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## Can Bill Collectors Go Too Far?

Do you cringe when your phone rings because there's a chance it's another bill collector calling you regarding your past due accounts? Granted it is a bill collector's job to work with you in paying back what you owe, but can they go too far in their persistence in contacting you to do so? The answer to this is yes, and the following will explain how you can take action against these abusive strategies.



One of the first and most important things for you to know about is the legal rights of the debt collectors. The federal Fair Debt Collection Practices Act prohibits certain debt collectors from engaging in abusive behavior. This Act covers debt collectors that work for collection agencies, but it does not cover debt collectors that are employed by the original creditor.

### *Did You Know?*

It is illegal for bill collectors to...

- Contact third parties (other than your attorney), a credit reporting bureau, or the original creditor, except for the limited purpose of retrieving your current contact information. Collectors can contact your spouse, parents (if you are a minor), and your co-debtors, unless you have asked them in writing to stop contacting you.
- Repeatedly call you at unreasonable times. An unreasonable time is defined by the law is before 8 a.m. or after 9 p.m.
- Contact you at work if your employer prohibits it.
- Use or threaten to use violence.
- Use obscene or profane language.
- Not identify themselves when they call you.
- Claim you owe more than you do.
- Claim to be attorneys when they are not.
- Claim that you will be imprisoned or your property will be seized.
- Send you a paper that resembles a legal document.
- Add to your account unauthorized interest, fees, or charges.



*If a debt collector crosses these boundaries, you can take steps to ensure that it does not happen again. Contact us today toll free at (866) 455-2993 to schedule an initial consultation to discuss your debt collection concerns.*



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*You're first and foremost with us.*

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# Are You on the Move? Relocating Out of State and Your Estate Plan

You did the responsible, prudent thing to do: you consulted with an estate planning attorney and did an estate plan. You have a health care power of attorney, a financial power of attorney, a pourover will, and a revocable living trust. You even funded your assets into a living trust so that they would avoid probate. But, now have you moved across country and are wondering how this impacts on your estate plan.

The documents you signed prior to moving to another state are usually still valid. States typically honor documents that were valid and enforceable in the state in which they were prepared. So, for example, even though Florida requires a revocable living trust to be witnessed and notarized, it will honor a trust signed while you lived in Wisconsin where no witnesses were required.

Powers of attorney for health care and financial matters also are usually still valid. However, though technically valid, the powers may be unfamiliar to those in your new state. A power of attorney is only as good as people's willingness to accept it. You do not want to have to take a bank or hospital to court when you go to use it. So, it usually is best to do new powers of attorney.

Trusts created in one state are typically valid in another state. However, the provisions of the trust may need to be changed in order to take advantage of or plan around differences in the laws. For example, one state may have no separate estate tax while another state may. Planning to minimize taxes may require changes to the trust.

You can change a living trust by signing an amendment or restatement of the trust with the proper formalities for the new state. An amendment changes specified provisions while a restatement basically removes everything but a shell and replaces it with new provisions. Either way, the work you did in funding the trust will not need to be repeated. Even though the terms of the trust may change, the title to the assets in the trust would not need to change.

In addition to your existing estate planning documents, new documents may be required. For example, if you move into a common law state, you and your spouse may want to convert your marital property into joint tenancy property. This could be accomplished by a property agreement.

It is very important to consult with a qualified estate planning attorney in your new state. There may be laws with which you are not familiar, such as community property in California, the intangibles tax in Florida, or the stand-alone estate tax in Ohio. Your estate planning attorney can explain the important legal differences and can tell you which documents should be changed.

*Our Estate Planning Attorneys, William F. Greenhalgh and Michelle T.L. Hernandez, are active members of the American Academy of Estate Planning Attorneys. They can assist you in making sure your estate plan is current and reflects your specific needs. For a FREE consultation, contact us toll free at (866) 455-2993 today.*

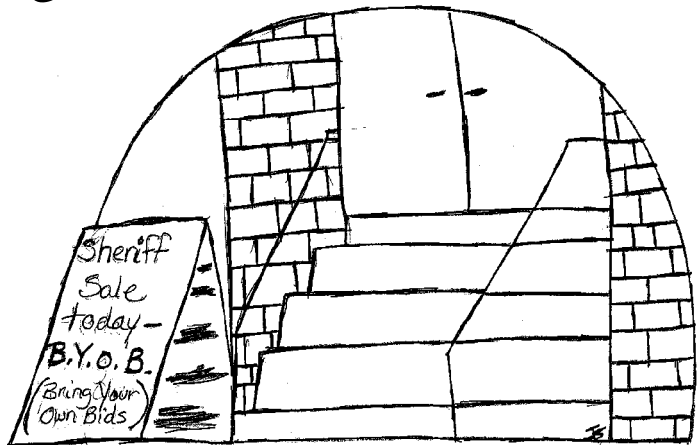
## We Are Happy to Introduce You to... Attorney Jason Staples



Jason joined the staff of Greenhalgh Krueger Hernandez & Fasi SC in September 2005. Attorney Staples was born and raised in Detroit, Michigan and is the youngest of four children. He attended Michigan State University where he graduated with a bachelor of science degree in accounting in 2001. Jason received a full scholarship to the University of Wisconsin-Madison Law School and graduated in May 2005. When he's not working, Jason enjoys playing football, basketball, and running.

Attorney Staples practices law in the areas of estate planning, probate/trust administration, business/corporate, and cases involving serious injury or death. He is available to meet our clients' needs at our Baraboo, Madison, Janesville, and Milwaukee office locations.

## GK Funnies



### Disclaimer

*The information provided in this newsletter is not intended to serve as specific legal advice. Viewing this information does not constitute an attorney-client relationship.*

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