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- Breach of Contract & Fraud
- Probate, Estates & Trusts
- Real Estate Transactions
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You will get confidential answers
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Doug Martinson Presents 3-Part Course on Elder Law



Martinson & Beason attorney Doug Martinson recently instructed a three-part course on Elder Law at the Huntsville-Madison County Public Library. The course was part of the Learning Quest public education initiative which offers education and enrichment programs for adults of all ages. The local organization offers a variety of classes ranging from ukulele instruction and photography to history. For more information on *Learning Quest*, visit lquest.org.

With millions of Baby Boomers reaching retirement age, Elder Law is proving to be a hot topic for 2018. The Elder Law class saw great participation with an average daily attendance of over 75 people. The course consisted of three ninety minute sessions divided topically.

The first class covered estate planning. Discussion centered around wills, trusts, power of attorney, living wills, and the estate tax. The second class covered the probate process from start to finish. Topics included the probate court, steps of the probate process, the difference between a testate and intestate estate, statutory



exemptions, spousal elections, pretermitted children, and even will contests. Finally, the third class covered special topics in elder law such as guardianships, conservatorships, long-term care policies, Medicaid planning, elder abuse, and healthy aging and wellness.

In case you missed the Elder Law class, Doug and Morris will host a free **Estate Planning Webinar on Wednesday May 2, 2018 at 6:00 pm.** The webinar will be broadcast on Facebook Live on the Martinson & Beason page. Morris and Doug will be looking for active engagement through questions and comments. It will be a great time to brush up on estate planning and get your questions answered.

The Learning Quest course follows Martinson & Beason's commitment to providing quality legal resources for seniors and their loved ones. If you were not able to attend the Learning Quest course, but would like to receive the course outline, please visit the Martinson & Beason website at martinsonandbeason.com.

Shannon's Amazing Chicken Casserole

Ingredients:

3 cooked shredded chicken breasts
2 cups of French fried onion rings
1 8 oz. block of softened cream cheese
1/2 cup of chicken broth
a dollop of sour cream

Directions:

Add all ingredients to a casserole dish except for 1 cup of the French fried onion rings. Cook at 400 degrees for 20 minutes. Remove and place the remaining onion rings on the top of the casserole. Place casserole in the oven to brown the onion rings.

Keeping Up with Today's Technology

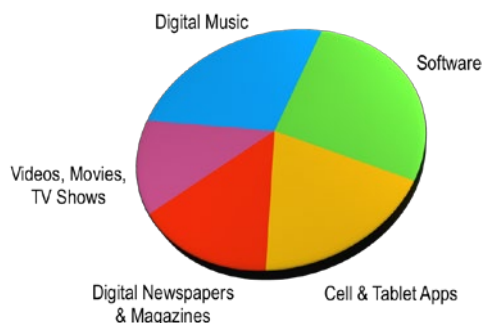
What We're Buying On the Internet

The typical internet user spends \$47 per month for access to premium Web services and online goods like music, software and video.

Here's a look at what people are buying by product and the percentage of users purchasing the item:

Digital music	33%
Software	33%
Cell phone/tablet computer apps	21%
Digital newspaper/magazine articles	18%
Videos/movies or TV shows	16%

And of course none of these numbers include any purchase for clothing, toys or other consumer goods and no purchases of prepared food or groceries! Before you know it, we won't be going to the store for much of anything at all!



Stiff Penalties in Store for Dangerous Dog Owners

If you own an animal who injures or kills another, you could face severe fines or even jail time, under a new bill recently passed by the Alabama legislature. The criminal punishment is addition to existing civil liability pursuant to Ala. Code § 3-6-1. The new law was sponsored by Senator Livingston from Jackson County. Its purpose is to impose requirements to keep the animal controlled and to provide liability for owners who do not control their animals.

The bill, which is known as Emily's Law, comes on the heels of a fatal dog attack in Jackson County, Alabama. In December, 24-year-old Emily Colvin was killed by a pack of five dogs in front of her house in Jackson County, Alabama. Another woman was also injured and one dog attempted to attack a deputy who shot and killed the dog. The dogs, which were all reportedly pit bulls, had not attacked humans before, but the Sheriff's office had received complaints the dogs were dangerous.

The final version of SB232 passed the Alabama House of Representatives on February 27, 2018 and was delivered to the Governor's desk on March 1, 2018. The law allows for a sworn statement to be delivered to an animal control officer who is then tasked with completing an investigation. If the animal control or law enforcement officer determines the dog is dangerous, the dog is impounded and the owners are summoned into court. If the court finds the dog is dangerous and has caused serious physical injury, it will be humanely euthanized. The owner must comply with all court orders or face criminal liability.

The law imposes requirements on the owner of a dangerous dog to keep the dog controlled or face criminal penalties. When the dog attacks someone causing serious physical injuries or death, and the owner of the dog knew the dog was dangerous and acted with reckless disregard, that person is guilty of a Class C Felony. If a dog is declared dangerous by the court, and later unjustifiably attacks someone, the owner is guilty of a Class A misdemeanor. If the dog hasn't been declared dangerous, but the owner knew of the danger and recklessly disregarded it, the owner is guilty of a Class B Misdemeanor.

The owner of a dangerous dog is also civilly liable for damages under existing Alabama law. When the attack occurs on the owner's property, and the owner knew of the dog's dangerous propensities, the owner is liable for the damages incurred by the injured party. Through a civil action, a dog bite victim may be able to recover damages for medical bills, pain and suffering, and other special damages.

Owners of dangerous dogs should carefully consider their potential civil and criminal liability in owning a dangerous dog. If you're a dog owner you should also check to see if homeowners insurance provides liability coverage in the event your dog does bite someone.

Keeping Up with Today's Technology

Online Networking is Still on the Rise

Is everyone in the country on Facebook? It seems pretty obvious that the answer would be YES (or almost everyone – 85% is pretty close to YES)! A recent report stated that in 2017 the social network had 215 million users in the US alone. That's close to 3/4 of all Internet users overall in the US. and about 7 times higher than the number of subscribers to Twitter. By 2018, it is predicted that 85% of all domestic Web users will have a Facebook profile that's approximately 65.6% of the U.S. population. After that point, Facebook's growth will most likely peak domestically, but their expansion will likely continue around the globe. Have you ever thought about the following: Where do you fit in all of the social media networking? Do you have profiles on all of the social media outlets? How often do you post? Do you? Or, do you simply follow your friends and acquaintances? It's often fun to think about ALL of those people out there connect through one network when we all used to only be connected through a piece of paper and a pen or a phone call.



Client Spotlight: Henry Hovezak



Martinson & Beason, PC is proud to have Henry Hovezak as a client. Mr. Hovezak is a 94 year-old World War II veteran who served in the U.S. Air Force from 1943 to 1945 in Deenthorde, England, as part of the 401st Bombardment Group. He flew combat missions over Germany in a B-17 bomber. Hovezak completed his service having flown 35 missions.

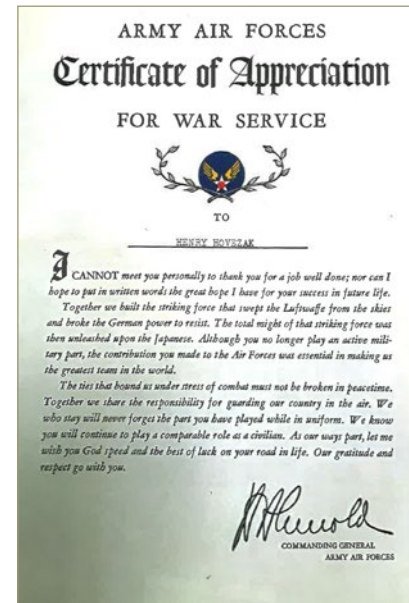
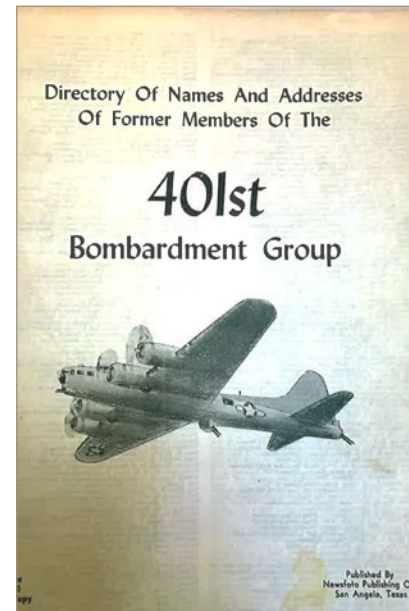
In an ironic twist of fate, Hovezak once flew a mission to destroy the Peenemünde complex in Germany where Werner von Braun was developing the V-2 Rocket. However, cloudy weather prevented the ultimate destruction of the complex. Hovezak flew in the top and bottom turrets of the B-17, where he operated a machine gun to protect the plane from enemy aircraft. In the turrets, he was separated from the rest of the crew for the entire flight. As they approached high profile targets, "you knew they didn't want you anywhere near those places" thanks to the strong anti-aircraft fire, Hovezak said.

Henry Hovezak's crew became well known on base for their mascot, a black cocker-spaniel smuggled in from the United States. It was reportedly the only dog on base and flew missions

with the crew. When an officer came on board and suspected a dog was on board, the crew covered up the dog's whimpering by making noise of their own. The dog was named Lt. Gunner and made it back home after the war thanks to the help of a sailor.

After the War, Hovezak worked on nuclear projects in Denver, Colorado and Oak Ridge, Tennessee. He was tested for health effects annually but has not experienced adverse effects from radioactive exposure in his ninety-four years.

From Oak Ridge, Henry Hovezak moved with his wife Pency to Huntsville, in the advent of the city's rocket boom. They purchased one of only five houses for sale at the time. In Huntsville, Mr. Hovezak worked alongside Werner von Braun building models for NASA from 1955 until his retirement in 1975. Thank you for your service Mr. Hovezak.



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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What is a Special Needs Trust and Why Would I Need One?

Many of us have friends and family members that are challenged by a physical or mental disability that, in some cases, leave them incapacitated. Oftentimes, these friends or family members are on some sort of government-subsidized insurance or income such as Supplemental Security Income (SSI) or Medicaid. These programs have strict asset and resource limits. In these unfortunate circumstances, it can be difficult for the loved ones of a disabled individual to contribute and provide for the disabled individual. One way this is possible, however, is through the establishment and use of a Special Needs Trust (SNT).

A SNT is a trust fund established solely for the benefit of a disabled person who is receiving the benefits of the SSI or Medicaid need-based programs. SSI and Medicaid are designed to

provide income and insurance to the disabled person such that their needs are met. A SNT supplements public benefits by providing for non-basic needs that increase quality of life. These non-basic needs could include clothing, phone/cable/internet, tuition, travel and entertainment, durable medical equipment, care management, and many other needs!!

While a SNT is a great planning tool, it is not the only tool available. In June of 2015, the Alabama Governor signed into law, a bill that allows for the establishment of an "ABLE" Account. "ABLE" refers to the name of the law: Achieving a Better Life Experience.

ABLE accounts allow for someone to establish a savings account for someone who has become disabled prior to age 26. The biggest advantage of an ABLE account is that the earnings of the account grow free from federal taxes and may be supported by state tax incentives. Further, the special needs person can access the funds directly, providing for greater independence. This

account may be drawn from to pay for a range of expenses related to maintaining the health, independence and quality of life for those with disabilities – just as a SNT would.

The downside of an ABLE account is the contribution limit is \$15,000 per year and the ABLE account has a limit of \$100,000 for those receiving SSI. This means a special needs person who receives an inheritance in excess of \$15,000 will still need a SNT. For those receiving just Medicaid, the resource limit is \$400,000. Likewise, an ABLE account has spending restrictions similar to a SNT.

Being able to support a loved one who is disabled can be very rewarding. In the event that you know someone who is disabled and needs access to some of these additional resources – or may need these resources at your death -- we would recommend consulting with a qualified estate planning and/or elder law attorney to discuss your options.

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BBB Rating: A+



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