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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. If you have any questions about any of the articles in this newsletter please don't hesitate to contact us.



If you are being sued for an old credit card debt, be aware that the company suing you must give you thirty days notice before filing the suit if they are not the original creditor.

GETTING A DIVORCE?

Divorce laws are ever-changing in the state of Florida.



- 1) The current norm for child custody (often referred to as time sharing) in divorce cases is 50:50 for both parents.
- 2) Child support is based on the parents' respective incomes, and the amount of overnights the children spend with each parent.
- 3) Parents must complete a Child Support Guidelines Worksheet and a Parenting Plan .
- 4) Most divorce experts expect that alimony will, in the future, be determined by a formula based on the length of marriage and income of both parties.
- 5) If you own a house and then get married, be aware that under Florida law, you cannot mortgage or sell your home without your new spouse's written consent.

6) Consider getting a second legal opinion on your divorce case. And If you plan on representing yourself in a divorce the case, at least consult with an attorney beforehand.

Driving update: Americans drove over 3.1 TRILLION miles in 2015, an all-time record. With so many cars on the road, the number of crashes is also increasing. Clients need to be extra careful to follow traffic laws, drive safely, and distraction free.



When you text while driving, you take your eyes off the road for an average of 5 seconds at a time. This means that at 55mph,

you are traveling more than the length of a football field without looking where you are going. Already, 10 states have passed laws prohibiting drivers from using hand-held devices, while 39 states, including Florida, ban texting while driving.



At any time in this country, there are approximately **660,000 drivers** trying to text, call, and surf the web behind the steering wheel, and 1 out of every 4 accidents is a result of cell phone use.

Florida's **statute of limitations** for auto crashes is four years (F§95.11). However, under a Florida Supreme Court ruling, if the crash results in an "uninsured motorist" (UM) claim, the statute



doesn't start to run until the UM claim is resolved.

Driving School May Save You!

If you receive a traffic ticket for a violation of driving laws, you should consider attending driving school or setting your case for a hearing before a traffic court judge--you may get a reduced fine, a withheld adjudication, and no points!



This year, Fisher's Law Office drafted its 1,000th will!

When a loved one passes, you must file his or her Last Will & Testament with the Probate Court (of the decedent's county of residence) within 10 days of learning of the death of the decedent.

If you die without a will, you die "intestate" and your estate passes according to Florida law. In effect, the state of Florida prepares a will for you. But BE WARNED: it may not be what you would choose. We recommend that everyone write a basic will to say who inherits your money and property when you die.

There is a two year statute of limitations for estate claims in Florida. If your loved one dies with few assets and big bills, wait two years and then administer the will in a probate. Also, under Florida Law, the decedent must give his/her spouse at least 30% of the decedent's estate. This is called the "elective share."

If your house is in both your name and your spouse's name, you do not have to probate your house after your spouse dies. Instead, record your spouse's Certificate of Death with the court in the county of your residence and the house will then be solely in your name.

Better thinking hint:

In the book "Smarter Faster Better," by Charles Duhigg, the author says that more



productive thinking emerges when people tell stories about what is going on around them. Constant narration helps people figure out how to focus their attention where it is needed.



THERE ARE TWO YOU'S!

(The person you are now, and the "you" in the future.) Save NOW for the future you! Invest in a 2016 IRA. The money builds tax-free and is untouchable by all creditors. Call your mutual fund company today and invest in your future.

HAVE YOU MOVED RECENTLY?

Florida Law requires you to update your address on your driver's license within 10 days of a move.

(F§.322.19)



Here's a helpful hint on staying with your partner:

Research has shown that people with similar credit scores (even on the low end) stay together longer than those with mismatched scores. Additionally, people with high credit



scores are more loyal, and likely to form lasting, committed relationships.

Satisfied clients

Health Care Surrogate Update



As of October 2015, Florida healthcare surrogates can begin helping immediately. This change in the law allows loved ones to take action and aid in making important healthcare

decisions without having to wait until the patient becomes incapacitated. Make sure your surrogate documents are updated

Medical Bills Alert:

We are seeing an increasing number of clients come into our office with unpaid medical bills. Many times the bills are improperly coded, overcharging the patient for services he or she may not have even received. Always do a thorough check to make sure you're only paying for medical tests and services rendered.



Credit Card Interest Rate Scams Exposed:

In the case of **MADDEN v. MIDLAND FUNDING, LLC** a New York court said there are limits on the interest rate a credit card debt buyer can charge a consumer. State usury law in Florida is 18%, compared to 29% on many national bank credit cards. Now, buyers of charged off debt in Florida may be limited to the state usury cap of 18% which is great news for Florida consumers!

There's never a dull moment when you're working in a law office. We have the pleasure of meeting and helping people from all walks of life, with a variety of legal issues. Some of our most interesting cases from this quarter are:

- A client's ex was paying child support but his employer kept the money. We got the money for our client's child.
- A traffic camera caught our client making a "right on red" at 26 mph in Tampa. The judge dismissed the ticket after a brief trial.
- We helped a young professional obtain a speedy divorce from his stalker ex-wife.

CASE of the MONTH:

A wonderful homeowner in Wesley Chapel bought a brand new air conditioning unit for \$13,000 from a well known home improvement company. Once installed, she noticed multiple problems with the unit, and called to have it serviced—requesting a refund if repairs could not be made.

The company failed to honor the warranty and as a result, the client's home developed flooding issues (which escalated to mold damage) as a result of the poor installation job.

A demand letter was sent on our client's behalf, resulting in a **promise of a full refund**. After our client received the refund she called to tell us that the A/C unit was removed as requested. She was very happy. Our office also verified that all disparaging credit references on our client's credit report for refusing to pay for the faulty A/C unit were deleted.

Education:

1977

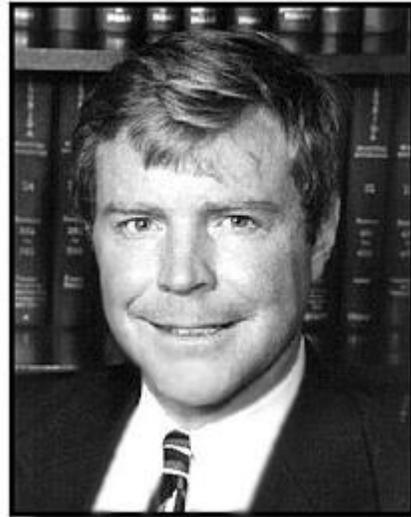
Degree in Accounting,
University of Florida,
Gainesville, Florida.

1978

License Issued (currently inactive)
Certified Public Accountant

1983

Juris Doctorate Degree in Law,
University of Florida,
Gainesville, Florida
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Ralph B. Fisher, Esq.

Memberships:

- Florida Bar Association www.flabar.org
- BV rated by Martindale Hubbell
- Gaucho Association www.gauchoassn.com

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