile out that much wider and the eyes gleam even brighter. So, could the fact that we offer a delicious, homemade, office baked chocolate chip cookie at the consultation be self-serving because we love to see our clients feel at ease, smile and leave us happy to have answers to the questions that were keeping them up at *might* be self-serving?? Because it’s the holiday season and in the spirit of festive generosity, I’ll give you that.



Still doesn’t change the fact that we really do love what we do and we invite you to set your appointment for 2022 and be ready for the new year like never before. Wishing everyone a blessed Christmas and New Years and enjoy being surrounded by love and joy.

Best to you and yours,

Catalina Dickerson,

The J.M. Dickerson Law Firm



THE POWER OF CELEBRITY

Written by Richard James, Founder and President of Your Practice Mastered



Editor's Note: Richard's focus in this article is marketing for entrepreneurial attorneys, however, anyone in business can benefit from his sage advice and marketing wisdom. We greatly appreciate Richard's contribution and hope you find his article to be useful and actionable.

Are you harnessing the power of celebrity for your law firm? I was invited to play in a Pro-Am recently, which was great fun. For the uninitiated, a Pro-Am is a golf tournament where amateur golfers play alongside professional golfers. This particular tournament was the BMW Charity Championship on the Korn Ferry Tour. Teaming up with Phil Mickelson didn't happen for me, but I did get to play with other celebrities (all much better golfers than yours truly). I watched the pros compete in live first-person action. I saw them sweat over shots that determined whether

they made or missed the cut. When my friend asked me to attend this Pro-Am, I initially choked on the price tag. "But look who's playing!" He showed me the list of celebrities who would be in attendance. My eyes widened. That's why they were charging more than any person should pay to play golf with people who are much better at the game. And that's why I risked being embarrassed on live television, local and national. (I wasn't on fire, but no flubs either.) There were many celebrities at the tournament. I met Cedric the Entertainer and Larry the Cable

Guy. I met David "Boomer" Wells, Ken "The Kid" Griffey, Jr., and Sterling Sharpe, to name a few. Although meeting these legends in person was grand, the "Never meet your heroes" adage comes to mind as wholly appropriate. Those heroes, the great athletes I grew up watching at the ballpark and in the stadium, were no longer the lean muscular presences they once were. The reality is, they are now middle-aged and significantly overweight. But, hey, who cares? I still enjoyed myself. And I had a great time playing with the pros!

What did break my heart was watching the pro miss a four-foot putt on the 17th hole, a miss that cost him his ability to make the cut. Missing that putt meant he played for two days with an amateur golfer – smoking cigars and drinking vodka at 7:00 a.m. – and didn't get a paycheck in the end. I felt bad for him. It was a tough way to go down. Ultimately, it was the power of celebrity combined with my love of golf that convinced me to accept the invitation to play in the Pro-Am. So, let's talk about celebrity.

How can you use the power of celebrity in your law firm?

When you become a local celebrity in your town, people may swallow hard when you quote your fees, but they will pay your fees anyway. That is what celebrity does. Celebrity creates price elasticity. People want to be around celebrities. People see qualities in celebrities they wish they saw in themselves. People are drawn to fame and would like to be famous as well. If they could only get close enough to a celebrity, even in a small community, then maybe they would become famous, too! Well, the same influences in play for a celebrity on national TV work for a celebrity in the local small market. We've talked about this before, but it's worth repeating. Local celebrities are found where national celebrities are found – on TV, radio, billboards, the Internet (such as YouTube, Vimeo, Facebook Live), and things of that nature. Local celebrities prepare for TV the same way national celebrities do. They make sure they look their absolute best. They make sure their lines are rehearsed and their skills are honed. When the cameras start rolling, they become the superstars they truly are. Local celebrities are the superstars living in your town. Don't believe me? Think about the local weatherman's routine on a day off. Do

you think he or she can go into a neighborhood grocery store without turning heads? Without being asked for an autograph? No. They're too well known to go unrecognized and local celebrities generate buzz. I want for you to become a local celebrity, too.

Here's what obtaining celebrity status can do for you:

- Generate more leads;
- Cause more people to show for their appointments;
- Cause more people to invest in your firm, even at a higher price tag;
- Cause more people to tell others how they do business with you as compared to your competition; and
- Increase your referrals.

People don't like letting their celebrities down. They don't want to embarrass themselves in front of celebrities either. And they don't want to experience that uneasy, gnawing sense of opportunity lost. That the chance to talk directly to a celebrity was right there in front of them, but they didn't take advantage of it. A single encounter with a celebrity could change everything, but they "Missed it by that much!" How will you go about becoming a celebrity in your town? For a local businessperson, the easiest formula is to use the power of the book. If you're in Partners Club, then we've written the book for you. For those who are not in Partners Club, we have a class in the module on "How to Write a Book in a Month." Utilizing the power of the book can quickly create celebrity for the local businessperson. How does the book formula work? You have this asset, a book, of which you are the author. You arrange to be interviewed by someone about your book. You put that interview on YouTube, local TV commercials, and radio along with a call to action on the book. What happens next? You become

a celebrity with authority and generate more leads than your competition.

Stunned by how you achieved what you achieved in the time you achieved it, your competition will be left wondering, "What happened?"

The answer is simple. You became a celebrity.

About Richard James

Founder and President of Your Practice Mastered, Richard James, has earned a reputation as a national "Legal Systems Expert." He took a consumer law firm in Arizona from \$0 to over \$3.5 million in annual sales in just two years using his secret ingredient: systems. Since that time, he's personally taken 879+ attorneys, like you, through this same process and helped them build practices they love; practices that support their lifestyle and give them more time and financial prosperity so they do the work they love and help more people.

For more information, go to :

<https://therichardjames.com/>



TIPS TO MAXIMIZE THE VALUE OF A CAR DONATION



At the end of the year, you will be inundated with commercials to donate a vehicle to charity. While it is one of the biggest contributions a taxpayer can make, if not done carefully, the tax deduction of a donated vehicle could be a lot lower than you think.

The Rule

When you donate a vehicle, the value of your donation is either the fair market value of your vehicle when you donate it OR the value received by the charitable organization for your donation. Unfortunately, you do not choose the value of the donated vehicle.

- if the organization uses the vehicle, or is in the business of using your vehicle to train others, you can deduct the fair market value of the vehicle.
- if the charitable group simply resells your donated vehicle, your donation is limited to what the organization receives for your vehicle and NOT the usually much higher fair market value of the item.

What you should do

Select the organization wisely. Select an organization that will either use the vehi-

cle themselves or will use it to train others. Examples of qualified organizations include groups that help single mothers obtain transportation to and from work or use the vehicles to deliver meals to seniors. Other organizations teach auto repair and body shop work to the unemployed. The cars then are given to other non-profits or needy folks. From the IRS perspective, a qualifying charitable use either;

- makes significant intervening use of the vehicle or,
- makes significant improvement to the vehicle that increases its value or,
- donates the vehicle (or sells it at a below market rate) to a needy person that helps further the cause of the organization.

Special Caution: Be aware of national advertisers like KARZ4KIDS..they almost always limit your donation amount by what they can resell your car for...often below the fair market value. And before donating, know how, and be pleased with how, the funds are to be used. Research the fair market value. Prior to donating your vehicle go to a reputable source and estimate the value of your vehicle. Online resources like Edmunds.com and kbb.com

(Kelley Blue Book) are two reliable sites to do this. Also make a copy of your title and take pictures of your car prior to donating it to the charity to help support your fair market value claim. Obtain the proper tax form. When donating your vehicle make sure the organization gives you a proper Form 1098-C at the time you provide your vehicle. Double check the value assigned to your donation form to ensure it meets or exceeds the estimated fair market value of your donation. Remember, if your valuation exceeds \$5,000 you will need an approved appraisal. Sell the vehicle and donate the cash. If you cannot find a charitable organization that will allow you to maximize your fair market value deduction, consider selling the vehicle and then donating the proceeds. There is a potential problem with this approach, however. Take care that you do not create an unplanned taxable capital gain with the transaction.

Note: These rules apply to other vehicle donations as well. This includes motorcycles, trucks, vans, buses, RV's and other transportation vehicles.



Thank you to Juan Pablo Gonzalez of JP & A Tax Services for his "Top Tip".

You can reach JP by calling 956-725-0044.



4 NEW YEAR'S RESOLUTIONS FOR YOUR 401(K)

By Sam Swenson, CFA, CPA for
The Motley Fool (Dec. 5, 2021)

The dawn of a new year is an ideal time to dig into your 401(k) plan.

As 2022 approaches, there isn't a better time to check in on your 401(k) plan: New years tend to bring new goals and a renewed sense of purpose for your finances. Plus, plans vary greatly across companies, so it's good to make sure you know the specifics of the account you're dealing with. Here, we'll go over four new year's resolutions for your 401(k) plans, both old and new.

1) Consider an IRA rollover

If you've left a 401(k) behind at a former employer, there's a possibility it may not be invested or allocated the way you'd like, especially if you haven't looked at your holdings in a long time. Dated 401(k) plans also tend to come with high administrative fees and excess overhead, which you should try to avoid to the extent you can. Rolling over your old 401(k) into an IRA at a provider of your choice has many benefits. First, you'll have access to a wide array of investments typically not offered on most employer 401(k) menus (individual stocks and bonds come to mind). Next, IRA costs tend to be lower than 401(k) costs, and they fall more squarely under your control. Finally, by transferring your old 401(k), you'll remove what is usually the final connection to your previous employer. Regardless of your choice to move it or leave it, evaluating your 401(k) situation is a valuable step to take.

2) Take your 401(k) in context

401(k)s are important retirement planning accounts, but they may represent only one piece of your financial plan. When considering how to invest your 401(k), make sure you do it in the context of your entire financial picture.



Someone who has a hefty stock portfolio outside of their workplace plan may choose to invest their 401(k) more conservatively. However, for someone whose entire savings is contained within their 401(k), a more aggressive approach might make sense. The idea here is to not view your 401(k) in isolation and instead take it as a piece of a greater whole.

3) Be mindful of fees

Though this is less of a problem than it once was, 401(k) plan fees can inadvertently take thousands of dollars off your retirement balance and consequently extend your working years. On top of potentially high administrative fees, some plans come with expensive investment options that are no longer particularly competitive with many of the low-cost alternatives on the market. The best way to investigate this is by finding out the expense ratios associated with the funds offered by your 401(k) provider. Expense ratios should be prominently featured in the investment section of your 401(k) website. Anything over 0.25% is on the high side, and anything over 0.50% should be thoroughly reevaluated as a continued part of your portfolio. The bottom line here is that these expenses matter -- a lot. Be sure you're getting maximum value out of your 401(k) investments by reading the fine print, and don't be afraid to change things up if you're paying too much.

4) Know the vesting rules

With 2021 now dubbed the year of "The Great Resignation," people are leaving jobs now more than any time in recent memory. This is why it's especially important to know the vesting schedule associated with your 401(k) plan. When your 401(k) plan dollars "vest," it means the money in the plan is now yours to keep. Many plans have a setup in which all employee contributions vest immediately, which means that whatever you contribute to the plan cannot be taken away from you. However, matching employer contributions usually vest over time, and they can be forfeited if you leave your job before the vesting period has lapsed. Be very clear on what you stand to lose if you were to leave your employer -- even staying a few more months to lock in any employer contributions can make a substantial difference in your total balance.

Details matter

If there were ever a time to block out an hour or so to study your 401(k) plan details, it's now. As the new year approaches, it's good practice to know the specific rules behind your account, how much you're paying for it, and what would happen if you were to leave your job within the next few months to a year. A small time investment now can save you thousands of dollars in the long run, so don't wait to reevaluate your total 401(k) situation.

“KEEPING IT REAL” WITH SANDRA ALANIZ



JMD [00:00:10] Hello and welcome to The Solution Point, where we talk about your solutions to your life, your business and the law, and before we move forward, let me introduce my co-host, Catalina Dickerson.

Catalina [00:00:38] Hi, everybody. We're excited to have our guest today, Sandra Alaniz, who is a fantastic person, also a fellow chamber board member with me with the Laredo Chamber of Commerce. She's a real estate broker with Remax here locally in

Laredo, Texas. And we're very pleased to have her join us and share a little bit about a solution to a problem that that she's discovered in her world. Sandra, go ahead and tell us a little bit about yourself, then I'll ask you about the problem that you're seeing in today's market, and you can share the solution with us.

Sandra [00:01:36] Very good. Yes, thank you so much. Joseph and Catalina for inviting me to participate today, I'm very excited to

share some of my knowledge. I've had my license for six years, but I've been flipping properties for 30 years, so you can say yes. So, you can say that I've been there, done that. I probably closed about a thousand transactions in my career. So, I've encountered just about every problem there is. I can tell you right now what we're experiencing, and I'm sure others have experienced this as well is the offers. The market is very, very tight and because of that, you're seeing multiple offer situations. Now, you know, the typical the typical solution would be, of course, to offer above asking price and you see that happening and occurring quite often. There was a one house that we listed, I believe got like 10 offers, and several of them came in at above asking price. However, I don't see that as a complete solution for one reason and the most important reason the house, the housing market, I believe, is starting to correct itself. So, what we're seeing is a lot of homes that have contracted over asking price are not making value, so their appraisal comes in. It does not make value. And what happens? Well, typically the buyer is not going to pay \$20000 more than the price, right, that it comes in at value. So, is that the answer to offer more than asking price? I mean, you can, and it may make value, but it may not. So, if you don't have the extra cash, I mean, you can go into a whole, you know, list of things that you can do, but this is what I would do. And again, as a broker, this is what I tell my agents make the contract as clean as possible. If you want to get that house offer to pay the title policy, how much is that? And it's a Texas title regulates the amount so your realtor can tell you how much that would be offered to pay the title policy. Don't ask for a survey. Don't ask for a home warranty. Don't ask for repairs offer to pay the transfer fee. There's an association. Another way that you can make it look more attractive is that put a higher, earnest money. Right now, it's typical that it's only and they'll put like a thousand. My opinion it should be at least one percent of the value of the sales price. So, the home is two hundred and fifty thousand dollars. There aren't as many should be \$2500. However, if you want to make it look really attractive, you put \$5000 and you put your option of three to five days, meaning the house is not going to be taken off the market for a long period of time. Speaking of option, make that option fee higher, make it worth something and then say that it's not. It does not get returned back to the buyer. Put two hundred and fifty dollars as your option fee and

at credited back to the seller rather than the buyer at the end of the transaction. There're several things that you can do, but I think, most importantly, use a qualified realtor. I just got out of my association meeting for the National Board of Realtors, and when I first became licensed six years ago, if there was 100, there was 50 realtors. Back then, that was a lot. We have almost 600 licensed realtors today in Laredo. And you say, Well, that's not a lot compared to San Antonio and compared to, you know...

Catalina [00:05:10] That is a lot!

Sandra [00:05:12] Yes! Because there's not enough homes! I mean, the National Association of Realtors are saying that there's more realtors in the country than there are homes for sale. So, use someone that's qualified that knows what they're doing and also use a mortgage lender that knows what they're doing. Me as a licensed, seasoned realtor; if I get multiple offers, I'm looking at what agent is delivering that offer. I'm looking at what mortgage company is delivering that offer, and then I'm counseling my clients and telling them, Well, you know, this person has been licensed 15 years or rather than, this person has only been licensed two months. So, we don't know what the results are going to be with the new agent. However, I can tell you that my new agents and I'm not going to, you know, put them down, my new agents, everything they do, I watch all the other contracts there, negotiations, everything runs through me as a broker, so I can tell you that they are very well qualified. But there are some brokers that don't pay attention to their agent, so they don't really know what they're doing.

JMD [00:06:17] And to plus one on that, I've always thought that it's very important to use a qualified agent and you may have, like you said, there may be one contract from the 15 year veteran and one from somebody with two months experience, but you also know that the guy that's been around for 15 years, he might sell a house to make his budget and then, you know, he goes to sleep, until he gets hungry again and needs to get another one. So, they're different ways that people work. And, you know, I think part of the point of so many real estate agents is there are a lot of people who go and get their license, but it's a hobby. They do it part time or they get their license, but you know, they can't

sell. After a little while, they say, I give up, because they don't get the training, they don't get the backup. I've even heard that there are some brokers that basically rent their license. They say, Hey, look, I'll be the broker in your LLC, and you pay me this much per transaction or per month or per year. But they're not looking over anything. They're not providing that guidance.

Catalina [00:07:38] Clearly, we are near Halloween because these sound-like spooky stories. I can just imagine the mess that is left in the aftermath. If you don't mind, I'd like to rewind a little bit about one of the first points that you make and talking about. Let's talk about what is perceived as an easy solution of offering above asking price. And I can't help but think about my civic duty, right? Like my duty to my country and your duty to your fellow citizens who are also trying to get a house and how that pattern of offering above asking price and this influx of other folks coming into Texas. Let's think about other solutions like you mentioned, making the contract as clean as possible, making other offers that can equate with money instead of just raising that price. Because sure, it seems easy. It seems like junk food, really. To me, it's just something that, you know, over time with enough consistency and length is going to be bad the whole real estate environment, right?

Sandra [00:09:06] Right. And the shrewd new realtor, or maybe even veteran realtor, will say, let's go ahead and make the offer for over asking price because, if it's an FHA or VA contract it, it depends on how they fill out the form, but it'll say, you know, they have to come back down to that sales price. So, they'll say, Well, let's do it, it's going to come down anyway. And so, in the end, they're just they're giving you false hopes to the seller. And that's why also, if you're going to be selling your property, you have to go with someone that knows what they're doing. And you're right, about being a veteran, like even like myself. When I first got my license, I had been in business for twenty-five years, so I had the business ethics. I had the business abilities and I approached everything as a business decision rather than an emotional one. So, you have to remove that emotion out of it and putting so much value on your property as a seller and potentially as a buyer as to your full life being there; you have to have your plan A and your Plan B

because right now you can't just fall in love with something because it may not happen as well.

JMD [00:10:22] And the other thing is, you know, you make money when you buy, not when you sell. So, if you're buying at top dollar, then you know, at some point that property is going to get sold, whether you sell it because you move, you downsize or whatever or your kids are going to sell it. And if you've paid too much, you may not have enough runway to make up for it because like you know, everybody says that real estate is always going up. But we've seen over the past 10, 20 years that that's not the case consistently, but over time, it will. But there are still going to be troughs and valleys, especially when you get very volatile. Right now, we're seeing a lot of spikes because there's a lot of people leaving other high tax states and trying to come to reduce some of those costs. They're coming in here and thinking they're getting a deal, but prices are relative to the market. So, if you pay the top dollar in Texas compared to California and you think you're getting a deal, well that property is not in California, it's not going to be worth the same amount next week. Right now, in Texas, the prices are kind of crazy, but at some point, it's going to turn around. I think we're starting to see some of that change. a good realtor, a good professional is going to help guide their clients to not fall in love with a property because you don't want to buy something that can then bankrupt you or means that you have to live your lifestyle differently. For example, now, you can't go out to eat, can't go out every weekend like you used to, because then you've got a house payment that is really above your means.

Sandra [00:12:39] Yeah, but it all comes back to also the ethics of the agents because some see customers or clients merely as, like you said, making money. Our fiduciary duty is not to ourselves. Our fiduciary duty is to our clients and not the end result being the money that we put in the bank. Get somebody that the client puts in the bank. So, you're absolutely right about that. And you know, as ethical agents, we have to tell the clients the truth. I've told a couple of clients recently, it doesn't look like you're ready to buy because you're going to pay top dollar and you're going to move in two years and you're not going to be able to sell that house, potentially for that top dollar

price, you're going to be, you know, under. So maybe you should wait. And I've told that to a lot of people.

Catalina [00:13:33] And with ethics, as you mentioned, you have to have vision. That's where you take the combination of your experience and are able to see past the horizon, pass their emotions. You know, you like clearing the curtain because they're blinded by their own excitement and emotions. Where do they see themselves? Is this your forever home? If it's not, then come in with a strategy, right?

Sandra [00:14:04] Exactly, exactly. And I tell the agents never to chase the money. You chase the referral because money comes with the referral and volume. And so, my belief is that you treat people the way you want to be treated. In the end, it always comes back positive to you.

Catalina [00:14:23] I love that! Chase the referral. I hadn't heard that before.

Sandra [00:14:28] And I've been in business, and I've been in sales since I was 18 years old and I can tell you that I never even check to see what the commission is, the broker's fee. I never check to see how much I'm making, and I never really have just because I'm not interested in that. My interest is in the sale for the buyer or the seller and to make sure that they're making the absolute most they can from the whole process.

JMD [00:14:57] And so to just put a little picture of what today's market looks like. I think somebody shared with me, they said, Mike, right now, the real estate market is like playing musical chairs with three chairs and 20 people walking. Does that kind of sum it up?

Sandra [00:15:22] Yes. Yes, it does. However, again, they should have added that there's like 12 deejays trying to get the gig. Mm-Hmm. And those are the realtors.

JMD [00:15:37] Yeah. So right now, with this market, there are a lot of thoughts about, well, should we stay on the sidelines and wait for prices to go down? Or should we, move forward? I mean, correct me if I'm wrong, but in every market, there's still deals to be found. Right?

Sandra [00:16:04] There is. There is. And I love that you say that, Mike. And that is why when I chose to go solo, my idea was to go with a large franchise, and I looked into several franchises, and I really loved Remax and what it stood for. We had the same basic core values. And so that's why we bought the franchise and Remax as a franchise tells us that we're going to be seeing the same growth potential within the next

18 months. They do an analysis of what's up within a year and a half to two years in advance. And we just came out of our broker/owner meeting at our national meeting about two months ago. And that's what Nick Bailey, the president of Remax, told us. It's going to be another good two years. Having said that, I also know having been in sales this long, that there's a home for every buyer, even the house that you think, Oh my God, nobody's going to want that because it needs paint and it's this and that. Most buyers today want the shiny and brand-new thing, but there's a lot of beautiful homes that just need a little TLC, you know, little paint, you know, gardening, whatever the case may be. And, you know, look for those homes because you're not going to have as much competition either.

Catalina [00:17:18] Sandra, speaking of dolling up some old gems... what do you see for our community? It's a passion of mine. I love Laredo. I really do. I love seeing the older homes in The Heights, in Downtown and they need more than TLC and they are worthy of getting that touch. Do you see or have you seen anybody coming in those wants to start to invest in this community and start to turn things around in these neighborhoods?

Sandra [00:17:55] I love that, and I love that you say that you love Laredo because I was born and raised in Laredo, graduated from, you know, local schools, went to J.W. Nixon High School. I was supposed to go to Texas A&M in College Station. I ended up staying home and I graduated with my bachelor's in business here in Laredo (used to be LSU back then). So, I'm a huge proponent of Laredo and I grew up in The Heights. I grew up across the street from Lamar, if you're familiar with that, on Lane Street. And now guess where I live? I live on Gustavus Street, which is like three blocks down from where I actually grew up. I'm a huge, huge lover of The Heights and you do see people come in. I just had an investor call me about three months ago. He's working on something else right now in California, but he is looking to invest in about 20 homes in Laredo and I'm super excited. He told me, Sandra, you know, I really want to focus on the north side, that's what I was told. And I'm thinking to myself, you should see where I live, Sir. I live on a sixteen thousand square foot lot with a house that was originally built in 1959, and it has amazing trees. I want that neighborhood to get back to its former glory and hopefully I can convince them of that because I know the homes will sell quickly, because if you grew up in The Heights, you want to go back to The Heights, it's great! So yes, we do see people

coming, coming back around and wanting to invest in the area. But, you know, some people are scared because they know that it's going to take money. But it's a beautiful community and we know all our neighbors, and it doesn't get better than that. So, we want people to come back to The Heights.

Catalina [00:19:57] We're hoping also to put in our efforts to contributing to the revival of The Heights and will save that for another podcast, and we'll just tease it here. But yeah, we are also big proponents of developing and helping The Heights experience a rebirth. So more on that later. We would love to speak a little bit about core values, and we know your time is valuable, so we don't want to monopolize your time. We always end off talking about your favorite core value. When you're up against a challenge or a question and you're not sure which way to go, what is the core value that kind of sets you straight for your answer and for your solution? So, if you could share that with us, we'd love to hear it.

Sandra [00:20:45] The core value that I live by and that I was taught, you know, as a child and it continues with me today is just keeping integrity and integrity means many different things. But for me, it means that I need to keep my integrity towards myself, towards others around me, even when it doesn't benefit me. Because if it benefits me, it may not be, you know, something that will be good for someone else. Then then I'm not living my core value of keeping it real. So, it's really important for me, to be honest, truthful and just fair because most people don't live their lives like that. And in the end, I just really think that, you know, when you put goodness out there it comes back to you. Equally, if you put badness out there, it's going to come back to as well. So, I really am a true believer in karma, so I try to live my life every single day with integrity and always to do something for others. Like I had said, before this, I was in a meeting and there was nobody smiling. No one looked happy. So of course, you know, I have to make others happy. I start doing all these hand gestures to make someone laugh and I saw someone smile and I'm like, I know they're laughing at me and they're laughing with me. It's important to be happy. Keep your integrity. Just be peaceful. There's no other way to live. I need to sleep to sleep soundly.

JMD [00:22:17] And you know, integrity is very attractive to clients. You know, clients that know that what you say is what you're going to do will be attracted to that. The referrals will come to you because they're going to know if Sandra says this is a bad deal, it's because it's a bad deal. It's hey, it's

not a good deal. I'm going to tell you why and if it is a good deal, I'm going to tell you should go for it and this is why. Regardless of whether I'm getting a commission or how much my commission is, because ultimately, the more sales that you make, because you make people happy, you help people get the property they want, they're going to tell their friends and they're going to tell their friends and so on. The experience I've seen is that every person who has a bad experience will tell 10 other people that they had a bad experience. In contrast, every person who has a good experience might tell one person that they had a good experience.

Sandra [00:23:56] Exactly, exactly. And just really quick. I had many, many, many years ago, I had a situation where I listed a property. I personally don't like to work as an intermediary. Back then, I wasn't a broker just because I didn't want to have anyone question my integrity and say that I'm not representing either party well. But in this case, it just happened to be, you know, the situation where I also had the buyer. The seller stopped paying the mortgage and didn't tell me. It was probably 90 days that it took to close. It took forever to close. I can't remember why; it was so many years ago. I chose to take zero money from the sale because if we hadn't done that, that

money had to be applied to the mortgage because if not, the buyer would not get their property. I told the buyer this as well. I wanted them to be aware of the situation and not because I wanted any thanks, but because I wanted them to know that I was a person of integrity. And do I know whether they sent me clients or not? Maybe, maybe they did. Maybe they didn't. Does it matter? No, it doesn't. Because in my head and my heart, I know I did what was right to make the situation right for everyone. Now was I upset that the seller did that? Of course! Not because of the money, but because they did not hold their end of the bargain to me.

JMD [00:25:24] They didn't have integrity.

Sandra [00:25:26] Yes. And I choose to surround myself with people of the same mindset, people with integrity, and all my agents have the same mindset as well. So again, you have to look at the big picture. What agency are you working with? What realtor are you working with and what are they looking at? Their bottom dollar or yours?

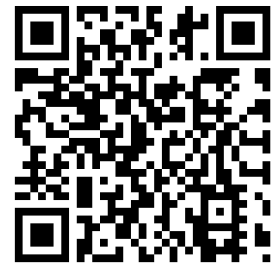
JMD [00:25:45] Well, Sandra, thank you very much for your time. I think you've given us a lot of good information on how to treat a seller's market, if you're a buyer and how to set yourself up and you've given us another

reminder of the importance of integrity as a core value in our decision making. If somebody wants to reach out to you, to hire you, to get your services or get more information from you, where can they reach you?

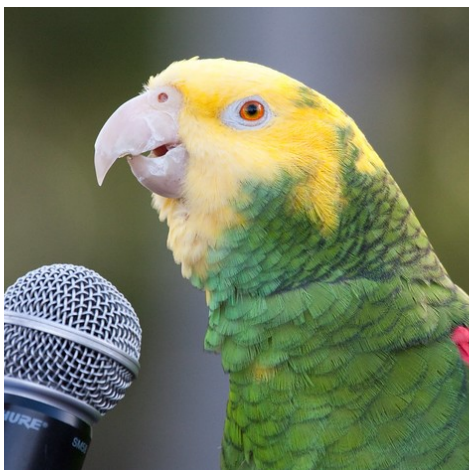
Sandra [00:26:18] Two easy ways. You can call me at 956-206-4508. Even if it's just for a question, call me, I have no issue. Every conversation is good. Or you can email me at SandraAlaniz@Remax.net. Plus, I don't know if you all know, but my husband and I have invested in the mortgage company. We are also doing mortgages, we're doing refinances and right now what's very popular is a reverse mortgage, believe it or not, for older folks that are looking for some additional income. So, if you have any questions on that, please I'll be more than happy to help you as well. the more people.



Scan here to subscribe to our podcast, The Solution Point, for more content and solutions to every-day problems in your life business and the law and find us on your favorite pod catcher.



5 AMAZING FACTS THAT MIGHT DROP YOUR JAW



At US President Andrew Jackson's funeral in 1845, his pet parrot had to be removed because it was swearing loudly.

Around the 17th century, New England states outlawed Christmas because celebrations were rowdy public displays of excessive eating and drinking, the mockery of established authority, aggressive begging (often combined with the threat of doing harm), and even the boisterous invasion of wealthy homes.



The longest ever US presidential inauguration speech belongs to William Henry Harrison. The day of the inauguration was overcast with cold wind and a noon temperature estimated to be 48.5 °F (9.2 °C), but the President-elect chose not to wear an overcoat, hat, or gloves for the ceremony. Harrison's speech consisted of 8,445 words. Weeks after inauguration, Harrison caught a cold that eventually turned into pneumonia. Harrison died on April 4, making his presidency the shortest in American history.



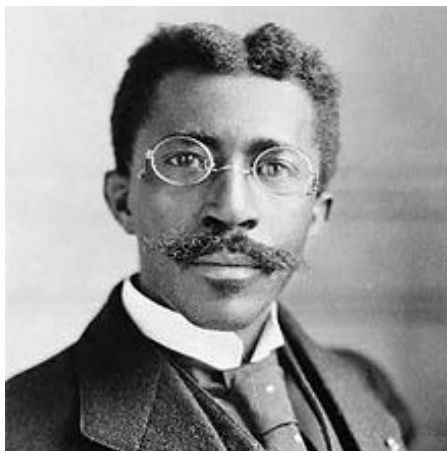
Allegedly, Egyptian Pharaoh Pepi II despised flies so much, he'd keep naked slaves smeared with honey near him in order to keep the flies away from him.

The Liberian presidential election of 1927 is considered to be the most falsified election of all time and even made it into the Guinness Book of World Records. The



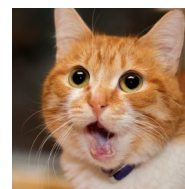
The term "bug" for a programming error dates back to the 19th century. At the time, engineers were afraid that small bugs could destroy transmissions and cause malfunctions. When the computer was later invented, there were indeed several incidents in which insects caused a system to crash. With that, the term "bug" stuck once and for all.

The eldest son of the future Roman Emperor Claudius, Tiberius Claudius Drusus, died of asphyxiation when he tossed a pear high in the air and caught it with his mouth, but he choked on it. At the time, it was suspected that he had been murdered by Sejanus, the father of his betrothed, but Suetonius, a Roman historian, did not believe that.



winner of the election, Charles D. B. King, won with more than 243,000 votes, although there were only 15,000 registered voters.

The human brain consumes about 20 percent of the body's total energy.





Friends,

As the year closes, it is a good opportunity for us to look back at the year. This year has had many challenges for us. COVID is still around, there are shipping delays, chip shortages and several other issues that are real struggles for us on a personal level, but even more so, on a business level. The new normal of dealing with COVID, has put an insecurity in dealing with others to the point of not knowing if we should shake hands, fist bump, wave or do the Vulcan "Live Long & Prosper" greeting. (And don't get me started with mask debates). It is harder to connect with one another today. It is a new normal. Despite that, 2021 has also brought us many blessings that we should be grateful for. Vaccines, for most people, are available in our country. For most people who want jobs, they are able to find well-paying ones. Many businesses that were shut down by the pandemic have started to rebound. On a professional note, we have a lot to be thankful for overall. For The J. M. Dickerson Law Firm PLLC, we have found an opportunity in the Central Texas area, New Braunfels specifically. As I write this, we are recovering from just moving into our New Braunfels office, and although we are still pending some furniture to be delivered, we are ready to see clients in our New Braunfels office. We are

grateful for the opportunity to expand into a new community and be of service to them as we have in each community that we serve. Raquel Herevia is our newest team member; she will be manning the New Braunfels office. We will be seeing clients in person in New Braunfels, as we do in Laredo and the Rio Grande Valley, and we also offer the option to meet via Zoom. This year we have continued to hone our systems to serve our clients more efficiently and effectively. We will continue to improve a program we implemented for our clients that we call ***The 3 Bucket Method Entity Risk Audit and Blueprint***. If we have set up your business entity in the past, expect us to reach out to you around the anniversary of your entity formation to schedule a time interview you or your team for the Risk Audit. This complementary opportunity will involve determining what documentation, contracts etc., may be missing and needed to maintain the entity protection. We will provide you with a blueprint of next steps and an offer on how we can help you stay protected. It is my wish of 2022 that my clients will take us up on the free service. On a personal note, this year I have completed my tenure as Scoutmaster for Troop 201 (don't worry I will still be active as an assistant Scoutmaster). I have also decided to focus my Rota-

ry activities around our District-wide event, Rotary Polio Moto, and limiting my other Rotary commitments. This will allow me to focus on continuing to build our practice and grow it to serve the communities we have elected to be a part of. In closing, I wish all our you a Merry Christmas and a Happy New Year. I hope to see or hear from you soon as we continue to strive to protect your assets and provide an efficient transfer of your assets to the next generation.



Best Regards,
Joseph Michael Dickerson

Special Delivery to:



The J.M. Dickerson
Law Firm
Wills, Trusts, Business & Real Estate
Official Newsletter
2 Lindenwood Drive
Laredo, Texas
78045



DECEMBER 2021 | VOL. 25

DICKERSON DIGEST

OFFICIAL NEWSLETTER OF THE J.M. DICKERSON LAW FIRM

INSIDE THIS MONTH'S ISSUE:

*WHO CAN CHALLENGE MY WILL & ON WHAT GROUNDS?
AND ON WHAT GROUNDS?*
PAGE 2

MR. DICKERSON'S COOKIES & OUR TRUE MOTIVES
PAGE 4

THE POWER OF CELEBRITY
PAGE 6

TIPS TO MAXIMIZE THE VALUE OF A CAR DONATION
PAGE 8

*"KEEPING IT REAL" WITH SPECIAL GUEST, REMAX BROKER,
SANDRA ALANIZ*
PAGE 10



Live the gift of Dickerson Digest

**SHARE SUBSCRIPTION
FREE WITH QR CODE**