

Estate Planning Matters

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The legal services at Kramer Radin include estate planning, trusts, probate and trust administration, related tax matters, real estate, employment law, Medi-Cal planning, litigation and dispute resolution.

The information provided herein is not meant to serve as a substitute for legal advice.

Introducing Anne Bossange



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It is with pleasure that we introduce Anne Bossange who recently joined our Firm as an associate attorney.

Anne received her law degree from Santa Clara University School of Law where she was honored with the American Jurisprudence Award – Trusts and Estates.

Following a brief experience with family law issues, she began her 15 year long career in estate planning, probate and trust administration developing useful strategies not only to promote family harmony but also to preserve wealth.

Anne is a member of the State Bar of California and the Silicon Valley Bar Association. Her community service includes being a volunteer attorney for the AIDS Legal Referral Project in San Francisco. She was honored by the Junior League of San Jose as a 2006 winner of a Crystal Bowl Award for her community contributions.



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Veterans Long Term Care Benefits

The Department of Veterans Affairs provides three types of long term care benefits for veterans. Should you need assistance with applying for these benefits, let us know. We can help you.

The first type, of which most people are aware, is benefits provided to veterans who have service-connected disabilities.

The second type of benefit is state veterans homes.

The third type of benefits for veterans is disability payments.

These include Compensation, Pension, survivors death benefits associated with compensation and Death Pension.

Compensation is designed to award the veteran a certain amount of monthly income to compensate for potential loss of income in the private sector due to

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Veterans' Long Term Care Benefits

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a disability, injury or illness incurred in the service. In order to receive compensation a veteran has to have evidence of a service-connected disability. Most veterans who are receiving this benefit were awarded an amount based on a percentage of disability when they left the service.

However, some veterans may have a record of being exposed to extreme cold, having an in-service non-disabling injury, having tropical diseases, tuberculosis or other incidents or exposures that at the time may not have caused any disability but years later have resulted in medical problems. In addition, some veterans may be receiving compensation but their condition has worsened and they may qualify for a higher disability rating. Veterans mentioned above may qualify for a first-time benefit or receive an increase in compensation amount. Applications should be made to see if they can receive an award. There is no income or asset test for compensation and the benefit is nontaxable.



Pension is available to all active-duty veterans who served at least 90 days during a period of war. There is no need to have a service-connected disability to receive pension. To be eligible the applicant must be totally disabled if he or she is younger than 65. Proof of disability is not required for applicants age 65 or over. Apparently, being old is evidence in itself of disability.

The purpose of this benefit is to provide supplemental income to disabled or older veterans who have a low income. If the veteran's income exceeds the pension amount, then there is no award. However, income can be adjusted for un-reimbursed medical expenses and this allows veterans with household incomes larger than the pension amount to qualify for a monthly benefit.

Compensation and pension claims are submitted on the same form and VA will consider paying either benefit. Generally, for applications associated with the cost of home care, assisted living or nursing home care, the pension benefit is a better option.

All active-duty veterans who served at least 90 days during a period of war are eligible for pension and additional disability allowances – aid and attendance or housebound allowances. Surviving single spouses of these veterans are also eligible for lesser benefits and for the allowances.

Veterans' service would include World War II, the Korean Conflict, the Vietnam Conflict Period and the Gulf War conflict.

Pension can pay up to \$1,800 a month to help offset the costs associated with home care, assisted living, nursing homes and other un-reimbursed medical expenses. The amount of payment varies with the type of care, recipient income and the marital status of the recipient. There are income and asset tests to qualify.

VA claims this benefit is only for low income veterans but a quirk in the way the benefit is calculated for recurring medical expenses (long term care costs associated with home care, assisted living or nursing homes) could allow veteran households earning between \$2,500 and \$5,000 or more a month to qualify.

Estimates are that up to 30% of all Americans over the age of 65 might be eligible for a pension benefit. Again, let us know if you would like any assistance with applying for these benefits.

Harvest Moon

The definition of a Harvest Moon is: the full moon closest to the fall equinox. The Harvest Moon was thus named because it rises within a half-hour of when the sun sets. In early days, when farmers had no tractors, it was essential that they work by the light of the moon to bring in the harvest. This moon is the fullest moon of the year. When you gaze at it, it looks very large and gives a lot of light throughout the entire night. No other lunar spectacle is as awesome as the Harvest Moon.

Harvest Moon Lore

Exercise At Any Age Is Beneficial

A National Institute on Aging (NIA), a component of the National Institutes of Health, U.S. Department of Health and Human Services, study discovered that older adults who exercised at least three times a week were much less likely to develop dementia than those who were less active. There was no direct evidence that exercise reduced dementia but it supported growing evidence from other studies that there may be an association between exercise and mental health.

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The National Institute on Aging (NIA), has developed a free downloadable (www.niapublications.org/exercisebook/exercisebook.asp) 80 page Guide containing exercises for endurance and strength, motivation, safety and information about the benefits of exercise and proper nutrition as people age. The Guide particularly focuses on older people who want to become more active and healthy.

As always, you should not begin an exercise program without consulting your health care professional.

Phishing – Identity Theft via E-mail and/or Phone

Phishing is not about salmon, trout or any other known piscine species found in our lakes, rivers or oceans. It is all about stealing your personal information in order to steal your money and good reputation.

Phishers spoof well-known brands including Citibank, PayPal, AOL, eBay and others. The usual come-on is a request (that seems more of a threat) by e-mail or phone call to verify your account information.

If it is an e-mail, the phisher will “conveniently” have a link to a site that includes the known logo where you will be asked to provide your credit card, social security number, bank account information, ATM PINs, date of birth, mother’s maiden name, etc. The problem is this is not a legitimate site of the company but a link for the convenience of the phisher.

A telephone phisher seeks the same information and may pose as a bank auditor or other investigator and needs your cooperation to “catch a thief.”

If you receive phishing e-mails, forward the offensive e-mail to reportphishing@antiphishing.org. If you receive phishing phone calls, hang up. If you think you’ve been phished, visit www.FTC.gov/idtheft for more information.

Visit Our Website

Even though many of you have had us prepare your will or trust, you may not be aware of the additional services we provide. You can meet our attorneys and find out about their respective areas of expertise. There’s even a quiz for you to take to learn if you need to update or improve your estate plan.

Please advise us of an address correction or any other changes so that we can keep our information current.

You may contact us at 650-941-8600, 408-377-7845, inquiries@kramerradin.com or through our e-mail link on our website,

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