



MESSAGE & BULLETIN

A Newsletter from Martinson & Beason, P.C., Attorneys at Law

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M&B is a full service law firm that has attorneys who specialize in the following areas:

- Serious Personal Injury
- Car, Truck & Motorcycle Accidents
- Wrongful Death
- Breach of Contract & Fraud
- Probate, Estates & Trusts
- Real Estate Transactions
- Business Law
- Criminal Domestic Relations

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martinsonandbeason.com and
enter your questions.
You will get confidential answers
from an attorney
with no obligation.

A New Face for Martinson & Beason!



WHO ARE WE?

Fighting for Families Throughout Alabama

In a fraction of a second, an unexpected injury can change everything for you and your family. The pressures of life in Alabama become amplified when you are forced to miss work, pay hefty medical bills, fight insurance battles, and bear the pain of surgery and/or rehabilitation. Your family may be struggling under the burden, and worst of all, you don't know whom to turn to for help.

That's where we come in.

Martinson & Beason, P.C. has been protecting the rights of accident and injury victims throughout Alabama since 1937. Our personal injury lawyers have the experience, skill, and resources to take on all types of personal injury and accident cases. More importantly, we care about your well being, understand the challenges you and your family face, and truly want to fight for you, our neighbor.

After many hours of thought and consideration for the ease of use by their clients and potential clients, Martinson & Beason has launched a new website! This new site is more streamlined with less clutter and a more clear interface for the visitors. It has also be updated to have a much more "updated" and modern feel which again will only be to the benefit of the visitors, in that all of the icons are clear, crisp and sharp. "We have tried to make it as user friendly as possible," said Morris Lilienthal, partner. Being user friendly

was the main goal in updating the site. All of the partners and staff felt that the older site was more difficult to navigate and understand. Now clients and potential clients can easily find useful information and answers to the questions they have concerning all of the practice areas that the firm handles. Lilienthal noted, "The firm has always been here for our clients to help them in their time of need, we hope the new website will just be one more tool that allows us to do this even better."

Recognizing Signs of Cognitive Impairment and Elder Abuse From Your Loved One

The holiday season is upon us! It is always nice this time of year to gather together with family and friends and be truly thankful for life's blessings. It is also a good time to check in with your older relatives—whether it be Mom and Dad or a cherished Aunt or Uncle—and look for signs of cognitive impairment and whether those loved ones are at-risk of being abused or exploited.

Such abuse or exploitation is termed Elder Abuse—and it is a crime in the State of Alabama. Elder abuse encompasses everything from physical, psychological, and sexual abuse to neglect and financial exploitation.

Possible signs of elder abuse are—

- Change Bruises, pressure marks, broken bones, abrasions, and burns may be an indication of physical abuse, neglect, or mistreatment.
- Bruises around the breasts or genital area can occur from sexual abuse.
- Sudden change in alertness and unusual depression may be indicators of emotional abuse.
- Bedsores, unattended medical needs, poor hygiene, and unusual weight loss are indicators of possible neglect.
- Behavior such as belittling, threats, and other uses of power and control by spouses or those who should be in a position of trust are indicators of verbal or emotional abuse.
- Strained or tense relationships, frequent arguments between the caregiver and elderly person are also signs.
- Sudden changes in financial situations may also be the result of exploitation.

The Protecting Alabama Elder's Act provides for criminal penalties for financial exploitation of Alabama's elders (age 60 and older). Any exploitation of money or property exceeding \$2,500 is a Class B felony in Alabama.

In 2010, an estimated \$2.9 Billion was lost due to elder financial exploitation. Many elders are exploited through scams offering big pay outs or announcing that the elder person has won a contest but must provide information or pay money to cover transfer taxes. Schemes like the Jamaican lottery, the Grandparent Scam, and scammers posing as IRS tax debt collection callers all prey on the elderly. Once these older Americans have transferred money to these con artists some seniors begin to question the legitimacy of the caller. Many of these scams then turn to extortion and threats of harm if the senior citizen does not continue to pay money.

Some possible signs of financial exploitation are: (1) unexplained withdrawals of large sums or large transactions; (2) abrupt changes in a will or other financial/legal documents; (3) sudden transfer of assets to



a family member or acquaintance; (4) complaints of stolen or misplaced credit cards, pension checks, etc.; (5) a recent acquaintance who suddenly takes up residence with an elderly person; and (6) re-direction of an older person's mail. When signs of elder abuse are present your loved one may benefit from both physical and financial protection from further abuse or exploitation. In some cases, it may be necessary to pursue a Guardianship or Conservatorship over that loved one and have them classified as a person in need of protection.

A Guardianship provides a court appointed family member or official with decision-making authority and responsibility over the protected person's personal affairs. These personal affairs that a Guardian oversees mainly consist of support, care, health, habilitation, therapeutic treatment, and if not inconsistent with an order of commitment or custody, where the protected person shall reside. A Conservatorship appoints a Conservator who is tasked with protecting and conserving the protected person's assets and income to provide for their proper care and maintenance.

This holiday season when you are gathering together with family and friends take time to catch up and be thankful for life's blessings—but also look for signs of possible cognitive impairments and/or elder abuse. Encourage loved ones to take the time and effort to execute a legal framework such as a financial power of attorney and an advanced health care directive appointing a trust family member or loved one to make important decisions for them should they no longer be able to do so themselves. If you see signs of elder abuse contact the elder care, probate, and estate planning attorneys at Martinson & Beason, P.C. at 256-533-1667, and/or the Alabama Department of Human Resources (DHR) Adult Protective Services to discuss your concerns and explore the possibility or need for a Guardianship and/or Conservatorship for your loved one.

New Year's Resolution: Get a Last Will and Testament

Another year has almost passed and 2016 is almost here. For most of us, a new year comes with many resolutions, but estate planning or even getting a simple will is not something we usually think about. We find that one of the main reasons our clients overlook having these important legal documents drafted is they either don't understand what a Last Will and Testament does or they just don't believe that they need one. Whether these are the reasons you've not begun the estate planning process or there are other reasons, we hope that this can answer a few questions you may have and make it easier for you to take the important planning step.

Why would you want a Will?

There are dozens of reasons why someone should have a Last Will and Testament. Below are just a few reasons that everyday people would still want to have this basic estate planning document.

1. A Will can allow you to designate (rather than someone be appointed) who is in charge of your estate and distribute any assets you may have.
2. A Will can help ensure that the probate process is less expensive and streamlined for your family and loved ones.
3. A Will can help ensure that your assets aren't a matter of public record.
4. For those with minor children, a Will can be used to appoint Guardians for them.
5. You can ensure that your children don't receive their inheritance in a lump sum, but rather your assets can be used over time to pay for their education, well-being, and give them the best chance at success.
6. You can leave your property to a charity or a church.
7. If you want to leave property to anyone who is not in your immediate family, a Will is one of the best tools for this.
8. If you have a child or relative who has special needs, you can help ensure that a child gets more assets to have a fuller life without forfeiting benefits that they may be receiving.

What about a Power of Attorney and Advanced Directive?

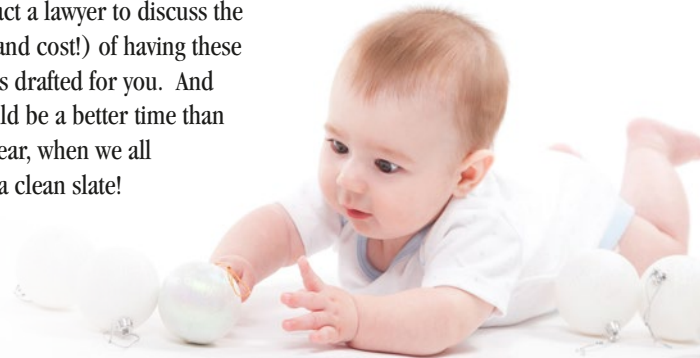
In addition to a Will, at a minimum, everyone should have a Power of Attorney and Advance Directives for Health Care documents drafted. Normally, these documents go hand-in-hand with a Will. A Power of Attorney is a document where you grant your "Agent" or "Attorney-in-Fact" the authority to make financial decisions on your behalf. This document allows that designated person to pay your bills for you, talk to your insurance company, ensure that your finances are in order when you are unable to do so, etc....

An Advance Directive allows you to name a health care "proxy" or representative to make certain health care decision on your behalf if you are unable to do so. It also usually includes a living will which directs health care providers on which course of treatment you may want at the end of life.

Peace of Mind

For almost every client that has their first estate plan put into place, they say that they feel so much better now that they have that done. They've got peace of mind that should something happen to them that their children, parents, friends, church, etc. are taken care of. They can rest assured that their wishes are being met.

Our recommendation is to not wait on this. Contact a lawyer to discuss the process (and cost!) of having these documents drafted for you. And when would be a better time than the New Year, when we all start with a clean slate!



Martinson & Beason "Cell Phone Wallets"

To make life a little easier, and to help free up your hands as you go through your busy life, Martinson & Beason has "cell phone wallets" for our clients. The wallet sticks to the back of your cell phone and you can put your ID and credit card in it. Now you don't need your purse or wallet if you're out running errands, at the gym or picking up groceries! If anyone would like one please call our office at (256) 533-1667 or send us an email at info@martinsonandbeason.com and we'll mail you a cell phone wallet.

Client's Bill of Rights

Lawyers will tell you that it is impossible to offer a guarantee in the legal business. **WRONG!** We say that law firm clients should settle for nothing less! Remember, your attorney works for you – not the other way around.

At Martinson & Beason we believe we can promise our clients quality service with personal attention. We believe that as our client you are entitled to have the:

1. Right to loyalty to you and your cause.
2. Right to be updated regularly and in a timely manner as to the progress of your case.
3. Right to our respect.
4. Right to expect competence from our firm and all who work here.
5. Right to know the truth about your case.
6. Right to prompt attention from us.
7. Right to have your legal rights and options explained in plain English without legal mumbo jumbo.
8. Right to a fair written fee agreement with our firm.
9. Right to a fair fee for the work we do.
10. Right to make the ultimate decision on your case.



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FAVORITE RECIPES FROM MARTINSON & BEASON FAMILIES TO YOURS... HAPPY HOLIDAYS!

CRANBERRY APPLE DELIGHT

by Brianna Sieja
(Wife of M&B Attorney Andrew Sieja)

INGREDIENTS:

3 c. chopped, unpeeled Granny Smith apples (about 3 large)	1 ½ c. quick oats
1 c. sugar	1/3 c. flour
2 c. fresh cranberries	½ c. brown sugar
	1 stick of butter, melted
	½ c. chopped pecans or walnuts

DIRECTIONS:

Preheat to 350. Mix together apples, cranberries and sugar and pour into a greased 9 x 12 casserole dish. In a separate bowl, mix the topping ingredients and spread evenly over fruit mixture. Bake uncovered for 45-50 mins. Do not overcook.

SAUSAGE BALLS

By Kourtney Ballew, Esq.
(Wife of M&B Attorney Caleb Ballew)

INGREDIENTS:

1 lb sausage
2 cups Colby jack cheddar cheese, shredded
1 ½ to 2 cups Bisquick baking mix

DIRECTIONS:

Preheat oven to 350 degrees. Put sausage and cheese into a large microwaveable bowl. Heat for 10-20 second intervals until mixture is warm. Blend ingredients with hand until distributed evenly. Add 1 cup of bisquick mix and blend with hands. Continue adding bisquick mix until desired consistency. Roll into 1 inch balls and place on baking stone or lined baking sheet. Bake for 20-25 minutes or until center is cooked.

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**ACCREDITED
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BBB Rating: A+



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