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Welcome to the NEWSLETTER of Fisher's Law Office, providing you with legal information you can use in your everyday life.

1. You heard it here first: Under a new law, child support is about to decrease for thousands of Florida dads:

Old Rules:

Child support is calculated based on each parent's income. For example if each parent earns 1,000 dollars per month then the child support would be \$221 per month.

New Rules:

Child support is based on income *and* the amount of time a father sees his children. For example if a father visits his child for more than 12 overnight visits per month and each parent earns \$1,000 per the child support paid to the mother would be only \$66 per month.

Exceptions:

The court may deviate from the statutory child support formula. The court can deviate if a father has low income or if it is likely that the father will not actually visit the child for as much time sharing as is set forth in the parenting plan.

Moral to the story? If you are a parent making a parenting plan for your child at the time of divorce, be aware of the substantial difference in child support depending on how much time the child spends with each parent. And if you are a dad paying child support and you visit your child more than 73 nights per year, consider filing for a modification to reduce your obligation.

Getting Divorced in Florida? Don't forget a Parenting Plan and the New Parenting Class Requirement!

Under rules approved by the Florida Supreme Court, whenever parents divorce, they must complete a "parenting plan". A parenting plan consists of a 17 page form approved by the Florida Supreme Court that sets forth details of how the children will be cared for after the parents divorce.

What about parenting class?

Also, parents must complete a parenting class approved by the court. Before you set your final divorce hearing you should file your parenting class certificate with the court.

Why are parenting classes and parenting plans required?

The idea of requiring a parenting plan and parenting class is to improve conditions for children after the family is split. Creating a plan for the children requires parents to think ahead about issues they might have such as schooling, medical care, religious issues and time sharing.

When parents cooperate in raising their children, the courts aren't as likely to get involved with the children later: either in divorce court or juvenile court.

Why is America's economy still sick?

Unlike most U.S. recessions since WWII, the current economic decline is associated with high

levels of debt that must be written off or repaid before the economy can get moving again.

How did we get here?

For over a decade the U.S. government, through its lenders, Freddie Mac and Fannie Mae began buying trillions of dollars worth of sub-prime loans (loans that never should have been made) from banks and other lenders. Now, in late 2011, the government finds itself holding **seven Trillion dollars** in mortgages.

Many of the mortgages were made to homeowners who can't or won't repay their debts. When recession came, consumer demand fell due to joblessness AND because of the fantastic amount of debt in the U.S. economy.

What errors kept us in this economic malaise?

Instead of letting Freddie, Fannie and banks to fail and allowing the economy hit bottom and quickly come back like it always has, the U.S. instead borrowed a trillion dollars from our foreign friends and gave it away to domestic and foreign banks saying they were, "too big to fail." (Freddie and Fannie Mae are still costing taxpayers \$15 billion a month.)

Also, the Federal Reserve Bank printed over 2.7 trillion dollars and used the money to purchase toxic financial assets such as mortgages and U.S. government bonds.

The net result was to increase the United States money supply causing enormous inflation for consumers. Meanwhile people's main asset, their home, crashed in value causing many to owe more on their home than the house is worth.

In this environment, companies feel paralyzed and are afraid to hire new workers and consumers continue to be afraid to spend money.

Bottom line: It may take a decade to reduce household debt enough to raise consumer confidence. Only then will employers begin hiring. Do not expect the situation to change until there is a change in Washington. We need a new Federal Reserve chairman and for interest rates to go up so that savers are rewarded for saving and spending by consumers can resume.

How can you protect yourself for now? Many experts recommend hard assets during times of inflation and uncertainty. These assets include gold, silver, farmland, art and shares of stock. Although it seems counter-intuitive, now also might be a good time to buy a home you intend to live in.

How do you change your name in Florida?

It is perfectly legal to change your name in Florida. The rules are contained in Florida statute chapter 68.07. In order to change your name you must first submit your fingerprint for a state and national crime history records check.

Fingerprints are submitted to the Florida Department of Law Enforcement. The FDLE then submits the fingerprints to the FBI for national checking. A judge must *consider* whether you have a criminal record before he can grant a request for a name change.

The Petition for name change should include the following:

- 1) Your address and date of birth.
- 2) The name of your spouse and children and any previous names you've had.
- 3) Your occupation and the name and address of any businesses you own or operate.
- 4) You also must state whether you have been adjudicated a bankrupt at any time in your life or if you have ever been charged with a crime or pled no contest to a crime or been convicted of a crime.
- 5) You also must say whether there are any judgments against you and you must state whether your civil rights have ever been suspended or restored.

The court evaluates all the above factors when deciding a name change case.

Why do notary publics ask you for a copy of your driver's license?

The answer is located in Florida statute section 117.05 this statute requires that a notary must state certain facts when a document is notarized:

- 1) The county in Florida where the witness signed.
- 2) Whether the signature was sworn to or simply acknowledged.

- 3) Whether the person personally appeared before the notary.
- 4) The date he witnessed the signature.
- 5) The name of the person whose signature is being notarized.
- 6) How he knows the witness, either based on personal knowledge or satisfactory evidence of the person's identity through a driver's license.

The notary must sign the document and place his official seal below the notary's signature.

What are the penalties for D. U. I. in Florida:

If you receive a drunk driving conviction in Florida you can expect the following:

- Between six months and one year of probation.
- Between \$500.00 and \$1,000.00 dollars as a fine plus a 5% surtax on the fine.
- \$456.00 dollar court cost assessment.
- \$104.00 dollar contribution to the sheriff's investigation fund.
- \$55.00 dollars per month supervision of probation charges.
- A requirement to attend D. U. I. school.
- A requirement to attend a victim impact panel.
- A requirement to attend and work 50 hours of community service (Often you can "buy out" the community service for \$10.00 dollars per hour)
- A 6-month loss of driving privileges. But, if the D. U. I. is "enhanced" which means that you blew with a very high alcohol level you can expect to have an interlock device put on your vehicle and have your car impounded and immobilized for a mandatory period of time.

Practice note: If you plead guilty no contest to D.U. I. the court will often dismiss any traffic ticket that resulted in the stop such as a speeding citation or a red light citation.

What is a garnishment for money from my pay or bank account and how does it work?

Garnishment is a process by which the creditor/judgment holder obtains a court order allowing the seizure of a debtor's bank account or a his wages.

In order to garnish an account, the account must be in the name of the debtor.

Here are some of the rules regarding Garnishment:

- 1) If you are the "head of household" (meaning you support a spouse or child), no creditor may seize the bank account where you deposit your wages
- 2) If the judgment is against *you only*, the bank account may not be seized if the money is in an "entireties bank account". (An entireties account is an account owned with your spouse.)

The Florida Supreme Court has ruled that if an account is an entireties account, it may not be seized by a creditor of one spouse. For example, in Beal Bank SB vs. Almand and Associates 780 Southern 2nd 45 (FLA. 2001) the court ruled that if an account is owned by a husband and wife a creditor of one of spouses cannot seize the account as long as the signature card does not state that the account is not an entireties account.

Moral to the story?

Read your signature card at your bank and make sure that the bank has language that affirms the entireties account status or at the least that it doesn't say the account is not an entireties account.

Most important: If you receive a notice of wage garnishment and you support a child or spouse, go to a lawyer right away.

What happens if a car is Garnished?

Personal property such as equipment or automobiles is governed by Florida Statute 319.22. If the title says the word "and" between your name and your spouses name and the debt is only in your name the car cannot be garnished.

If, on the other hand the word "or" is placed between the names of the owners of the vehicle then the property is not entireties property and is subject to seizure by a creditor.

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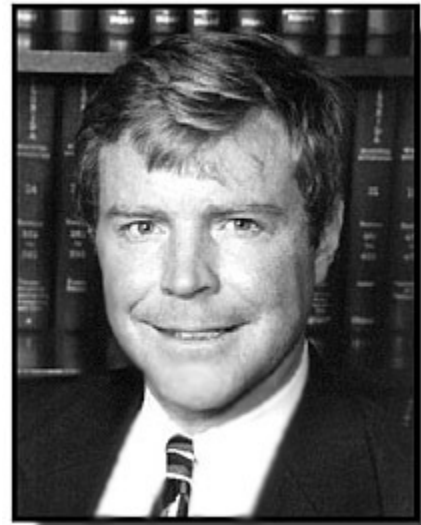
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