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HELPING PROTECT YOUR FAMILY AND GROW YOUR BUSINESS

For Your Consideration

Medical ID accessories go high-tech

A growing number of Americans have complex medical conditions like heart disease and diabetes. They may have drug or food allergies, suffer from disorders like autism, or take medications that medical staff should know about in an emergency. Anyone with a medical condition that would not be obvious to medics or doctors if they were unable to communicate should consider some form of medical-identification program.



New bracelets and other medical-identification systems can provide first responders with a patient's health history. They can steer first responders to a secure website or toll-free phone number, or initiate a text message, to get the medical and prescription history of a patient who may be unconscious or unable to talk about their condition.

This jewelry needs to be linked to a medical-information service, such as the nonprofit MedicAlert Foundation, or emergency responders' knowledge will be limited to what's engraved on the accessory. People who don't want to wear jewelry can carry a specially marked USB flash drive loaded with emergency data that medics can read from any computer in an emergency.

Many patients have conditions that are much more complex than can be noted on a bracelet. Last year Permanente Medical Group began offering members a \$5 flash drive loaded with personal information that can be regularly updated from their electronic medical-records system. Privacy is a concern to some people, so the file is encrypted and password-protected when the patient's data is loaded onto a flash drive.

Bracelets issued by MedicAlert are engraved with a patient's member number and a toll-free number to access a 24/7 hot line for information. MedicAlert has also added services like notifying family members in an emergency.

For people whose doctors don't keep electronic medical records, companies like MedInfoChip sell software programs that help consumers set up their own health records on a computer and load them onto a USB device. American Medical ID offers a flash drive in a dog-tag style pendant that can be engraved with basic medical information and loaded with a patient's medical records.

Another program, called Invisible Bracelet, does away with the need to wear a bracelet or carry a device. The program, a partnership between Docvia LLC and the American Ambulance Association, allows members to upload personal medical data to a secure website and receive a personal

identification number for \$10 a year. Members get cards, key fobs and stickers that show their identification number and the website address. The website also allows medics to automatically generate text or email messages to designated family members notifying them where the patient is being taken by ambulance.



We partner with DocuBank, which provides hospitals with access to your healthcare directives and emergency information, 24/7/365. We offer DocuBank as part of our client service package to ensure that your living will, health care power of attorney, contact information, and important medical information regarding allergies and drugs will be available when needed. We advise clients to carry their DocuBank Emergency Access Card in their wallet ~ next to their driver's license or health insurance card ~ at all times.



From Bill's Blog...

<http://wisconsintrustsandwills.com>

About mortgage "due on sale" clauses

If you want to leave your home (or rental property with four or fewer units) to your children, grandchildren, or anyone else – and that property is subject to a mortgage – you should know this.

Virtually every mortgage has a "due on sale" clause. The clause states that your mortgage is due in full if you sell or transfer your property. Notice, it doesn't just happen upon sale. It happens whenever ownership interest is transferred.

On its face this could present a problem. For instance, if you set up a trust and then transfer your ownership to the trust, this clause would result in the mortgage becoming due. If you didn't pay up with funds from another source or through refinancing, the lender could fore-

close on the property. Likewise, at your death, when your ownership interest is transferred to your beneficiaries, the mortgage would become due and payable in full.

Luckily, there is a federal law that trumps the "due on sale" clause. It is the Garn-St. Germain Depository Institutions Act of 1982 and it allows you to place real estate in a trust without triggering the "due on sale" clause.

As long as the residential property has less than five dwelling units, the "due on sale" clause is not enforceable when the property is inherited, or when the property is transferred to a revocable living trust – a common estate planning technique that our firm thinks is superior to others in many cases.

Get money you need without paying penalties

In these trying economic times, more and more people who need money are looking to sources such as their retirement accounts. Generally speaking, if you withdraw money from a traditional individual retirement account (IRA), 401(k) or other qualified retirement plan before age 59½, you are subject to a penalty. Early withdrawals carry a 10 percent federal penalty and a 3.3 percent Wisconsin penalty. The money is also considered taxable income

Before taking that hit, consider these options.

Tap your Roth IRA or Roth 401(k). This is one of the easiest ways to get at retirement funds because you can make withdrawals of contributions (but not earnings), without paying penalties or taxes since contributions are made with after-tax money. But be aware that the long-term impact of raiding your Roth can be significant since you won't have as much money growing tax-free for years.

Take out a 401(k) loan. Most 401(k) plans and several other types of employer-sponsored plans allow investors to borrow up to half of the vested balance in their account, up to \$50,000. Terms vary, but most require borrowers to repay the loan within five years. Those who use the money to buy a home may get a longer repayment period. Plus, the 401(k) loan typi-

cally requires no credit check, minimal paperwork, and borrowers often get a better interest rate than at a bank.

Use one of the exceptions to penalties. There are a bunch of them.

You can, for example, take regular distributions from an IRA, 401(k) or other retirement account. This is the most commonly used option. You are permitted to make regular withdrawals of equal annual amounts over your remaining life expectancy without paying the penalty. You must take these payments at least once a year for a minimum of five years or until age 59½, whichever is longer.

Other exceptions include:

- Becoming totally and permanently disabled.
- Being in debt for medical expenses that exceed 7.5 percent of your adjusted gross income.
- Being required by court order to give the money to your divorced spouse, a child, or a dependent.
- Being separated from service (through permanent layoff, termination, quitting or taking early retirement) in the year you turn 55, or later.

"My favorite poem
is the one that starts
'Thirty days hath
September' because
it actually tells you
something."

- Groucho Marx

Identity theft is easier than ever

With the explosion in social networking and business conducted online, it's easier than ever to steal someone's identity. To fight that, prosecutors are taking a more aggressive approach in how they use Wisconsin's identity theft laws.

In a recent article in the Wisconsin Law Journal, Milwaukee County District Attorney John T. Chisholm was quoted as saying, "I think the reason behind that is because the implications of identity theft in the Internet age are so much greater... I've known some prosecutors who have been victimized themselves and it can take years to restore credit."

The statute states that unauthorized use of an individual's personal identifying information or documents is a Class H felony punishable by up to a \$10,000 fine, six years in jail, or both.

Prior to the rise in identity theft awareness, a case where someone takes a credit card and charges \$100 at a store would usually result in a misdemeanor theft charge where the offender would pay restitution and a fine. Now the same crime may result in a felony charge.

The law gives prosecutors added leverage, and the expanded use of identity theft laws can include things like signing someone else's name on a check, which many people don't realize is form of identity theft. Some less serious crimes are now charged as identity theft

that probably would not have been before.

The statute is broad, agrees Dane County District Attorney Brian Blanchard, but isolated instances, such as giving a false name or birth date to police, probably wouldn't be charged as a felony.

Prosecutors are likely to evaluate intent by an offender and damage to a victim, monetary or otherwise, when determining whether a crime warrants felony charges. However, there could be more opportunities to apply the identity theft statute given the rise in people sharing information online.

"If someone has done an Internet search and picked a victim out, to me that is felonious," stated Blanchard. Unique situations are also popping up, such as a case recently referred to Blanchard's office which involved a man from Michigan who stole the face and body of a Wisconsin man to use on a singles website.

Fraud investigators say people don't always realize what types of information can put them at risk of identity theft, especially online. A common security question for online accounts is asking for the account holder's mother's maiden name. If that person has their mother as a friend on Facebook, and she's using her maiden name in her username, it can be pretty easy to put two and two together.

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Now thieves are targeting your children

Nowadays children have Social Security numbers practically from birth, and unscrupulous businesses are finding these dormant Social Security numbers, and selling them to help people establish phony credit and run up huge debts they will never pay off.

They use computers and publicly available information to find random Social Security numbers. The numbers are run through public databases to determine whether anyone is using them to obtain credit. If not, they are offered for sale for a few hundred to several thousand dollars.

Because the numbers often come from young children who have no money of their own, they carry no spending history and offer a chance to open a new, unblemished line of credit. Many of the business selling the numbers promise to raise customers' credit scores to 700 or 800 within six months.

If they default on their payments, and the credit is withdrawn, the same people can simply buy another number and start the process again, causing a steep spiral of debt that could conceivably go on for years before creditors discover the fraud.

The crime can come back to hurt children when they get older and seek credit for the first time,

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More about: Identity thieves targeting children...

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only to discover their Social Security number has been used by someone else.

Experts say the fraud is difficult to stop because it's so easily hidden and targets such vulnerable people. Other than checking with the credit bureaus to see if there is a credit file associated with your child's Social Security number, there are no specific tools for safeguarding the number.

The Fair Credit Reporting Act guarantees you access to your credit report for free from each of the three nationwide credit reporting companies (Equifax, Experian, and TransUnion) every 12 months. (AnnualCreditReport.com is the only authorized source for the free annual credit report that's yours by law.)

Monitoring your credit is one of the best ways to spot identity theft. The Federal Trade Commission recommends checking your credit report at least once a year to correct errors and detect unauthorized activity. Rather than getting three reports at once, we advise people to obtain one credit report every four months from one of the three credit reporting companies on a rotating basis. By requesting the reports separately, you can monitor your credit more frequently throughout the year.

We've always recommended doing it for yourself. Now do it for your kids too.

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