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We are in the process of building a service directory of great carpet cleaners, contractors, florists and other professionals. Can you recommend someone we can add to our directory?

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What is Your New Year's Resolution?

Yes, I know it is just the beginning of December and you probably haven't even given it a thought yet, but that is exactly why I am asking the question now. In my business I can tell you about 98% of the people I meet with to sign loan documents or buy or sell property do not have their property in a trust. I have made it my mission to educate people, especially those with minor children, on the importance of establishing a living trust. I feel so strongly about it that I have asked my personal trust attorney and friend Jonelle Beck to write an article for this newsletter to give you some serious information on what a trust does and why you should have one. Aside from the legal aspect of a living trust there is also the emotional impact of the trust. I was speaking with one of my customers about living trusts recently and they told me that their mother actually refused to make any estate plans because she felt that the "kids could fight over everything when she was gone." Needless to say I was absolutely horrified. I could not comprehend how someone who is supposed to care for their children in life could be so unconcerned with them after death. Suffering the loss of someone is traumatic enough without having to worry about dividing up their remaining estate. Inevitably people's feelings get hurt or even worse family ties are broken over estate distribution, sale of real property, etc. All of these issues and more can be specifically spelled out in a trust. I can tell you from personal experience how grateful I was that my grandparents had a trust prepared for themselves. All of their funeral arrangements had been taken care of, there were specific detailed instructions on how their estate was to be distributed, they had even make provisions for how specific items of their personal property were to be distributed. I have to tell you as devastated as I was by each of their deaths, knowing that they cared enough about our family to make these provisions gave me comfort. There are also many other kinds of provisions that can be put into your trust. For us, one of the main provisions in our trust was who would take custody of our precious boys Bill & Ted and making sure that funds were set aside for their care. Parents can also put provisions in their trust for who they want to take custody of their children in case something happens to them. A good estate plan should also include an Advanced Health Care Directive so that in the event you are unable to make decisions regarding your health for yourself, a person whom you appoint can make decisions for you. Don't let what happened to Terry Shaivo's family happen to yours. Please, if you haven't already done so, make it your New Year's Resolution to get that trust and estate plan done in 2008. For those of you like me who can't stand having something left on your "to do list" Jonelle is offering our family, friends and clients a \$100 discount if you contact her to set up an appointment by December 31, 2007. You can reach Jonelle at 916-524-5344. So if you are on the fence, NOW is a great time to hop on over and get this taken care of, then go have a nice dinner with your extra \$100 to celebrate!!!

NEW YEAR TRADITIONS

NEW YEAR'S RESOLUTIONS: One new year tradition is the making of New Year's resolutions. That tradition dates back to the early Babylonians. The early Babylonian's most popular resolution was to return borrowed farm equipment. Popular modern resolutions include promises to lose weight or quit smoking.

NEW YEAR'S PARADES: In the United States, one of the most famous parades is the Tournament of Roses where the floats are all decorated with flowers. The parade dates back to 1886 when members of the Valley Hunt Club decorated their carriages with flowers. It celebrated the ripening of the orange crop in California.

FOOTBALL: Although the Rose Bowl football game was first played as a part of the Tournament of Roses in 1902, it was replaced by Roman chariot races the following year. In 1916, the football game returned as the sports centerpiece of the festival. Today you can find a majority of American men watching the football game on TV on New Year's Day. There are even "Rose Bowl" parties.

COOKIES

One of the things I LOVE to do around the holidays is bake lots of yummy cookies. Here are a few of my favorite cookie recipes. Enjoy!!!!

Chocolate Chip Cookies

Preheat Oven to 375

Cream:

1 cup butter

Add Gradually and beat

Until creamy:

1 cup brown sugar

1 cup white sugar

Beat In:

2 eggs

1 tsp. vanilla

1 tsp. almond extract

(my secret ingredient, shhhhhh)

Sift & Stir In:

3 cups flour

1 tsp. salt

1 tsp. baking powder

Stir in:

1 cup chocolate chips

Drop the batter from a rounded tablespoon, well apart on an un-greased cookie sheet. Bake about 10 minutes.

Almond Cookies

Preheat oven to 350

Ingredients:

2 cups flour

1/2 cup finely chopped almonds

1/4 tsp. salt

1 cup butter, softened

1 cup sugar

1 egg

2 tsp almond extract

Directions:

Mix flour, almonds, salt; set aside.

Beat butter and sugar until creamy.

Blend in egg and almond extract.

Gradually mix in flour mixture.

Drop the batter from a rounded tablespoon onto an un-greased cookie sheet. Bake 10-12 minutes or until golden brown.

Oatmeal Cookies

Preheat oven to 350

Ingredients:

1 cup butter, softened

1 cup firmly packed brown sugar

1/2 cup granulated sugar

2 eggs

1 teaspoon Vanilla

1 1/2 cups flour

1 tsp. baking solda

1 teaspoon cinnamon

1/2 tsp. salt

3 cups Quaker Oats, uncooked

Directions:

Beat together margarine and sugar until creamy. Add eggs and vanilla, beat well. Add combined

flour, baking soda, cinnamon and salt. Mix well. Stir in oats. Mix

well. Drop the batter from a rounded tablespoon onto an un-greased cookie sheet. Bake 10 to 12 minutes or until golden brown.

PUPPY POWER—Introducing Bill & Ted

Continued from last month.....So after making many visits to Larry & Roberta's house Rob finally picked out a puppy. Grandpaw Larry marked the inside of it's ear with a blue magic marker (hopefully non-toxic) and in a few weeks we would have a new puppy to bring home. But would one be enough??? We thought not. We then began the search of shelters, SPCA and pounds to find another puppy about the same age to bring home at the same time, but alas, all the dogs available were much older. The last place on our list was a place called the Puppy Warehouse. The name alone was almost enough to make us turn and run, but we were running out of options and thought we would give it a shot. So on Sunday morning, August 1, 2004, which was coincidentally Traci's birthday we headed out to the Puppy Warehouse. Of course on the way we had to stop at Larry & Roberta's and see our puppy. He was only 6 weeks old and many of his brothers had already been sold but there were still a couple there and of course his sister Lucy who Larry & Roberta decided to keep. More to come in next month's newsletter.....



ESTATE PLANNING 101

All about Estate Plans by Jonelle C. Beck, Esq.

For most people there are four components to a complete estate plan: their living revocable trust; a pour-over will with guardianship, pet and burial provisions; the advance healthcare directive and the durable power of attorney. Of course, some persons may not require all four components and some persons may require more complex estate planning strategies. An estate planning attorney can help you devise the best plan for you and your family.

Wills, Trusts & Probate: As most homeowners know, there are many benefits to home ownership. The flipside is that home ownership also comes with its share of concerns. One of the most common questions I get as an estate planning attorney is “now that I own a home, how can I make sure that my family will receive it in the event of my death?” The simple legal answer: avoid probate by having a living trust. Inevitably, the questions that follow are: What is probate? Why should I avoid it? How do I avoid it?

In California, probate is the legal process used by the State to transfer assets from a decedent, the person who died, to his or her heirs. Heirs are the persons who the decedent has chosen to receive his or her assets via a will or trust, or, alternatively, the persons the State determines should receive those assets in the event that the decedent dies intestate – i.e. without a will or trust.

Probate is very expensive and time consuming. On average, probate costs about \$10,000.00 and takes two years to complete. A will does not necessarily aid you in avoiding probate. The reason is that a will is a set of instructions executed by you while you are alive. The court uses the legally executed will (i.e. a will created by a legally competent person which is signed and witnessed) to distribute the property per the decedent’s wishes.

More specifically, when a person dies owning real property the court must approve the property transfer. This is done to protect against fraudulent claims on the property. A will cannot keep real property out of probate, it merely instructs the court on how the property should be distributed and to whom.

However, a properly drafted, executed & funded living trust can keep real property out of probate. The reason is that the owner of the property makes the property transfer during his or her lifetime. Thus, the property transfer at death which triggers probate is avoided, and there is no reason for the court to become involved.

The Revocable Living Trust: The #1 advantage of a living trust is that assets held in trust do not go through probate. Thus, the distribution process is shorter and costs far less.

With a living trust, your assets are put into a trust during your lifetime and transferred to your beneficiaries upon your death. Most people name themselves as the trustee (the person who manages the assets) while they are alive. This allows you to remain in control of the trust assets during your lifetime. Also, this allows you to change or revoke your trust at anytime.

However, a revocable living trust may not remove the need for a will. Generally, you would still need a will—known as a pour-over-will—to cover any assets that are not included in the trust, nominate a guardian for your minor children, make burial wishes known and to provide for pets.

Advance Healthcare Directive: An advance healthcare directive, also known as a living will or durable power for healthcare in other states, is, in the broadest sense, an instruction, direction, or even a wish relating to your healthcare that you have expressed in advance of a loss of capacity to make or communicate decisions. An advance directive directs your healthcare provider (physician, dentist, etc.) and authorized decision-makers, your agent or attorney-in-fact, how you want your healthcare managed, including end-of-life decisions. Through an advance directive you can also select a decision-maker to carry out or to make healthcare decisions for you. In the broadest sense, advance directives can include powers of attorney for healthcare, do-not-resuscitate orders (DNR) and comfort-care-only do-not-resuscitate orders (CCO-DNR) for out-of-hospital situations. Most people, however, think of an advance directive as a written document containing your directives relating to your healthcare. In this sense an advance directive is a written document in which you provide instructions about medical treatment decisions and other healthcare matters in the event you are not able to make such decisions for yourself.

Durable Power of Attorney for Finance: When you create and sign a power of attorney, you give another person legal authority to act on your behalf with regard to financial matters, including real estate transactions, banking and bill paying. The person who is given this authority is called your “[attorney-in-fact](#).” The word “attorney” here means anyone authorized to act on another’s behalf; it’s most definitely not restricted to [lawyers](#). A “durable” power of attorney stays valid even if you become unable to handle your own affairs i.e. you are mentally or physically incapacitated. If you don’t specify that you want your power of attorney to continue if you become incapacitated, it will automatically end if you later become incapacitated.

Tales from the Crypt

Sometimes when your property is in a trust and you refinance or take out a second mortgage or a line of credit, your lender may require you to take the property out of your trust to do the loan. The process is quite simple really, a deed is signed with the loan documents that transfers title back to the individuals and recorded prior to the new Deed of Trust. Typically a deed putting it back into the trust is also included in the loan document package and that deed is recorded immediately after the new Deed of Trust so the transfers are seamless and there is only a nanosecond of time when the property is technically out of the trust. Why is this important? If your property is not vested in the trust then all the provisions with regard to your property you may have put in your trust are useless. It is only when the trust is "funded" (title of assets are transferred to the trust) that the trust does what it is supposed to do. When trusts first became popular almost every lender required this, but now as lender's are becoming more familiar with them it happens less frequently. However, I had a client recently whose lender required the property to be taken out of the trust. As usual there was the deed taking the property out of the trust, but I noticed at the signing table there was no deed putting it back into the trust. We called the title company and had them draft the deed and email it to us. We printed it out, executed and notarized it, and returned it to the title company with the rest of the documents to be recorded in the above mentioned order. That is one of the many benefits of having a mobile notary and closing consultant with over two decades (could I really be that old!!!!) of experience and knowledge in your corner. This is just one example of how I go above and beyond the call of duty to ensure that your closing goes as smoothly as possible. If you, your neighbors or your co-workers are in the process of closing their loan or are in the loan or title business, please don't keep me a secret. It's important that you know that I do have time for you, your friends, your neighbors and anyone else you know and like that could use my help RIGHT NOW.

Traci

With Christmas approaching fast, and with it, the annual Christmas television shows. I remember as a child that this would be the sign that Christmas was rapidly approaching. A few years ago, I started watching these shows again and have noticed something. They aren't making new shows anymore, or when they do, they are just outright terrible. I mean, granted, the looks of Rudolf the Red-nosed Reindeer were bad, even when I was a kid I noticed that. But, the story line was the thing. I mean, Rudolf feeling like an outcast, Hermes, the wannabe dentist elf, and the land of unwanted toys. Who out there doesn't remember this story, or couldn't tell it to a child if they wanted to? Or the Charlie Brown Christmas special, with the sad lonely tree, which was, and is, always a favorite. Can anyone name ONE Christmas special that has been made in the last 20 years that can rank up there with these favorites? I just named two, but can come up with many others. Remember Frosty the Snowman? One I can remember as clear as day, but can't remember the name of was the story of Santa Claus, and it showed him as a young man, skinny with red hair, before he became fat and gray.....wait, that sounds like the story of someone else I know, but it has nothing to do with Christmas!

I guess if you want to include movies about Christmas in the equation, you could make a case for "A Christmas Story", which while I have never been a fan of it, seems to be a favorite of many out there. But, just to make you all feel old, I checked, and that movie was made in 1983, so that's outside the 20-year window. Besides, if you start to include movies, you get to my favorite movie of all time "It's a Wonderful Life". I first started watching this movie back when it was on TV like 22 times a day during the Christmas season. Just a bit a trivia for you, the reason that the movie was shown so often 10 to 20 years ago, and not as much now it, there was a period of time that the copy write wasn't renewed on the movie, and the licensing fees were so low that TV channels were showing it for practically nothing.

Well, before I seem like the Grinch (the TV special one, not the Jim Carrey one), I am going to wish everyone a Merry Christmas, and a safe holiday season, and I hope to see or hear from you all during this time. God Bless us everyone!!

Rob

We would like to take this opportunity to wish you all a very Merry Christmas and for those of you who do not celebrate Christmas I hope that the list below covers you.

Hanukkah (Jewish) -- Begins at sundown on December 4 (ends December 12), Saint Nicholas Day (Christian) -- December 6
Ramadan -- Began September 13, Eid al-Fitr (Muslim) -- October 13, Fiesta of Our Lady of Guadalupe (Mexican) -- December 12
St. Lucia Day (Swedish) -- December 13, Christmas (Christian) -- December 25,
Boxing Day (Australian, Canadian, English, Irish) -- December 26
Kwanzaa (African American) -- December 26 to January 1
Omisoka (Japanese) -- December 31
Eid'ul-Adha (Muslim) -- December 20-22