

LAW & BORDER

The Law & You



BY DON GRAVALEC,
ATTORNEY

Do I Really Need Estate Planning?

Do I need a Will, a Trust or do I even need any estate planning at all? Well, to begin with, unless you do not own anything at all, you need some kind of testamentary document to distribute the things you own after you die. (By the way, everyone dies sooner or later.) So the real question is... Do you need a Will or a Trust?

The California Probate Code provides that estates worth \$100,000 or less do not need to be probated. Estates with less than \$100,000 of probate assets are administered by preparing affidavits for each of the various institutions (banks, brokerages, etc.) that hold the assets. The

assets are then turned over to the person named as executor in the Will, to be distributed according to the distribution set out in the Will.

So, if your estate fits within the description above and if you do not own any real estate or have minor children, then a Will would probably be the right thing for you.

If your estate exceeds the \$100,000 amount, then it will go to Probate. Probate is a court proceeding to oversee the distribution of an estate. How much does probate cost? First, there is the \$350.00 filing fee. Then California Probate Code §10810 sets the statutory fees for both the attorney and the executor of the Will. The fees are four percent of the first \$100,000 of the estate, three percent of the next \$100,000, two percent of the next \$800,000, one percent of the next \$9,000,000, and one-half percent of the next \$15,000,000. Both the attorney and the executor get paid those percentages, so it is really 8%, 6%, etc...

To set the fees, there must be an inventory and appraisal of the assets. Debts do not reduce the asset values in determining probate fees, so if a house is appraised

at \$1,000,000, and it has a mortgage of \$800,000, probate fees would still be calculated on all of the \$1,000,000!

If minor children are beneficiaries, the Court will hold their inheritance in a conservatorship (with additional attorney fees each year for the conservatorship) until the child reaches age 18. Then the Court will close the case and give them a check for the balance of their inheritance!

If your estate would be subject to probate, then a Will is not the estate planning vehicle to use. In my next article, I will discuss the use of a Living Trust to avoid all of the costs and problems with Probate.

If you have Business, Real Estate or Estate Planning questions, or if you have existing legal documents that you would like to have reviewed by a lawyer, I have a FREE Legal Clinic at the Mountain Empire Community Center on Sheridan Road in Campo every Wednesday from 11:00 to 1:00, or so. My name is Don Gravalec; I have been a Lawyer since 1983. My wife Naomi and I live and work here in Campo. My phone number is 619-478-1233.

Operation Stone Garden

BY TONY NEFF

Operation Stone Garden was launched in November 2008 with funding for the following three years. The operation is a direct response to the need of more deputies in the rural areas of San Diego County. Stone Garden encompasses the area from the Imperial County line to the coast, from the U.S. - Mexico border to the communities in North San Diego County.

The operation includes multiple agencies that share

information and detect street crime and vehicle activity. Parole violators are apprehended, vehicle registrations are checked, and areas that have residential crime are seeing more patrols of uniformed officers. The idea is to help curb problems that have gotten out of hand, and enlist the help of citizen groups who are the eyes and ears of their communities.

Good community security takes an aware public and a working relationship with the local authorities. In the case of Operation Stone

Garden more officers on the street has translated into the arrests of felons with outstanding warrants, DUI arrests, apprehensions of suspects in residential crimes and vehicle safety and insurance inspections. The local deputies now have more officers in the field after having been short handed in the past.

In the event you would like more law enforcement coverage, contact your local deputies and relay your concerns. This will allow them to protect and serve.

MARINE LtCol CHESSANI NEEDS YOUR HELP by Fred Langston

Dear American patriots, Marine LtCol Jeffrey Chessani refused to throw his men under the bus to save his career. He served three tours of duty in Iraq, including the second battle of Fallujah. He also served in Panama and in the first Persian Gulf War; he has served his country as a Marine officer honorably for twenty years. His superiors considered him a superb leader, who demonstrated moral courage, with unlimited potential and value to the Marine Corps. On December 1, 2009 LtCol Chessani will face a Military Board of Inquiry to determine whether he is guilty of misconduct and should be demoted in rank as a result of the so-called "Haditha Massacre"- a massacre everyone now knows never happened. The charges against LtCol Chessani were triggered by fierce house to house; room by room, combat action taken by four of his enlisted Marines after insurgents in Haditha, Iraq ambushed their convoy on November 19, 2005. I would ask you to go to fclangston@yahoo.com to review the rest of the story and come to this gallant Marines assistance.

US Customs and Border Protection

BY TONY NEFF

September ended with agents arresting a 23-year old pregnant woman at the Temecula checkpoint. The K-9 unit found 15 pounds of methamphetamine stashed in the dashboard of her Ford Focus. The same day at San Ysidro Border crossing a female homicide suspect was taken into custody during a southbound vehicle search of a commercial transport van. The woman claimed to be a Mexican citizen illegally in the US. She was detained and transported to a Border Patrol station for processing. Fingerprints revealed she had an outstanding warrant for homicide and attempted murder in Los Angeles. She was taken into custody.

Early morning October 2nd smugglers landed 21 Mexican nationals on a beach in Carlsbad, where waiting agents took them into custody. The boat got away. On October 5th Agents in the Jamul area detained 3 border crossers about 5 miles east of the Otay Mesa Border crossing. During processing one detainee was found to have outstanding warrants as a child sex offender issued in Los Angeles. He was sent north.

Two separate traffic stops at checkpoints in San Clemente and Temecula yielded \$185 K in narcotics. In each stop a K-9 alerted agents to the presence of drugs hidden in the vehicles. San Clemente confiscated 55lbs of marijuana and Temecula agents discovered 6.63

lbs. of meth hidden within the vehicles. The evening of October 8th agents on patrol followed a Crown Victoria into a rest stop north of San Clemente and questioned the driver. The vehicle was searched after it was determined he was in this country illegally. A K-9 discovered 30 lbs. of cocaine hidden in the doors. Temecula agents, with the help of a K-9, discovered 2.75 lbs. of meth hidden inside a false compartment in a Ford F-250 and 6.63 lbs. stashed inside a Honda Civic on October 9th.

In Pine Valley on October 12th agents sent a Camaro to a secondary inspection and a K-9 alerted in the gas tank area where agents found a secret compartment with 63 lbs. of marijuana inside. The morning of October 13th a boat was spotted at 3:30 by agents on maritime patrol. The boat was seized and the two Mexican nationals aboard confessed to landing 6 others on a beach in Carlsbad. Two were apprehended and the others remain at large.

October 15th agents trailed a suspected smuggling vehicle and stopped it in Orange County near the Oso Parkway exit. This clown had 825 lbs. of marijuana, some 30 bundles in the back seat, he then met the DEA. Midday Oct. 21st had a routine stop turn into a secondary search that a K-9 alerted to the presence of drugs in the vehicle. The search turned up 38.62 lbs. of cocaine hidden in the dashboard. Pine Valley hit the jackpot on October 23rd as a K-9

alerted to drugs hidden in a Silverado pickup. During the secondary inspection agents discovered 71 lbs. of cocaine hidden in modified compartments in the rear quarter panels. The estimated street value is 1 million dollars.

On October 5th 2009 Deputy Chief Ronald S. Colburn announced his retirement after a 31 year career with the U.S.B.P. Deputy Chief Colburn a graduate of Mountain Empire High School began his career in 1978 as an agent in Douglas Arizona. In 1983 he was promoted to Supervisory Border Patrol Agent and served as a law instructor and course developer at the Border Patrol Academy. In 1984 he became a founding member of BORTAC, a global special response team that soon gained a reputation as one of the premier tactical units in law enforcement. He served as team leader on many missions and from 1992-1994 he served as a Field Operations Supervisor at BORTAC headquarters in El Paso, Texas. The Colburn Border Patrol legacy began with his grandfather William who in the early 1900's rode a horse in the Mounted Guard. In 1956 his father Richard joined the Border Patrol and served until 1982 including a stint at the Campo Station. In June of 2003 his son joined the Border Patrol and is currently serving in Arizona. The Messenger recognizes the four generations of service by the Colburn family.

Minutemen Report

BY DEBORAH CRAIG

Most of the month was fairly quiet at the border due to an increased number of out of state Border Patrol agents who have been assisting at the border, have returned to their home states. The Campo Minutemen have been assisting the remaining agents in closely monitoring the sector where Agent Rosas was assassinated.

Visitors continue to be interested in the Border. A news reporter from Croatia came and observed Border Operations for three days. A law enforcement officer from The Inland Empire came and spent two nights assisting the Campo Minutemen.

Gadget Dan reports that On October 1st, 2009, while in Pine Valley, a resident of the area reported a group of some 25 to 30 illegal Border Crossers. Gadget

was later able to verify that group of Illegal Border Crossers were rounded up by Border Patrol Agents in Pine Valley later that night. Dan notes that the illegal border crossers "Are not going home, and, they certainly are not staying home!"

C a m p o M i n u t e m a n Kingfish was invited to speak, at the Hemet-San Jacinto California Congress of Republicans. His focus was on the need to secure the Border and prevent the murder of any more of our Border Agents.

The Campo Minutemen were honored to received a thank you card from

The Campo Border Patrol.

We remain committed to supporting their mission and to bring the assassins of Agent Robert Rosas to justice.

