

*guiding you through life's **must crucial** legal decisions*

Spring 2020

(507) 288-556

COVID-19 Office Update

Not too long ago, our attorneys sat down together to come up with a statement for who we are and what we wanted to provide to our clients. We came up with: "We are attorneys that serve our clients by advising and guiding them through the most crucial legal decisions they will make in their lives."

This statement is truer and more critical now than ever as we continue to meet the needs of our clients during this difficult time.

Most of our staff are already working from home. We have shifted to meeting with clients over the phone, on zoom, and over email. All of our attorneys are equipped with the technological ability to work remotely and have access to documents securely from home.

With that being said, our office remains open. However, until at least April 10, we will be meeting with clients in person only for "Critical Services", as outlined in Governor Walz's executive order. Critical Services include end-of-life planning, essential services to elders and persons with disabilities, and real estate services.

If you do have an appointment for Critical Services, we are only permitting our clients to enter the office at this time. That means that real estate agents, lenders, non-client family members, and the like are asked to stay home. In implementing these policies our focus was on the health and safety of our staff and clients.

Now is the Perfect Time to do your Estate Plan

There's no better time than the present to do your estate plan. Now that you have some extra time and are social distancing yourself from others and the distractions of the outside world, there's plenty of time focus on your estate plan. Trust us, it will feel good to come out of the pandemic with your estate plan crossed off your to do list. Plus, it will allow you to regain some control in these uncertain times.

At Ward & Oehler it's simpler than ever to do your estate planning remotely. We have a link to our electronic estate planning intake form on our website. You can complete this form from the comfort of your own home, and it will be sent directly to your attorney for review. Our attorneys can then schedule your initial meeting by phone or zoom. It is already our practice to send documents to clients to review electronically. We can either send documents via email or through our secure portal. Once you have reviewed your estate plan documents and had a chance to ask us any questions, we can schedule an appointment for you to sign everything after April 10, or once the virus settles down. If it is an emergency, we are happy to schedule your signing appointment sooner.

When the world returns to normal you won't regret having the peace of mind of your affairs in order!

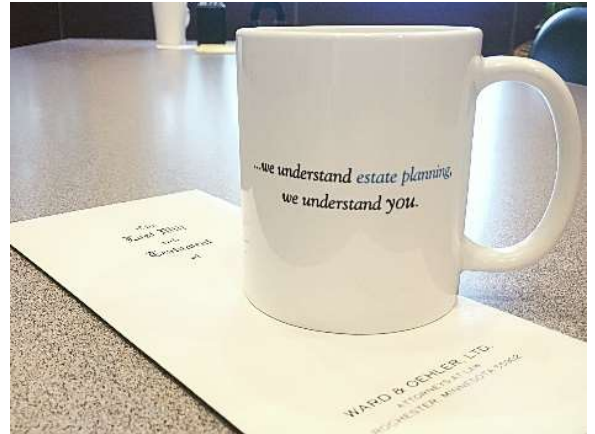


Is a Trust the Only Way to Avoid Probate?

The simple answer to the question is **a trust is not the only way to avoid probate.**

There are a number of ways assets pass after death. Generally, they would fall into 3-4 categories, including:

- **Joint Ownership with Right of Survivorship.** This would be common for the ownership of a house or joint checking account. When one owner dies, the other owner assumes ownership. This does not require probate. However, it is important to plan for what happens when the last owner dies and there is no more joint ownership.
- **Beneficiary Designations.** For many people the majority of their assets will likely pass via beneficiary designations. This is most commonly used for retirement accounts and life insurance, but you can also use beneficiary designations for bank accounts, real estate, and even vehicles. In fact, more and more, many estate plans are largely driven by beneficiary designations. It is important to remember that beneficiary designations will always control the disposition of the asset at death. Beneficiary designations alone are also not a great fit for clients with estate tax concerns or where outright distribution to the beneficiary would not be appropriate. Read more here: [Using a Transfer on Death Deed and Transfer on Death for Vehicles.](#)
- **Probate.** Only assets that do not have joint ownership or do not have beneficiary designations would be subject to probate. Probate is the process by which the person's heirs are identified and the will is proven up. If there is no will, the laws of intestacy will apply. Probate can be avoided by planning properly with beneficiary designations. Where beneficiary designations alone are not appropriate, or there are assets for which beneficiary designations are not available, a trust is needed.
- **Trust.** A trust is an entity into which you can transfer assets before death or as a result of your death. Once the assets are in the trust, the trustee has control of the assets and will manage or distribute them according to your wishes. One of the biggest benefits is that the trust assets do not need to go through probate for the trustee to start managing your trust estate. Read more here: [What is a Living Trust and Do I Need One?](#)



Although there are many benefits to a trust, a trust is not needed for every situation and is not the only way to avoid probate. For many of our clients, a transfer on death deed and proper beneficiary designations is more appropriate. In those situations, it is still vitally important that we have a will, power of attorney, and health care directive, but we can avoid the additional cost and burden of a trust.

Paid Leave Act

On March 18, 2020, President Trump signed the Families First Coronavirus Response Act, which provides paid leave and sick leave for absences resulting from COVID-19. This law applies to nearly all farmers, as it covers all employers with 500 employees or fewer. Highlights from the act are outlined below.

- ✓ Employers with fewer than 50 employees must provide FMLA to employees and paid sick leave.
- ✓ Full-time employees get 80 hours of paid sick leave.
- ✓ Employees who have worked for the employer for 30 or more calendar days are eligible for emergency FMLA.
- ✓ Emergency FMLA provides 12 weeks of job-protected leave for employee's use due to certain conditions.
- ✓ Part-time employees are entitled to paid sick leave equal to the number of hours they work, on average, over a two-week period.
- ✓ If variable hours, hours are based on the average hours worked per week during the previous six-month period.
- ✓ Employees are entitled to pay at 2/3rds of normal wage levels.

Emergency FMLA:

- ✓ Required pay is capped at \$200.00 per day and a maximum of \$10,000.00 per employee.
- ✓ Employees must give notice and Emergency FMLA is only in effect for the time kids cannot attend school or day care due to COVID-19.

Emergency Sick Leave:

- ✓ Pay is capped at \$200.00 per day and a maximum of \$2,000.00 total per employee.
- ✓ If directly affected by COVID-19, pay can be up to \$511.00 per day or a maximum of \$5,110.00 per employee.

Mary Lynn has Retired? No Way!!

Our long-time (and loyal) Office Manager Mary Lynn Schiltz has retired! (She told us of her retirement plans months ago, but no one believed her...).

Mary Lynn (never call her "Mary") started working as a legal secretary for the firm in 1975, having been recruited from the legal secretary training program before she could even finish. She has been the face of the law firm for 45 years, from our first location at Apache Mall to our current location on Greenview Drive SW in Rochester. Many other employees and attorneys have come and gone from the firm, but Mary Lynn stuck around through IBM Selectric and "mag card" typewriters, stand-alone word processors, personal computers with rudimentary word processing functions, the inception of Microsoft Windows and Word, "cloud" computing, and e-filing and recording.

With husband, Dan Kotval, she plans to travel, play lots of golf and the occasional mah jong game, cheer on the Twins (while wearing her Twins earrings), and monitor her adult sons, Jesse and Sam.

All of us at Ward & Oehler offer Mary Lynn our thanks for her many years of service and wish her well in retirement!

Office Insides

We hosted seminars this winter in Rochester, Austin, Byron, and Plainview on estate planning and medical assistance.

Dana Guderian was hired as our new office manager. Dana will be featured in next quarter's newsletter!

Attorney Margaret Cook began seeing clients on Tuesday's in Red Wing at our new office space located at 419 Bush Street, Red Wing, MN 55066.

Attorney Alyssa Jerde is back from maternity leave and is looking forward to meeting with clients again!

Office Hours and Locations

Rochester: 1801 Greenview Drive SW, Ste. 102
Monday – Thursday 8:30 – 4:30
Friday 8:30 – 3:30

St. Charles: 819 Whitewater Ave
Tuesday 12:30 – 4:30
Thursday 9:00 – 12:00
By appointment

Red Wing: 419 Bush Street
Tuesday 9:00-5:00
By appointment

To schedule an appointment in any of our offices, call (507) 288-5567. You can also book appointments online at www.wardoehler.com/book-online for appointments in Rochester.



Farm Show 2020

Our office attended the AgriNews Farm Show again this year!



Becky Henry, Dana Guderian, and Margaret Cook

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