

NJ Laws Email Newsletter E481

Greetings!

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1. Veterans Day- local military veterans will be holding services and other events this week to commemorate Veterans Day. The holiday, originally called Armistice Day, was created to honor veterans of World War I. The armistice effectively ending the war was signed on Nov. 11, 1918. In 1954, Congress passed legislation setting Nov. 11 as a day to honor American veterans of all wars.

While in college, I wrote my senior class project on my grandfather Albert Louis Vercammen who fought in WWI against the German army with the Belgian Army. I wrote how he single handedly defeated the Germans to make the world safe for democracy. Decades later, the Red Chinese stormed into North Korea in the Korean War and threatened Communism throughout Asia. The Army summoned my dad, Albert P. Vercammen, to go over and fight the invaders. He

was on the Battleship New Jersey crossing the Pacific when the North Koreans and Chinese heard about the fierce Vercammen fighting spirit. The North Koreans started to retreat and wanted to surrender. The cowardly United Nations let them call it a truce. Again, the world was safe for democracy.

While in Korea, Al Vercammen was promoted to Sergeant. I recall him saying Korea was the coldest place in the world. Also, unlike the TV show MASH that had hot nurses, the ones in Korea were all ugly. The black and white photos taken in Korea my Dad has show barren hills near their Spartan tents. It looked cold. I am glad I did not have to go over there. So as Americans, we thank our dads and other vets that got the call to duty [draft] and helped turn the tide against the Communists.

My father in law John Bachenski served in WWII in the Army Air Corp, the forerunner of the Air Force. He help start the sonar radar program for the Army. He successfully helped defend the air base at Boca Raton, Florida from the invading Italian navy.

For veterans and those who support veterans, we have American flags of all sizes, American flag pins, key chains, drawstring bags and wall calendars available for pick up during office hours.

2. Reasons to sign a Power of Attorney

A Power of Attorney allows your spouse or another person to administer your assets during your lifetime, either upon disability or now. The lack of a properly prepared and executed Power of Attorney can cause extreme difficulties when an individual is stricken with severe illness or injury rendering him/her unable to make decisions or manage

financial and medical affairs. More info at:
http://www.njlaws.com/power_of_attorney.html

In the absence of a Power of Attorney or other legal arrangement to distribute property if you become disabled, your family or partner cannot pay your bills or handle your assets. The result can be lengthy delays.

The term durable in reference to a power of attorney means that the power remains in force for the lifetime of the principal, even if he/she becomes mentally incapacitated. A principal may cancel a power of attorney at any time for any reason. Powers granted on a power of attorney document can be very broad or very narrow in accordance with the needs of the principal.

New Jersey has a detailed, expensive legal procedures, called Guardianships or conservatorships, to provide for appointment of a Guardian. These normally require lengthy, formal proceedings and are expensive in court. This means involvement of lawyers to prepare and file the necessary papers and doctors to provide medical testimony regarding the mental incapacity of the subject of the action. The procedures also require the involvement of a temporary guardian to investigate, even intercede, in surrogate proceedings. This can be slow, costly, and very frustrating. Advance preparation of the Power of Attorney could avoid the inconvenience and expense of guardianship proceedings. This needs to be done while the principal is competent, alert and aware of the consequences of his / her decision. Once a serious problem occurs, it is usually too late.

The Power of Attorney can be effective immediately upon signing or only upon disability.

Most people who give a Power of Attorney to someone else do it with the thought that if they should become ill or incapacitated or if they should travel, the Power of Attorney will permit the holder of it to pay their bills and to handle all of their affairs for them as limited in the Power of Attorney.

3. Recent case: Defendant asking to speak with Uncle counts as Miranda right to remain silent: State v. Maltese 221 NJ 611 (2015)

Because defendant's statement to his uncle occurred after officers violated his Fifth Amendment right to remain silent, that statement is inadmissible. Defendant's subsequent statement to police was fruit of the unconstitutionally obtained statement to his uncle and must also be suppressed. Thus, defendant's convictions for manslaughter and murder are reversed. His other convictions are affirmed because they are supported by evidence independent of the suppressed statements. On remand, the trial court shall conduct a pretrial hearing to determine whether the physical evidence obtained as a result of defendant's suppressed statements is admissible under the inevitable discovery exception to the exclusionary rule.

4. Latest YouTube Videos

Duty of Executor of Probate Estate:

<https://www.youtube.com/watch?v=fIsgffdmqXM>

Power of Attorney Preparation:

<https://www.youtube.com/watch?v=bwQUcvQog3U>

5. Nov 24th Review of the Major Municipal Court Cases from 2015

Municipal Court Practice CLE Seminar

When: Tuesday, November 24, 2015 2:00 PM until 4:00 PM

Where: MCBA Office 87 Bayard Street New Brunswick,
New Jersey 08901

Presenters: Kenneth A. Vercammen, Esq., Edison William G.
Brigiani, Esq., East Brunswick

To Register:

[http://www.mcbalaw.com/events/event_details.asp?
id=652979](http://www.mcbalaw.com/events/event_details.asp?id=652979)

Contact Information: MCBA Jonathan Cowles
jcowles@mcbalaw.com Phone: 732.828.3433, ex.102 Cost:
\$30-Young Lawyers; \$40-MCBA Members; and \$75-All
Others

6 . Boy Scouts of Americas, Middlesex County Toast to Scouting Award

Tuesday, December 1 at 6:30pm Pines Manor 2085 State
Route 27, Edison, New Jersey 08817

Honorees:

Brendan J. Flynn, Sr.

Manager

Flynn and Son Funeral Home

Kenneth Vercammen, Esq.

Attorney at Law

Edison, NJ

Hon. H. James Polos

Freeholder

Middlesex County

Walter H. Deutsch II

Vice President

Unity Bank

Michael Blackwell

Executive Director

The First Tee Raritan Valley

Individual Dinner Ticket \$150

Buy tickets at: <http://ppbsa.doubleknot.com/event/2015-middlesex-county-toast-to-scouting-awards-dinner/1793590>

If you are happy with our services, please be sure to like us and post your testimonial on Facebook as well as endorse us on LinkedIn!

Editorial Assistance Provided by Juhi Duggirala. Ms. Duggirala is participating in Ken Vercammen's Fall Internship Program and currently attends Kean University.

Editors Note and Disclaimer: All materials Copyright 2015. You may pass along the information on the NJ Laws Newsletter and website, provided the name and address of the Law Office is included.

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