



# KRAMER RADIN, LLP

LAW FIRM

## ESTATE PLANNING MATTERS

SUMMER 2014

### **Introducing Jonathan D. Weinberg**

It is our pleasure to introduce to you our newest associate attorney—Jonathan D. Weinberg.

Jonathan was awarded his Juris Doctor (JD) from the University of California, Hastings College of the Law, in San Francisco in 2001 and was admitted to the California Bar in December of that year.

During the past 13 years, in addition to practicing in the areas of estate planning, trust and probate administration and litigation. He also has experience with family law issues and with real estate law including landlord/tenant disputes and brings this expertise to our Firm.



### **To Lease or Not to Lease?**

Real estate can be an important part of your investment portfolio. Many of our clients have found that investing in real estate offers advantages including an appreciation in the value of property and the opportunity to claim business deductions on income tax returns. Another tremendous advantage of owning real estate is the opportunity to rent out (lease) the property in order to generate a steady stream of income in the form of tenant rents.

However, being a landlord can be a headache. Landlords have to collect rents (sometimes from less than willing tenants), maintain the property, and ensure that their tenants are treating the leased property with respect. In addition, the landlord has to draft leases that are enforceable and comply with California's laws.

Kramer Radin can help you if rental real estate is a part of your portfolio. Our new associate, Jonathan D. Weinberg, brings with him more than six years of experience in landlord-tenant law. Jonathan has experience drafting leases, negotiating lease terms (for both landlords and tenants), and representing either the landlord or the tenant in unlawful detainer (eviction) actions.

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The legal services of Kramer Radin, LLP include estate planning, trusts, probate and trust administration, related tax matters, litigation and dispute resolution, elder law, Medi-Cal planning, and conservatorships.

#### **Contact Information**

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If you are a landlord, let us either help you draft a lease that protects you and complies with California law or review an existing lease to ensure it is in compliance with California law and/or to determine if it could be improved. Our goal is to protect our clients with strong leases designed to clearly identify both the landlord's and the tenant's rights and obligations. In addition, we can help you draft notices of termination of an existing lease, 3-day notices to pay rent or quit, notices of intent to enter leased property, and more.

When possession of property is an issue, California law allows expedited court proceedings. But the law, rules and procedures are often hyper-technical. Many landlords have lost both time and money by failing to properly handle a dispute with a tenant, even when they have a strong case.

Please call us to make an appointment if you would like to talk with an experienced and skilled landlord-tenant attorney.

## **Caregiver Basics**

### **(What To Do or What To Think About Doing When the Time Comes)**

When you have a parent or other loved one who needs care in his or her home, your life becomes more hectic and worrisome. Whether you live across town or across the country, there are things that you must bring under control. If you are the one who must make decisions, it can feel as if the whole world is on your shoulders and/or looking over your shoulder to second-guess you. Not only must you deal with your own emotions but you also must deal with many unknowns. Therefore, you need to take a deep breath and:

1. Ascertain whether or not your loved one has an Advance Health Care Directive. If yes, keep a copy in your possession and ensure that the doctor's office, primary care provider and hospital each have a copy on file. If no, suggest that your loved one schedule an appointment with their estate planning attorney to prepare one.
2. Seek help from people in your loved one's community, *e.g.* neighbors, friends, clergy, doctors. Call them and tell them what is happening and how to reach you if/when necessary.
3. Take steps to identify options to help the primary caregiver. As time goes by, the primary caregiver will need relief. He/she may not need help immediately but knowing there are plans and arrangements in place can make things easier if/when there is a crisis.
4. Obtain a directory of senior resources and services. The local library and senior center have access to information. Also, we have access to helpful Bay Area organizations and programs. Both you and the primary caregiver should start to familiarize yourselves with what is available in the area.
5. Make a list of prescriptions and over-the-counter medications that are being taken. Note the doses, schedules and source(s) of the prescriptions to ensure an adequate on-going supply. Update it regularly whenever the prescriptions are renewed or changed. An up-to-date list is essential in the event of an emergency.
6. When you visit, look for possible physical hazards, *e.g.* loose rugs, unsafe clutter (hoarding), lack of grab bars in the bathroom. Again, there are local people and programs that can help to eliminate these hazards before an accident occurs.
7. If you intend to hire caregivers, consider not only the costs but also the legal issues and logistics involved whether you are hiring directly or utilizing an agency. It is important to have employment contracts reviewed before there is a problem rather than after the fact.

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8. Call us. We work with these matters on a daily basis so this is not unfamiliar territory for us as it may be for you.

We are available to assist you with many of the above tasks and to serve as a coordinator of efforts.

Be sure to set realistic limits on what you can and cannot do. Remember, Superman and Wonder Woman are fictional characters. Your other family members and friends, as well as your job responsibilities, will continue to need your time and attention in addition to this on-going care situation. It is impossible for one person to be all things to all people all of the time.

While we can't take the responsibility off your shoulders, we can help you find the help you need to make the situation easier for you and better for your loved one. Call us; we're here to help and/or guide you.

### **Student Estate Planning Summer Special**

Although a Will and/or other testamentary documents are not usually necessary at this young age, as you are aware, once your child has attained the age of 18, he or she is considered an adult. As a result, you, as a parent, lose the authority and right to be consulted in the event of a medical emergency unless your child has given written authorization for the medical professionals to talk with you. This adult status also limits the amount of financial information to which you have access unless you have been given written authorization. This is especially difficult when your child is away at college.

Although your child may not need a Will or a Trust, to encourage them to plan ahead (and to give you peace of mind) we will prepare two vital estate planning documents—an Advance Health Care Directive and a Power of Attorney for Finance— at a reduced fee of \$450 (a \$750 value). This is a limited time offer at this reduced fee for children and/or grandchildren of our existing clients.

Either you or your child/grandchild should contact us to schedule an appointment with one of our attorneys to begin this crucial young adult estate planning before they head off to school in the Fall. The appointment will include an attorney discussion with only the child/grandchild although, with his or her permission, you may be included.

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## *Food for Thought*

"What children need most are the essentials that grandparents provide in abundance. They give unconditional love, kindness, patience, humor, comfort, lessons in life. And, most importantly, cookies." Rudy Giuliani.



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