

November 2010



CHUBB REPORT

WHAT'S GOIN' ON BY WAYNE CHUBB

So, another Holiday Season is upon us! I know this because the holiday decorations went on sale 4 weeks ago at the Home Depot, and also because the unfinished details in the common areas of the house are once again glaring at me (trim updates, touch up paint, new glass for the front door sidelights, etc). But, as a fellow remodeler once told me, "It's not money anymore, it's just numbers!" Oh yeah, and time.

For those of you whose homes are actually finished, this month is a great time to catch many of our local pro teams in action (and you thought we had only one – hah!) The **Sacramento Kings** open their home schedule on the 2nd, and are offering the lowest ticket prices in several years. Our pro football team (didn't know we had one, didja?), the **Sacramento Mountain Lions**, wrap up their home schedule at Sac State on the 13th. And probably biggest of all, we have the **Sac City Rollers Fall Fury** on the 13th at the Foothill Skate Inn, because nothing says holiday like Roller Derby, baby!!! If you prefer to get your own bruises rather than watching others do it (and as those of you who know me are aware, getting bruised is one of my core skills), the Sacramento Ski and Snowboard Show will be held this year on the 20-21 at Cal Expo. There was fresh snow in the high country for us 2 weeks ago, so the season is coming! The **Sutter Street Ice Rink** opens on Nov 5th this year, and the **Downtown Rink** in St. Rose of Lima Park usually opens by Thanksgiving.

But there is a greater purpose to the holiday season – and that, of course, is stimulating the economy with a big infusion of retail spending. We may have more opportunities to do that than I've ever seen, starting with the **Holiday Shoppportunity** at the Folsom Community Center on Nov 7, with 60 local vendors getting an early start on vying for your holiday dollars. For all of us who constantly have to tweak something

at home, the **Woodworking and DIY Show** at Cal Expo on the same weekend offers lots of big boy toys – and if I buy them now, Heather, think of the projects I can finish by Christmas! The **Harvest Festival Arts and Crafts Show** brings the largest such show on the West Coast to Cal Expo on the 19th – 21st, while the **Indian Museum Arts and Crafts Holiday Fair** (CA State Indian Museum) and **Crocker Art Museum Art and Crafts Festival** (Crocker Art Museum) bring more focused gift shopping to Sacramento on the day after Thanksgiving. I assume the Crocker will be decorated by then for Christmas, and that alone is worth a stop.

Of course, you need some wine and music to settle your nerves after dealing with any holiday shopping. Many foothill wineries run pre-Thanksgiving events, and we are getting into port and chocolate season. More formalized is **First Sip** at the Lodi wineries, a unique event that allows you to taste this year's crush as well as more mature vintages, Nov 13-14. Some of you are asking "But isn't this year's crush basically grape juice?" Um, yeah, actually, but still, it's interesting to try them. The same weekend brings **Winefest**, a boringly named but tasty event involving most of the Amador wineries in one place, the Amador County Fairgrounds. Drink lots without driving! The **West Coast Ragtime Festival** returns tinkling keyboards (drinking pun semi-intended) to the Red Lion on the 19th-21st, and the **Davis Blues Festival** brings the world's greatest music to the Vet's Memorial Center Theater on the 14th.

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As the holidays draw near, many divorced parents may face conflicts, even though they already have an established parenting schedule – he had the kids on Christmas last year and wants them again because dear old Grandpa may not make it . . . she wants to keep the kids again for Thanksgiving because family from Wisconsin are visiting . . . and what about Halloween?

When these conflicts arise, it may already be too late to get in front of a Judge through the normal process, and the only option you may have is an *ex parte* motion (Latin for “without notice”). The standard the Judges will use to determine whether you have a legitimate emergency is “blood on the floor,” meaning that irreparable harm will occur without immediate orders. You may think missing out on Grandma’s oyster stuffing qualifies as irreparable harm, but the Judge may see things differently. You may just get an order shortening the time requirement.

The problem with the *ex parte* process is that if you have a lawyer help you, the costs will be enormous (we family law attorneys joke that the “ex” in *ex parte* stands for “expensive”). In these hearings, you and your lawyer have to sit in a courtroom and wait sometimes for hours, for the Judge who is busy with other cases. During all that time, your lawyer’s meter is running. If you handle your *ex parte* without a lawyer, there are many traps for the unwary, and you may have to spend inordinate amounts of time at the courthouse – during the holidays, when time is at a premium. So if you want a Judge to resolve your conflict, your choice boils down to paying with your wallet or your calendar.

The better alternative is to reach some kind of agreement that everyone can live with. Think beyond the current argument – maybe if you give up Christmas this year, you can have additional time during the summer months to take that camping trip to Yosemite.

Maybe if you give up Thanksgiving this year, you can get the kids for next year’s family reunion. If you and your ex can’t talk, enlist the help of someone both of you can trust – clergy, a family friend who has managed to stay cordial to you both, or a professional mediator. You will always be better served by making decisions yourself. As parents, you are the two people best qualified to make decisions about your children’s lives.

Of course, there are times when negotiation and compromise are impossible – he wants to move to New York with the kids and she wants to stay in California. The obvious settlement in that scenario is everyone moving to Kansas, but that’s not going to make anyone happy. In those situations, you should consult with a qualified family law attorney, but otherwise – stay out of court.

Katherine Sabo has been a family law attorney for 15 years and loves it when parents can work together, and when they can't, she's eager to find creative solutions. Contact her at 916.447.1092 or visit her online at www.sabofamilylaw.com

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Big and little cars also figure in this month. **The Sacramento International Auto Show**, and real big boy toys, rolls into Cal Expo from Nov 12-14. For all you scouting parents, the **AIGA Fall Gala – Pimp My Pinewood Derby** comes to the Yerba Buena Center for the Arts in SF, and runs the gamut of what a chunk of pine can be converted to. Since Chubb Motors won Best Design for both Kids and Adults divisions at Pack 310’s 2010 Pinewood Derby, I’m insulted we weren’t invited.

Lastly, the **Sacramento Area Astrologers** have their annual show at Planet Earth Rising in Folsom on the 21st, where they will try to show that information that appears on the comics page is really a science. But then, you probably already saw that in the stars...

Enjoy your fall, have a wonderful Thanksgiving, and let’s get together again before Christmas!

Having the Tough Conversations with Mom or Dad About Estate Planning and Their End-Of-Life Care

BY HEATHER R. CHUBB

November is National Family Caregivers Month. In honor of all the caregivers out there I thought I'd pass on a few tips that can make your life easier.



If you are a middle-aged adult, you probably think of estate planning as a smart way to protect your children and your assets should the unthinkable happen to you.

And while that is 100% true, have you thought about estate planning as it relates to your parents? Have you considered the responsibilities that will fall on you—the child, when mom or dad becomes incapacitated or passes away?

Many of us don't think about our parent's estate plan because we assume they've taken care of everything . . . the way you are doing now for your own children.

Yet as I send my clients home to go talk with their OWN parents about estate planning, they learn nothing could be further from the truth.

So to help you get a few steps ahead and avoid an absolute financial and emotional nightmare should your parents become incapacitated or pass away without a plan in place, here are a few questions you'll want to address TODAY with mom or dad:

- 1. Do you have a will or trust in place?** Not only do you want to find out if they have one, but you want to know if it's been updated through the years. Most estate planning attorneys do not inform their clients of the need to update their plan every three years . . . which is exactly why most plans fail when families need them the most. So if your parent's plan looks a little out of date (*especially as it relates to their medical directives, HIPAA provisions, and long-term care planning!*), I recommend getting them back into an attorney's office ASAP for a checkup.
- 2. Have I been named in any 'legal helper' roles?** If you have been named as your parent's power of attorney, executor, etc. you need to know where the documents giving you such legal permission are—and what to do if called upon in an emergency! This is especially true if you have been named the successor trustee of their trust, as you could be forced to pay out of your own pocket if any serious mistakes are made when distributing their cash.

- 3. If you don't have a plan in place, why not?** Do your parents fully understand that without planning, they will either lose their assets or pay a fortune if they ever require nursing home care? Do they understand that when the estate tax comes back in 2011, over HALF of their entire estate may automatically go to Uncle Sam if they own more than \$1 Million in assets (which when you add up the value of their property, life insurance, cars, investments, etc. it's really easy to hit \$1 Million in assets these days!). Do they understand that no one will have permission to make financial or medical decisions for them if they were incapacitated on a short or long-term basis? And most importantly, do they understand that YOU will be left with a huge mess on your hands at a time of great loss and grieving for your family?

Of course as an attorney and a daughter myself, I understand having these tough conversations and getting to the bottom of your parents affairs can be easier said than done.

For that reason, I invite you to schedule a FREE Peace of Mind Meeting with me (\$750 value) where I will personally sit down with you and your parents to help get these tough questions answered and ultimately help your parents begin setting their legal/financial house in order. We'll also talk about the next steps in protecting your parent's assets and safeguarding their wishes should they ever require nursing home or other end-of-life care.

Simply call **916.635.6800** to schedule your appointment. However, this offer is limited to the first 10 people who call, so lock in your free planning session today!

Written by Heather R. Chubb, Personal Family Lawyer, speaker, and MOM. Heather makes it easy for your family to talk about and plan for tough subjects like money, death and taxes, and other life transitions. Visit her online at www.chubblawfirm.com.

Thank You for Your Referrals

There is no question that I have the best clients on the planet. My business is built on word of mouth advertising and I'd like to thank the following people who were kind enough to recommend my services to their friends and family. Thank you soooo much!

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Halloween is over and the kids had a blast. Carson had a Halloween party for his buddies. They dressed in costume (Owen was Indiana Jones and Carson was a Halo assassin) and we set up the big screen so they could watch **Mega Piranha** (yep, it is just as bad as you can imagine— gigantic piranhas flying into buildings and bursting into flame, piranhas devouring an entire battleship, and characters who can't keep their accent straight, primary weapons made of Nerf guns painted black . . . fabulously awful). I made Kitty Litter Cake (did you know that warmed tootsie rolls can be shaped to look amazingly life-like and have the perfect sheen?) and Frog Eye Slush for just the right sugar rush. A fun time was had by all.



As Thanksgiving is upon us, I pause once again to ponder all the wonderful things in my life to be thankful for—great kids, a wonderful and understanding husband, a beautiful garden and simple pleasures. I also want to thank all of my clients for allowing me to be a part of their life. It gives me great pleasure to be able to surround myself with such amazing, caring people and help them get their ducks in a row. You all know that at our initial meeting I ask that you bring a family photo, but did you know that it is one of my favorite parts of the meeting? Seeing the entire family helps bring perspective to what I do and helps me connect in a way that most lawyers don't. I love that!

All my best,

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