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- Asset Protection Trusts
- Business Law
- Civil/Criminal Law
- Commercial Law
- Employment Law
- Estate Planning and Administration
- Family Law
- Juvenile Law
- Personal Injury
- Traffic Law
- Wills
- Workers Compensation

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The Importance of Leaving a Will

DID YOU KNOW THAT TWO-THIRDS OF AMERICANS DIE WITHOUT LEAVING A WILL?

These people, however, share some very prestigious company. The following famous individuals died without leaving a plan for the distribution of their estate: Howard Hughes, Pablo Picasso, former President Andrew Johnson, and even the Great Planner himself, Abraham Lincoln.

At this point you're probably questioning why you even need a will in the first place. Most people think that when they die their spouse or child(ren) will simply inherit all of their possessions. If only life (or death) were that simple.

Leaving a will is more about protecting your family than it is about your death. The benefits to preparing a will are numerous. First, and most significant, is the ability to control the distribution of your assets following your death. Often wills make the distribu-

tion of estates quicker and cheaper by avoiding unnecessary attorney's fees and probate taxes. You may also provide for guardians for your children and even suggest instructions for their upbringing. Wills can help to streamline the estate settlement process, protect your estate from an estranged spouse, and establish trusts, which provide financial support for your family. Are you still not convinced? Read on to see what the State of Maryland proposes to do with your possessions should you die without a will.

The Annotated Code of Maryland generally provides that the estate of individuals who die without a will (intestate) will be subject to the following distributions:

- Should you or your spouse die without a will and you have children *under* the age of 18, including adopted children, any residuary

estate (that which is left over after burial, probate taxes, administrative expenses, etc.) will be divided in half, with the surviving spouse receiving one half and the other half going to the surviving child or children.

- Should you or your spouse die without a will and you have children *over* the age of 18, the first \$15,000 of the residuary estate will pass to the surviving spouse and the remainder will be divided into halves, with one-half passing to the

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Welcome to Our Second Issue



I intended to send out a newsletter quarterly, but time just slipped by this past year. 1999 was a busy year. We have been striving to further improve and expand the services provided to you, our clients. One new area with which we can provide help is Asset Protection Trusts. We have also expanded our staff to better meet our clients individual and personal needs.

We hope that this newsletter provides you with some useful legal and non-legal information. We welcome your thoughts and ideas about this issue and about what you would like to see in future issues. So do not hesitate to give us a call or write us a letter about your opinion.

P.S. Check us out on our new website at fgalaw.com.

Fredric G. Antenberg

DISCOUNT SHOPPING

here is the adage that “you get what you pay for” and quality often does require a higher cost. Within the context of quality, some durables are discounted more significantly than others and for this reason, I would like to share with you some of my experiences regarding bargain shopping.

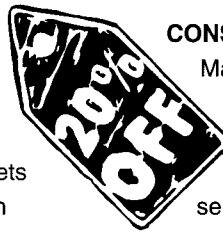


Over the past 24 months, I have visited numerous outlet malls, discount businesses, and occasional department stores. The following businesses are listed in the order of “best discount” on the same or similar merchandise:

Value City – located in Catonsville, Glen Burnie, Eastpoint, Annapolis and Frederick. Excellent values on men’s and women’s clothing, especially men’s all cotton

dress shirts (\$40-\$50 value for as little as \$10 – some with slight flaws but they are often not very visible and won’t affect the wear); bedding; sheets; pillowcases; and towels. This store also has a lot of “irregulars” – merchandise in colors that no one on this earth would want to buy so you have to be patient. There are many items which are truly good values.

Wamsutta-Springmaid – located in Queenstown, MD; Hagerstown, MD; and Rehobeth Beach, DE. All cotton, 250-thread per inch sheets and pillowcases. You can also buy 200-thread per inch sheets and polyester/cotton blends. Be careful – not all of their merchandise represents a good value in that they resell merchandise which is sometimes twice as much as you would find in BJ Wholesale.



TJ Max – located in Towson **and Marshalls** – located in Towson and Columbia. Men’s and women’s clothing; bath and home merchandise. Often they have “irregular” tags so check the merchandise to be sure the flaw isn’t too serious. Often their prices are greater than 50% off. Many times I have noticed that the “Compare” price is actually lower than the true retail.



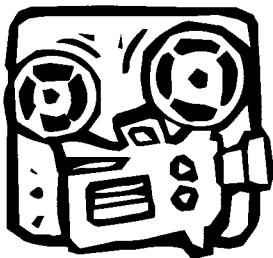
CONSUMER WARNING: Many factory outlets have merchandise tagged with over-inflated retail prices – no one would sell the item at the “retail price” advertised. Before going to a factory outlet, try to spend at least one hour in a mall department store to find out the true retail prices of the items you will be shopping for,

as well the discounts offered by the department stores.

TIP on FOOD and WINE: Chilean wines are still considerably under-priced for the quality of the product. Their prices are usually substantially less than California or French wines. Chardonnays, Merlots, and Cabernet Sover are excellent values. I suggest reading articles written by Ben Galberti and Michael Franz in the Food Section of the Wednesday *Washington Post*. You might try buying at least two or three bottles of any one of their recommended wines. After several tastings, you will become familiar with the characteristics of the wine.



– by Fred Antenberg



Quick Flix

Looking for some good courtroom dramas? Well, here are some of the best we have seen!

The Verdict (1982) – Paul Newman, Jack Warden, and James Mason. Great movie about a down-and-out lawyer who gets a controversial case dropped in his lap. Can he win it or will this case finally destroy him?

12 Angry Men (1957) – Henry Fonda, Lee J. Cobb, Ed Begley, E.G. Marshall, and Jack Warden. See the dynamics of a jury deciding the fate of an accused man

when a dissenting juror in a murder trial tries to convince the others that the case is not open and shut.

Reversal of Fortune (1990) – Glen Close, Jeremy Irons, and Ron Silver. Murder or misfortune among the social elite? This film is based upon the von Bulow case in which a wealthy socialite is accused of murdering his wife.

The Rainmaker (1997) – Matt Damon, Danny DeVito, Claire Danes, and Jon Voight. A new lawyer takes on a giant insurance company with deep pockets and a ruthless law firm.

Anatomy of a Murder (1959) – James Stewart, George C. Scott, and Lee Remick. Murder, temporary insanity, and small town scandal. Who could ask for a better case for small time lawyer to shine?



Maryland Divorce Law

Divorce has become a fairly common event. Recent statistics suggest that nearly 50 percent of all marriages end in divorce. With that in mind, we thought it may be helpful to briefly describe how the divorce process works in Maryland. One thing to always keep in mind is that divorce is neither easy nor quick in Maryland. Therefore, avoid it if at all possible.

A permanent and final divorce in Maryland is called an "absolute divorce." To get an absolute divorce, a person must have "grounds" for a divorce. Grounds are simply conditions that must be met in order to receive a divorce. The grounds that currently entitle a person to an absolute divorce in Maryland are:

One Year's Mutual and Voluntary Separation

Husband and wife must live "separate and apart" for one year without interruption and agree to end the marriage. Separate and apart means they must not live under the same roof and they must not have physical relations.

Two Year's Involuntary Separation

Husband and wife must live separate and apart for two years without interruption. This does not require the couple to agree to end the marriage.

Adultery – A spouse has sexual relations with someone other than his/her spouse.

Desertion – One spouse leaves the other for one full year without legal cause. This can be actual desertion (spouse leaves without reason) or constructive desertion (one spouse is forced to leave by the behavior of the other).

Cruelty and Excessively Vicious Conduct – This newly added ground for absolute divorce assists spouses in escaping domestic violence.

Conviction of a Felony or Misdemeanor – Spouse is convicted of a crime and is incarcerated for one year under a sentence of three or more years.

Insanity – Spouse is confined to a mental institution for at least three years.

If the grounds for divorce cannot be proven, then an absolute divorce will not be granted. Even if the couple agrees to get a divorce, they still must prove that they have satisfied the conditions. This is usually done by providing a corroborating witness. A corroborating witness is someone other than the spouses themselves who can verify that the couple has satisfied the conditions entitling them to a divorce. An example would be a friend or relative

who has observed that one of the spouses has moved out.

Once a person has grounds for an absolute divorce, he or she needs to file a **Complaint** in Circuit Court. A Complaint is a legal document that states the grounds for divorce and the vital statistics of the couples and the marriage. The Complaint also includes those things that the person seeking the divorce wants (child custody, visitation, alimony, property division, etc.).

After the Complaint is filed against the person's spouse, that spouse must file an **Answer to the Complaint**. An Answer is a legal document which admits or denies any or all grounds included in the Complaint. A process called **Discovery** usually follows. During this process, each spouse requests specific information and documentation from each other in the form of written questions, known as **Interrogatories, Requests for Admissions or Requests for Production of Documents**, and/or face-to-face questioning before a court reporter, which is called a **Deposition**.

The next part of the divorce process is the settlement process. During this process, the couple attempts to work out an **Agreement**, usually called a proposed **Voluntary Separation and Property Settlement Agreement**. The Agreement works out the majority of the divorce details, like who gets custody of the children, who gets the car, who gets the house, etc. If they can work out an Agreement, then the couple can avoid an expensive and long trial process. Divorces usually settle in the beginning when both spouses feel guilty

or in the end when they are both exhausted.

If the couple cannot work out an Agreement, then they continue to trial before a Judge or a Master. A Master is person appointed by the Court to oversee certain types of cases in order to reduce the workload of the Judges. During the trial, both the husband and the wife will present testimony in support of their position. Depending on the issues and assets involved, experts may be used by either or both the husband and wife to support their position. The Judge or Master then makes a decision whether or not to grant the divorce and on what grounds. The Judge or Master also decides who gets custody of the children, who pays the attorney's fees, who gets alimony and many other details which need to be resolved in order to end the marriage. The decision is then turned into an **Order of Divorce** which legally divorces the couple. That's the entire basic process.

– by Matt O'Brien



FA LAW is published quarterly for clients and friends of The Law Offices of Fredric G. Antenberg, Chartered. We are here to answer your questions, so give us a call. Remember, your initial consultation is free.

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Wills

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surviving spouse and the other half passing to the child or children.

- If you are married *without any children* and die without a will, your spouse will receive the first \$15,000 of the residuary estate plus one half of the remaining estate with your parent(s) receiving the other half. If *no parents survive you*, then your entire estate passes to your surviving spouse.
- If you are a widow or widower *with children or grandchildren*, all of your remaining estate will pass to your children or grandchildren. If there are *no* children or grandchildren, the residuary estate will pass to your parents to be divided equally.

Possessions such as the family home, land, personal property (including cars and furnishings), and even bank accounts may be subject to these intestacy provisions. Also, with the dawn of a new "investment age" it is becoming increasingly more common for individuals to have money saved or invested through savings plans, stock options, etc. It is essential that these individuals provide for the distribution of their investments.

Dying without a will is considered the biggest estate-planning mistake. To avoid the arbitrary distributions described above, all individuals should consider drafting and maintaining an updated will.

— by Mike Larsen

‘Quick Quotes’

Who Said What?

1. "If you tell the truth, you don't have anything to remember."
2. "There is no such thing as justice, in or out of court."
3. "All great truths begin as blasphemies."
4. "One's mind, once stretched by a new idea, never regains its original dimensions."

Choices: George Bernard Shaw, Samuel Clemens, Oliver Wendell Holmes, and Clarence Darrow

Answers: 1. Samuel Clemens 2. Clarence Darrow 3. George Bernard Shaw 4. Oliver Wendell Holmes

Walk Your Brain

Give your brain some exercise with these riddles:

A word we know,
Six letters it contains,
Subtract just one,
And twelve is all that
remains.

It is weightless,
but you can see it.
If you place it in a container,
it will make it lighter.

Answer: dozens

Answer: a hole