



# KH LAW NEWS

2009 Edition

January



Watch Out for that Ice  
KH Kudos Keep it Green

Congratulations Dera!  
Vacation Home Planning

KH Services  
Hospice Success!

From All of Us

## Watch Out for that Ice!!!

The wonderful season of winter has hit full throttle in Wisconsin and there are many opportunities for you to experience a slip and fall accident with the ice patches on walkways, parking lots, etc. It is helpful for you to know how to determine liability and what is considered reasonable in slip and fall cases.



### Legal Responsibility

One of the following must be true in order for the property owner to be legally responsible for the injuries you suffer from your slip and fall accident:

The owner of the premises or an employee must have...

- Caused the surface to be dangerous or slippery underfoot
- Known about the dangerous spot and has done nothing to make it better

### What is Considered "Reasonable" in Slip & Fall Cases

The legal description of "reasonable" care in these cases focuses on the property owner's actions in making regular and thorough efforts to keep the property safe and clean. You can use the following questions to determine liability of a property owner for your slip and fall injury:

- Was the dangerous spot there long enough that the owner should have been aware of it?
- Is there a regular procedure the owner follows for cleaning the premises? If so, what proof does the owner have of the regular maintenance performed on the property?
- Could a barrier or some kind of warning been posted near to the place where there is a dangerous spot to prevent slip and fall injury?
- Was there poor or broken lighting that contributed to the accident?

Of course, you must also decide if your own carelessness contributed to the accident. The guidelines of "comparative negligence" help determine your own reasonableness in going where you did, in the way you did before the accident occurred. You don't have to "prove" to an insurance adjuster that you were careful, but you should think about what you were doing and describe it clearly so the adjuster can understand you were acting in a preventative manner.

Before taking action against a property owner for the injuries you experienced from a slip and fall accident, consult an attorney to get a professional legal evaluation of your case. The attorneys of Krueger & Hernandez SC are an experienced team for such cases. Contact us today toll free at (866) 455-2993. Or visit us on the web at [www.kh-law.net](http://www.kh-law.net) for more information.

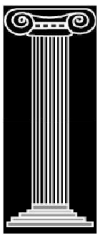
## CONGRATULATIONS ATTORNEY DERA JOHNSEN!



Krueger & Hernandez SC is proud to welcome Attorney Dera Johnsen. Dera has worked as a paralegal for the firm for eight years, and for the past five, has also been attending Marquette Law School. After graduating in December, Dera now joins our team as an Associate Attorney.

Her primary areas of practice include Estate Planning, Probate and Trust Administration, as well as Guardianship. We are so proud of her hard work and dedication, and are thrilled to welcome her in her new capacity.

*"Through more than a decade of experience as a paralegal, I have learned that maintaining communication with the client is of utmost importance. Only when the client feels adequately informed as to the issues and status of his or her situation can the attorney-client relationship truly thrive."* - Attorney Dera Johnsen



**KRUEGER &  
HERNANDEZ SC**  
Attorneys at Law

We Listen  
We Care  
We Get Results

**For all your legal needs:**

- |                   |                              |                    |
|-------------------|------------------------------|--------------------|
| Divorce           | Injuries from Accidents      | Estate Planning    |
| Real Estate       | Vaccine Injury Litigation    | Family Matters     |
| Adoption          | Workers Compensation         | Products Liability |
| Criminal/Traffic  | Professional Malpractice     | Mediation          |
| Guardianship      | Employment/Discrimination    | Business Needs     |
| Personal Contract | Probate/Trust Administration | Tax Preparation    |
|                   | Personal/Business Litigation |                    |



**KH Kudos**  
**January Birthdays**  
**Stacie Ray: 1/5**  
**Mark L. Krueger: 1/16**



**January Anniversary**  
**Rynae Stefan has been an integral part of our team for ONE YEAR! Congratulations!**

Thank you to all of you who have responded to our call to action! Our newsletter mailing list is expanding every day. Want to join the group? Do your part! Email us today at [moassistant@kh-law.net](mailto:moassistant@kh-law.net) to be added to our emailed newsletter list. Reduce paper *and* keep on top of ever-changing laws and educational articles.



**Vacation Properties Take Planning**

During this time of year, we all wish we could have a vacation home to escape the cold and ice! Everyone knows that vacations take planning. Before you depart, you run through your checklist: Schedule cleared, check; clothes packed, check; sporting equipment packed, check; swimming suit packed, check; wallet, check.

While you are at your vacation home, the worries of the world seem to melt away. You get to spend more time with the people in your life who really matter and spend “quality time” with them, and lots of it, too! Whether your vacation home is a cottage by the lake, a ski chalet, or a beachfront condo, it holds a special place in your heart and the hearts of those around you.

It also holds a special place in your estate plan. First, real estate could cause “ancillary probate” at your death if titled in your name. Thus, it is especially important to use a revocable trust if you have a vacation property, especially one out of state.

You may want the vacation home to stay in the family. In your estate plan, you can designate what is to happen to the home after you are gone. It is important to consider how the vacation home will fit into the family plans when you are no longer there. If only one of the kids will actually use the home routinely, perhaps it would make sense to leave the home to that child. On the other hand, perhaps you want your family to share the use of the home under specific terms.

Regardless of your decision, if you have substantial wealth you may want to take advantage of a special irrevocable trust, a “Qualified Personal Residence Trust” or “QPRT,” to transfer the asset at a reduced gift tax value. For example, you may be able to transfer a \$200,000 home for a gift tax value of only \$100,000. By transferring the asset at a reduced value, you also get any growth in the value of the vacation home out of your estate, as well.

Your vacation home has been the site of many fond memories over the years. With proper planning, it can continue to help you achieve your goals in the future. A qualified estate planning attorney can help you determine the best way to plan for your vacation home and can help you put together a complete estate plan to meet your unique goals and situation.

**Attorney Michelle T.L. Hernandez has extensive legal experience in the area of estate planning and is an active member of the American Academy of Estate Planning Attorneys. To schedule your free consultation today, simply call (800) 431-9776.**



**St. Clare Hospice House Charity Auction a Success!**

Krueger & Hernandez was proud, once again, to sponsor a table at this year’s St. Clare Hospice House charity auction, “A Night to Share the Spirit of Life”. This year’s auction took place at the Park Plaza in Baraboo and featured a silent wreath and basket auction as well as a live auction. The St. Clare Hospice House offers a warm home setting for residents to comfortably spend their final days with friends and family, all the while being staffed 24 hours a day with medical staff. This year’s event also celebrated the 100th anniversary of their nursing service and managed to raise over \$24,000. Krueger & Hernandez is honored to have been a part of such an amazing local cause.



From All of Us at  
Krueger & Hernandez  
Happy New Year!

Mark L. Krueger  
Angela Nichols Philipp  
Dera Johnson  
Renae Nehring  
Shelley Craker  
Kathleigh Robinson

Michelle T.L. Hernandez  
Rynae Stefan  
Stacie Ray  
Kara Malston  
Cilgen Shanks  
Kate Aeschbach

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