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

Volume 2

Issue 3

November 2000

Uninsured Motorist Coverage - What It Means To You!

Your vehicle is struck by a vehicle driven by an uninsured motorist. You suffer personal injuries in addition to extensive property damage. Will you be able to obtain a settlement or collect a judgement against the uninsured driver? The answer is YES!

Uninsured motorists travel the roads in increasing numbers. For your protection, your own automobile insurance company provides mandatory uninsured motorist

coverage as a regular part of your policy which you could use in these three accident situations:

- The driver is uninsured, often because his or her policy was terminated for failure to pay the policy premium.
- The driver only has coverage to a maximum of \$20,000, which is insufficient to compensate you for your damages. If you purchased uninsured motorist coverage on your policy in an amount

greater than \$20,000, your claim would be covered to the extent of your coverage because the other driver was "underinsured".

- A phantom driver cuts you off, causing your vehicle to swerve off the highway and strike a utility pole. You sustain bodily injury and property damage to your vehicle. Since the phantom vehicle and driver are unidentified, your uninsured motorist coverage becomes

effective.

In each of these examples you may recover a settlement or a judgement even though the driver/vehicle at fault is either uninsured, underinsured, or unidentified. If you have questions about your uninsured motorist coverage, review your current policy. If you still have questions, call your agent or CALL OUR OFFICE for additional information.

Giving Recorded Statements To Record or Not To Record

If you are involved in an automobile accident, work accident, or are seeking to obtain benefits from health or

disability insurance, DON'T AGREE TO GIVE A RECORDED STATEMENT, either oral or written, without contacting us.

The traps are many. Below are examples of how individuals lost valuable benefits because they were tricked by an insurance company or didn't appreciate that their statement could hurt them later in the claim process.

- A) Another vehicle hits you and it's their fault. Unknown to you, the driver who

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Parking - Change of Building Name



We're pleased to announce that the parking lot has been doubled in size, thereby enabling easier access to our offices.

Also, while for the past thirty years, our building has been known as "One Mall North", the new owners have renamed this building-the new name now is "One Columbia Center". Although the new name does not yet appear on the building, we remain located at the intersection of Governor Warfield Parkway and Little Patuxent Parkway (Rt. 175), in front of the Hechts and Nordstrom's department stores.

P.S. If there are subjects you would like to see discussed in this newsletter, please let us know!!

See
**Personal
Bankruptcy**
article on
page 3

Health Care Powers of Attorney— General Powers of Attorney— Declarations

We recommend Health Care Powers of Attorney, General Powers of Attorney, and Declarations (living wills) to our clients who don't already have them

A *health care power of attorney* enables the individual you designate as your attorney-in-fact to make health care decisions for you when you are incapable of making or communicating those decisions yourself.

A *general power of attorney* permits the person you designate as your attorney-in-fact to do almost everything you can do, depending on its terms.

A *declaration* (living will) is prepared when you are physically and mentally well. It expresses your desire and intent that should you become terminally ill in the future, you want two physicians to "turn off" life-sustaining equipment.

For more information on these important documents, CALL US.

Recorded Statements

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caused the accident was uninsured. When your insurance company takes a recorded statement from you, you naively believe they are doing so because they are looking out for you and protecting your interests. Actually, when the insurance company who covers your vehicle takes a recorded statement, they are doing this to protect *their* interests, not yours. When a claim is processed to provide you with uninsured motorist coverage, your insurance company "steps into the shoes" of the uninsured motorist and therefore must then defend the uninsured motorist's claim *against* you. Often, insurance companies don't advise their insureds as to their adversarial role in this situation.

B) You have an Allstate auto policy and are hit by an Allstate insured driver. When the Allstate adjuster calls, he or she doesn't tell you that the call is on behalf of the Allstate driver who hit you so you mistakenly believe you are talking to the adjuster assigned to you under your policy.

C) At work you are in an accident. The adjuster for the employer/insurer asks to do a recorded statement in order to investigate the claim. You feel that if you cooperate by giving either a recorded or a written statement, you will be expediting the claim process. However, the adjuster is only looking out for the employer's and insurer's interests—certainly not yours. The fact that you suffered injuries at work will not automatically mean you are eligible for benefits. Adjusters know how to trap an unsuspecting employee into answering questions that often result in the employee becoming ineligible/disqualified for benefits.

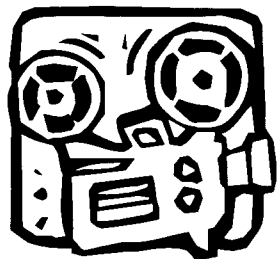
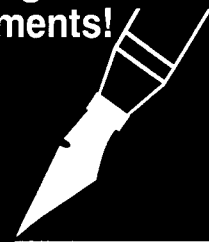
CALL US before giving a statement to any insurance company, either recorded or written.

Worker's Compensation - When You're Injured on the Job

Benefits available to you when you file a claim with the Worker's Compensation Commission of Maryland include:

- Temporary Total: compensation when you are unable to work
- Medical services for life
- Permanent Partial: compensation for a permanent disability
- Survivor benefits: benefits for dependents of a deceased employee
- Vocational Rehabilitation: assistance in obtaining a job when the injured worker is unable to return to his former employment. These benefits may include job placement, vocational evaluation, and training.

**Call us before
making
statements!**



Quick Flix

Fred is our film critic this month. Here are his recommendations for leisure time in front of the TV.

Murder One

[On the ARTS AND ENTERTAINMENT NETWORK
Thursday 9pm]

One of the best examples of criminal defense attorneys working in major cases. Keeps you focused.

Erin Brockevich

[Pay-Per-View]

Julia Roberts stars as an activist and if you're a fan of hers, you will enjoy her in this film.

Lansky

[HBO]

Richard Dreyfus portrays the Mafia legend. Lansky is likeable but I found it hard to forget that organized crime is a menace to our society and therefore I couldn't be empathetic toward him.

On the Sundance Channel...

I have enjoyed watching foreign movies with subtitles.

Normally I don't like the subtitles, however I saw two movies that captivated my attention. The first movie was about a young man who becomes a lawyer in one of the Slavic countries and is accused of killing his father. The other *The White Balloon* is a movie that takes place in Iran about a 6-year-old girl who wants to buy a goldfish.

Personal Bankruptcy

In Colonial Times, both in America and Great Britain, debtors went to prison.

Our U.S. Congress has passed laws enabling debtors either to be totally discharged from insurmountable debt or to have an opportunity to pay creditors at a reduced amount and make payments over several or more years.

Our law firm handles Chapter 7 bankruptcy cases, more commonly known as "personal bankruptcy".

Usually, we have spoken to prospective clients regarding their bankruptcy issues before they come into the office for their initial consultation. We ask them, in that first conversation, to bring us their documentation, i.e., bills and credit card statements. Then, when we meet for our initial consultation, we explain the process. To obtain a discharge of debts, we complete a petition which provides personal data; financial data; identifies documentation such as income tax returns, deeds, and security interest filings; and sets out past and present court suits and garnishments filed against the debtor.

Under the rules of the U.S. Bankruptcy Court for the District of Maryland, clients are permitted to keep \$6,000 in assets. That amount may be increased by an additional \$5,000 as well as by other exempted property or assets in some instances. Examples of exempted property include real estate held by Husband and Wife and proceeds from a personal injury claim, either from a settlement or judgment, so long as the personal injury

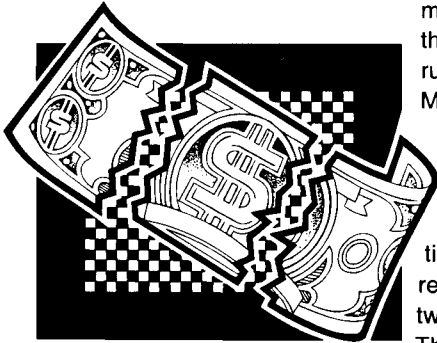
funds have been kept "segregated" (kept separate) from other assets or not placed in a joint account with someone else.

Once the forms are properly completed and the \$175 fee is paid to the U.S. Bankruptcy Court, a date is set for the meeting with creditors. The person who chairs this

meeting is the bankruptcy trustee. Most trustees are attorneys. Their compensation is received in two ways. They receive

a nominal fee for each case, which is approximately \$50, and contingent compensation-25% of what they recover. Here are a few examples: In order to maximize the exemption of \$6,000, the debtor (individual filing bankruptcy) lists \$700 as the value of his or her furniture. The trustee, however, asks the debtor at the Meeting of Creditors, "When did you purchase the furniture and how much did you pay?" The debtor says that he/she bought the furniture in the last four years and that the purchase price was \$100,000. Let's assume that if you sold the furniture today at a yard sale or at a flea market, it would bring \$10,000. The trustee could have it sold at an auction for \$10,000 and his/her fee would then be \$2,500. With competent advise from your attorney, this situation would be resolved before meeting with the trustee.

Earlier, I stated that \$6,000 of assets is exempt and often times, an additional \$5,000. Let's assume the debtor has a savings account or stock worth \$6,000 and furniture that might bring \$5,000. The trustee may



Shopping

ARUNDEL MILLS:

Recently I invited a representative from the Arundel Mills Mega Mall to speak at our local Rotary Club. I thought this new shopping center was going to be similar to other well-known discount malls like Potomac Mills in Dale City, Virginia, or Franklin Mills in North Philadelphia, Pennsylvania. Actually, it will feature a large number of spectacular and unique retailers.

One of the more unique retailers will be Bass and Company, which specializes in sporting equipment. They will occupy 135K square feet in this new mall and feature large saltwater and freshwater fish tanks stocked with fish to be caught with that new rod or reel you are trying

out. They will also have a rock-climbing wall so you can try out mountain climbing equipment.

In addition to the retail shopping, you will find twenty restaurants offering many opportunities to satisfy your hunger, from fast food to high-end gourmet food. Then when you want to rest a while, you can catch a film in one of their twenty movie theaters with the latest in technology.

Arundel Mills is located at the intersection of Route 100 East and Ridge Road (near the Baltimore-Washington Pkwy) in Anne Arundel County and will open Thanksgiving Week.

Plan to take the family for a new experience in retailing and recreation.



decide not to seek to recover anything against the furniture because the trustee can't be certain that the furniture will sell for \$5,000. It may only bring in \$2,000 and therefore the trustee's fee would only be \$500. The trustee may consider a fee of \$500 not worthwhile for his or her effort.

Another example is this: You have filed a claim for personal injury and the case remains pending before you are discharged from all permissible debts. On the schedule, which is part of your bankruptcy forms, you list that you have a pending cause of action (a bona fide case)

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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. (410) 730-4404

Remember, your initial consultation is free.

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Design & Layout
Thunder Grafix, Ltd.

Personal Bankruptcy

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against another person who was negligent in an automobile accident. You have serious personal injuries. After the discharge, you recover \$25,000. This money very likely will go to the bankruptcy court. The trustee, as his or her fee, could receive 25% of \$25,000, or \$6,250. The bankruptcy court keeps the remainder.

When seeking bankruptcy under Chapter 7, the ultimate goal is to be discharged from all debts. In order to achieve this, it is absolutely necessary to list all debts. If a debt is not listed, the debt will remain after you are discharged from all listed and permissible debt. Obligations and debts of the following types are typically not dischargeable: alimony, child support, student loans, and intentional torts such as assault, battery, or false imprisonment.

Other problems that debtors face in Chapter 7 personal bankruptcy cases include two categories of "preferential payments" and are considered fraudulent

conveyances. The trustee is permitted to recapture money or other assets that you have given to others within ninety days of your submission of the bankruptcy forms. Let's say you have five creditors and you pay off one of them. The trustee could recapture the funds from the creditor you paid. If you conveyed (gave) money or other property to an "insider" (i.e. relative or co-worker) within twelve months of the submission date of the bankruptcy forms, the trustee could seek to recapture those funds or property. Here is an example: Your parents loaned you \$4,800 to complete your college degree or to attend a computer school to obtain a certificate as a computer technician. In the past twelve months, you repaid your parents \$400 per month. The trustee could force your parents to pay over to the bankruptcy court the \$4,800.

As you can see from this brief introduction, filing personal bankruptcy can be complicated. If you are considering doing so, please CALL US first.

'Quick Quotes'

SOME "THOUGHTS FOR THE DAY":

"Yesterday is the past. Tomorrow is the future. Today is a gift; that's why it's called 'the Present'." —*Anonymous*

"A gem cannot be polished without friction; nor a man perfected without trials." —*Chinese Proverb*

"Man is the only animal that laughs and weeps; for he is the only animal that is struck with the difference between what things are and what they might have been."

—*William Hazlitt*

"Life is like an onion; you peel it off one layer at a time, and sometimes you weep." —*Carl Sandburg*

"They say marriages are made in Heaven...but so are thunder and lightning!" —*Anonymous*

"You cannot shake hands with a clenched fist."

—*Indira Gandhi*

Columbia Trivia

1. Where were the first issues of the Columbia Flier printed?
2. When were the first traffic lights in Columbia introduced?
3. Which office building was the first to be built in Columbia? Hint: It's not the American Cities Building, not the Teachers Building, and not the Rouse Company headquarters building!
4. Which business is known as the first office business in Columbia?

Answers:
1. In the apartment of Zeke Onitsky, publisher (1970)
2. About 1973
3. Actually the building we occupy, One Mall North, recently renamed One Columbia Center.
4. Fred Hitman established Hitman and Associates in 1969, located off of Red Branch Road.