



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

Summer 2020

(507) 288-5567

COVID-19 Office Update



Our office has remained open throughout the pandemic to provide essential services to the elders, and persons with disabilities, and real estate services. For much of the months of March, April, and May most our staff worked from home meeting with clients over the phone, on zoom and over email.

All of our attorneys have now returned to the office and we have resumed in-person meetings for all of our areas of practice. However, we are still more than happy to meet with you over the phone or by zoom. Your safety in our office is our

number one priority. In addition to having our office professionally cleaned on a weekly basis, we have implemented more stringent cleaning policies and procedures. We have setup our conference room to allow enough space for social distancing. We are sanitizing the conference room after each use and have initiated a policy to require all attorneys and staff to wear masks when meeting directly with clients. We are also using DocuSign, our secure web portal, and email whenever possible to allow clients to sign documents electronically, to limit the number of people in and out of our office on daily basis. Further, if you are more comfortable, we are more than willing to meet you in our parking lot to sign documents.

We feel strongly about serving our clients and remain open during this unforeseen time to help guide you through all of life's most crucial legal decisions.

What is Elder Law?

Many have probably heard the term "elder law" but what does elder law actually mean? Elder law is a specialized area of law focusing on the needs of senior citizens and the issues affecting the aging population. Elder law covers a wide range of legal matters, including the following:

- Abuse and neglect
- Age discrimination
- Durable powers of attorney
- Guardianship and conservatorship
- Health care planning and declarations
- Health Care issues
- Housing options
- Gifting
- Long-term care planning
- Medicare, Medical Assistance, Social Security, and other public benefits
- Probate administration
- Tax and pension planning
- Trusts



Coronavirus Food Assistance Program (CFAP)



The USDA is accepting applications until August 28, 2020 for food producers who have been directly impacted by COVID-19. Specifically, the program is designed to provide assistance to agricultural producers who have suffered a 5% or greater price decline or who have had losses due to the market supply chain disruptions.

Commodities covered under this program consist of corn, soybeans, oats, millet, durum wheat, hard spring wheat, wool, livestock, dairy, and a variety of other crops. To see the full list of covered commodities, please visit the USDA website.

To be eligible for payments, a person or entity must have an average adjusted gross income of less than \$900,000 for tax years 2016, 2017, and 2018. However, if 75 percent of their adjusted gross income comes from farming, ranching, or forestry, the AGI limit of \$900,000 does not apply.

Payments are limited to \$250,000 per person and legal entity. This amount applies to the total amount of CFAP payments for all commodities combined. CFAP is different than other FSA programs, whereas special payment limitations will be used for applicants that are corporations, limited liability companies, and limited partnerships. These entities may receive up to \$750,000 in payments based upon the number of shareholders who contribute at least 400 hours of active person management or personal active labor.

In simpler terms, payment limits made to a corporate entity:

- with one shareholder is \$250,000
- with two shareholders is \$500,000, if both shareholders contribute substantial labor or management
- with three shareholders is \$750,000, if three or more shareholders contribute substantial labor or management
- with four or more shareholders is \$750,000, if four or more shareholders contribute substantial labor or management

The payment received is determined by a formula that accounts for the volume of the commodity which is multiplied by a USDA determined price based on the national wholesale markets. Records of production and sales will be needed for 2019 and 2020 along with any inventory that has been unharvested or not sold. Further, applicants may also need fill out forms regarding: Farm Operating Plan for Payment Eligibility, Member Information for Legal Entities, Averaged Adjusted Gross Income Certification and Consent to Disclosure of Tax Information.

Producers should receive 80% of their maximum payment upon approval of their application with the remaining payment to be received at a later date as funds remain available.

To apply for the Coronavirus Food Assistance Program, producers should apply through their local Farm Service Agency Service Center.

Staff Corner: Welcome Dana!

Dana has over 20 years of general office support experience with 15 of those years in finance. Dana received her paralegal degree in 2006 and started at Ward & Oehler Ltd. with over 7 years of legal experience of working for small law firms in Minnesota. Dana has worked in various areas of the law, including estate planning, probate, family law, business, real estate, civil and criminal.

Dana grew up on a small farm outside of Dover, Minnesota. She graduated from Dover-Eyota High School, Rochester Community Technical College and later from Kaplan University. Dana lives in Spring Valley where she raised her three children, Joshua, Shelby and Erin.



Again, welcome, Dana!



What happens if you don't have a financial power of attorney (POA) and you get sick?

If you get sick and are unable to make or communicate your financial decisions and don't have an updated POA in place, a judge can appoint someone to take control of your assets and make all personal and medical decisions for you through a court-supervised guardianship or conservatorship.

Why would a court do that?—You may ask. As an adult, no one is automatically able to act for you, you must legally appoint them through the use of a POA. Without it, you and your loved ones could lose valuable time, money, and control.

WORD OF CAUTION: Don't think you're protected just because your assets are held jointly with your spouse, child, or family member. Here are four reasons why you should not rely on joint ownership:

- 1. Limited power.** While a joint account holder may be able to access your bank account to pay bills or access your brokerage account to manage investments, a joint owner of real estate will not be able to mortgage or sell the property without the consent of all other owners.
- 2. Tax liability.** By adding a family member's name to your accounts or real estate titles you might be saddling them with gift tax liability.
- 3. Property seizure.** You read that correctly. If your joint owner is sued then your property could be seized in order to pay their debt.
- 4. Medicaid disqualification.** Putting a loved one's name on a joint bank account or property title can disqualify them from receiving government benefits, such as Medical Assistance.

Only a comprehensive incapacity plan will protect you and your assets from a court-supervised guardianship or conservatorship and the misdeeds of your joint owners. Do not rely on joint ownership as your plan—it's simply too risky and unreliable.

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.

5.0
5 out of 5
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5.0 ★★★★★

Ward & Oehler, Ltd.
(507) 288-5567
www.wardoehler.com

Medical Assistance & Preplanning Seminars

- **July 9 at 10:00 a.m.**
 - *Pandemic Planning Webinar*
- **July 16 at 10:00 a.m.**
 - *Mahn Funeral Home Rochester
1624 37th Street NW*

To register for our webinar, please visit our website to RSVP. For the seminar at Mahn Funeral Home, please register by calling (507) 280-0311 to reserve your seat.

Ward & Oehler, Ltd.
**NEW LAW OFFICE OPENED
IN RED WING!**
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Red Wing Ignite Building
419 Bush Street
.....
507-288-5567
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For over 45 years, our attorneys have provided exceptional legal service in the areas of estate planning, probate, real estate, business law, and farm law to farmers, individuals, and families throughout Southeastern Minnesota. We are now able to serve you in our Rochester, St. Charles, and Red Wing offices!

WARD & OEHLER, LTD.

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Interested in subscribing? Give us a call at 507-288-5567 or email Dana Guderian at dana.guderian@wardoehler.com. and let us know whether you want to subscribe to receive this quarterly publication via mail or email.