



**WAGNER OEHLER, LTD.**  
Legal & Title Services

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

**Fall 2022**

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***Serving clients  
throughout  
Southeastern  
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1801 Greenview Drive SW  
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65 Johnson Street

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819 Whitewater Avenue

### **Hours**

Monday – Thursday  
8:30 a.m. – 4:30 p.m.

Friday  
8:30 a.m. – 3:30 p.m.

*Call for an appointment.*

## **Estate Planning: Beneficiary Designations**

If you have life insurance, a 401(k), or a bank account, you have almost certainly already completed beneficiary designations. If something happens to you those designations will control how the account or other asset is distributed upon your death even if you have an estate plan in place. For this reason, coordinating your beneficiary designations with your estate plan is just as important as signing your will.

Assets are transferred at your death in four general ways:

1. Joint ownership - assets that are owned jointly with another person with right of survivorship will automatically pass to the surviving owner upon your death.
2. Beneficiary designations - assets that have a pay-on-death beneficiary will automatically pass to the person named as beneficiary upon your death.
3. Trusts - if you have established a trust and funded the trust, the assets in the trust will pass according to the terms of your trust upon your death.
4. Probate - a will basically controls the disposition of your assets if there is no joint owner, no named beneficiary, and the asset is in a trust. Like a trust, the assets subject to your will pass according to the terms of your will upon your death. If you have no will, the same assets then pass according to the laws of intestacy as set forth in Minnesota state law.

If your trust or will distributes your assets in a different way than the beneficiary designation would, it is time to update your beneficiary designation to reflect your wishes. Contact Wagner Oehler, Ltd. if you would like help reviewing your beneficiary designations.



## Meet Attorney Cole Tousignant

Cole Tousignant is an attorney at Wagner Oehler, Ltd. Prior to private practice, Cole worked primarily in real estate law. He is most passionate about real estate law, estate planning, and farm succession plans.

Cole earned a Bachelor of Science degree in Environmental Geoscience from Winona State University. He earned his Juris Doctor degree from the University of South Dakota School of Law.

Cole enjoys spending time with his wife, son, and dog on their hobby farm in Southern Minnesota. He was raised on a farm in Kenyon, Minnesota, and is still actively engaged in the family farming operation. He also enjoys hunting, fishing, and following the Minnesota Golden Gophers football team.



## Meet Law Clerk William Rasschaert

William Rasschaert is a law clerk with the firm. He works alongside our attorneys to provide legal services including estate planning, business law, and real estate title and closing services. Prior to joining the firm, William externed at UCare Minnesota, where he gained experience in handling the legal needs of a business. William has also volunteered in hospice care.

William obtained his Juris Doctor degree from the University of Minnesota Law School with a concentration in Business Law. At the University of Minnesota Law School, William was Vice President of the St. Thomas More Society. He was born in the Twin Cities suburbs and earned his Bachelor of Arts degree in Philosophy from St. Olaf College.

In his free time, William enjoys climbing, running, and fishing, preferably all with his dog.

### *Congratulations*

William Rasschaert passed the Minnesota Bar Exam! He will become a licensed attorney at the Bar Admission Ceremony on October 28, 2022.

# Retrieving Wild Game on Private Property

As the weather turns cooler and the days grow shorter, many Minnesotans are also gearing up for deer hunting. While hunters must keep up with the constantly changing rules and regulations set out by the Minnesota DNR, landowners must also make themselves aware of an important Minnesota law. Specifically, except in certain situations, hunters do have the right under law to retrieve their quarry from private property without the permission of the landowner.

Under Minnesota Statutes Section 97B.001, subd. 5, “a person on foot may, without permission of the owner, occupant, or lessee, enter land that is not posted ... to retrieve a wounded animal that was lawfully shot. The hunter must leave the land immediately after retrieving the wounded game.” For hunters, it is critical that they first make sure they are properly licensed and gun safety certified. Second, they must ensure that the land they are about to enter is not posted and that they have not already been denied permission.

**There are a few requirements for land to be considered legally “posted”:**

- 1. Signs reading “no trespassing” or something similar;**
- 2. The letters are at least two inches high;**
- 3. The signs are signed by the owner or include the name and telephone number of the owner; and**
- 4. Signs are at intervals of at least every 1,000 feet (500 feet in wooded areas) or at the corners and access points of the property.**



*Attorney Jason Wagner as a young'un with his dad, Steve.*

Landowners should also exercise some safety tips during this time of year. It is a good idea to wear blaze orange or other brightly colored clothing when walking in wooded areas or where there may be hunters. Remember, there are a number of public areas that may have both hunters and other outdoor recreation enthusiasts.

Hunters must keep in mind that the discharge of a firearm within 500 feet of a building occupied by people or livestock without the written permission of the owner is prohibited. Hunters given permission to hunt on private lands must also take into consideration that they are doing so at their own risk. Minnesota Statutes Chapter 604A generally relieves landowners who allow hunters onto their land free from liability for injuries or damages sustained while on the land.

Hunting is a great Minnesota tradition that serves an important function of promoting the health and welfare of our wild animal populations. Landowners and hunters both have certain rights under Minnesota law that they should keep in mind. While the law does permit hunters to access unposted land to retrieve wild game without first getting permission, it is always in the best interests of safety and respect for all involved to ask first.



Wagner Oehler, Ltd. is honored to be Finalists Rochester Post-Bulletin's Best of the Best contest:

**Best Attorney –  
Jason Wagner**

**Best Law Firm**

**Best Place to Work  
(Small Business Under  
50 Employees)**

*Thank You*  
to everyone who voted  
for us!



**CONGRATULATIONS  
2022 SUPER LAWYERS  
RISING STARS**



**JASON WAGNER**

Super Lawyers  
Rising Star  
2020 -2022



**ALYSSA K. JERDE**

Super Lawyers  
Rising Star  
2022

ABOVE: Partners Jason Wagner and Alyssa K. Jerde welcome Attorney Cole Tousignant and Law Clerk William Rasschaert to Wagner Oehler, Ltd.

LEFT: Congratulations to Jason Wagner and Alyssa K. Jerde for being named Super Lawyers Rising Stars!

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