

LAW & BORDER

The Law & You



BY DON GRAVALEC,
ATTORNEY

One of the questions that I frequently have is who should have a living trust. There are four categories of people that definitely need a living trust.

If you own real property upon death your estate will have to go through probate. Probate is a legal process where the Court assumes jurisdiction over your assets and makes a determination how they will be distributed. If you have the Will, the court will try to follow the instructions in the Will. However, in order to distribute property pursuant to a Will, it still takes the court's involvement through probate.

A much better way is to leave real property to your beneficiaries in a living

trust. With the trust, there's no need for probate and the assets can be transferred to beneficiaries without court costs, probate fees, or delay.

If you die leaving minor children and you do not "nominate" a Guardian, it would be the Court that would decide who would become the legal guardian of your children. The person the Court selects may be very different from the person you would have chosen. Under California law, minors cannot own property until they reach maturity. If they receive an inheritance, the court will assume jurisdiction over any assets and appoint a Guardian to oversee the estate. Each year there are fees and costs for the Guardianship that come out of the inheritance. When the child reaches age 18, the court will then order any remaining assets turned over to the child, outright! There are those who believe giving an 18-year-old an inheritance might not be in their best interest. By leaving an inheritance to a minor through a trust, it allows you to control when and for what reason the child receives any part of the estate. A planned distribution helps ensure that the beneficiary has sufficient maturity to use the

inheritance in a productive and useful manner. It's sad and unnecessary for a minor to receive an inheritance before they have the wisdom to use it wisely.

If your estate has any value greater than \$100,000 under California law it must be probated. Even if you do not leave a will, the court will be required to assume jurisdiction over your assets and determine how they will be distributed.

One frequent concern of a parent with children from a prior marriage is: Will they receive an inheritance if they were the first to die? With a living trust, a parent can be certain that their estate will be distributed to their children the way they had intended.

Having a living trust can make a substantial difference in the lives of your beneficiaries.

My wife Naomi and I would like to take this opportunity to thank the members of our community for helping making our first year here the wonderful experience that it has been. The back country is truly our home. We wish you all a Merry Christmas and a Happy and Healthy New Year. Don and Naomi Gravalec 619-478-1233.

CERT Program under new leadership

BY RON MCQUILLIAMS

I would like to tell you of some recent changes to the Mountain Empire CERT program. As some of you may be aware, Lieutenant Craig Williams of Campo Fire and Rescue has retired. Under Craig's leadership the Mountain Empire CERT has been recognized as one of the finest teams in the state. Public Affairs Officer Lieutenant Robert Hume has offered his services as the new CERT Program Manager for the Mountain Empire. In addition I have been named as the Mountain Empire CERT Program Coordinator to assist him. Together we will work to keep our CERT program as well respected, trained and functional as it was under Craig's guidance.

As part of our on going training, we are excited to announce the availability of FREE Amateur Radio (HAM) training courses offered by the San Diego County Office of Emergency Services for CERT members. There is a set of 2 classes in 3 different locations throughout the County. Living in the back country we know how vulnerable

phone communications both cell and landline can be during a disaster. Did you know HAM radio offers a reliable and inexpensive communications alternative and there are many licensed operators already in our community. Here's your chance to become more prepared than you already are.

We will be offering "How to Obtain your Amateur Radio Technician License" training. The course will include the book, handouts and the examination fee. The examination will immediately follow the class. A follow up class, "Now that you have your license, How do you use it?" that has been locally developed by Arnie Lewin and Scott McClintock is also available for us.

Class Dates and Times

1. "How to Obtain your Amateur Radio Technician Class License" - County OES - Saturday, December 5, 8am -6pm
2. "Now that you have your license, How do you use it?" - County OES - Wednesday, December 9, 6pm -9pm
1. "How to Obtain your

Amateur Radio Technician Class License" - Heartland Training Facility - Saturday, December 12, 8am -6pm

2. "Now that you have your license, How do you use it?" - Heartland Training Facility - Tuesday, December 15, 6pm -9pm

There is no geographic requirement on which trainings you can attend, the three different locations were just an effort to increase convenience for CERT members. Please note, that class size is limited and will be accepted on a first come first serve basis. Did I mention that there is no charge for CERT members to attend either of these classes? If interested please RSVP to Stasia Place at Stasia.Place@sdcountry.ca.gov

Coming up, we are looking to conduct Shelter training for our team as we have 2 Red Cross Shelter trailers already placed in the community. If you have any questions please feel free to contact me. (Mountain Empire CERT Program Coordinator (619) 417-7435) Thanks and I look forward to meeting and working with you.

US Customs and Border Protection

SAN DIEGO — United States Border Patrol agents of the San Diego Sector have demonstrated significant law enforcement achievements along the 60-linear miles of border shared with Mexico during fiscal year 2009. The results are not being celebrated as the cost was high with the July 23, 2009, senseless murder of Border Patrol Agent Robert W. Rosas. The San Diego Sector employs over 2,500 uniformed agents assigned to six line-watch stations in Imperial Beach, Chula Vista, Brown Field, El Cajon, Campo, and Boulevard, and two checkpoint stations in San Clemente and Murrieta. In fiscal year 2009, the San Diego Sector Border Patrol launched a comprehensive enforcement strategy with focused goals of reducing border violence while raising the level of operational control. Operational Control is defined as the extent to which Border Patrol agents are able to detect, identify, classify, respond to and ultimately resolve all threats within their area of responsibility. To gain control, San Diego Sector increased its primary and secondary fencing by 14 and four miles respectively. There is now approximately 45.5 miles of primary fencing and 13 miles of secondary fencing. All-weather roads were expanded by four miles to approximately 37.8 miles. The Smugglers Gulch project in Imperial Beach was completed which helped reduce assaults on agents and immobilized a heavily used area by smugglers.

of 118,721 persons attempting illegal entry into the United States on foot, or in motor vehicles, and vessels. This is a 27 percent decrease from last fiscal year. San Diego Sector apprehensions accounted for 22 percent of the total Border Patrol apprehensions along the southwest border with Mexico. Agents seized 26,778 pounds of marijuana, a 45 percent decrease over fiscal year 2008. Cocaine seizures increased 153 percent to over 1,771 pounds; heroin seizures increased 173 percent to over 37 pounds; and methamphetamine seizures increased 741 percent to nearly 394 pounds.

The San Diego Sector Border Patrol law enforcement accomplishments by its agents from Oct. 1, 2008 through Sept. 30, 2009, included the apprehension

of 118,721 persons attempting illegal entry into the United States on foot, or in motor vehicles, and vessels. This is a 27 percent decrease from last fiscal year. San Diego Sector apprehensions accounted for 22 percent of the total Border Patrol apprehensions along the southwest border with Mexico. Agents seized 26,778 pounds of marijuana, a 45 percent decrease over fiscal year 2008. Cocaine seizures increased 153 percent to over 1,771 pounds; heroin seizures increased 173 percent to over 37 pounds; and methamphetamine seizures increased 741 percent to nearly 394 pounds.

There was a total of 2,550,186 pounds of marijuana, over 10,150 pounds of cocaine, 174 pounds of heroin, and 938 pounds of methamphetamine seized along the southwest border by the United States Border Patrol.

The focused enforcement efforts of San Diego Sector Border Patrol agents accounted for 16 percent of the cocaine, 19.5 percent of the heroin, and 41.4 percent of the methamphetamine seized by the U.S. Border Patrol nationwide.

These results did not come without significant challenges and enormous dangers. There were a total of 252 assaults on agents while in the performance of their duties, a decrease of 33 percent from the prior fiscal year. This included the murder of Border Patrol Agent Robert W. Rosas. On November 20, 2009, a 17-year-old Mexican National identified as Christian Daniel Castro-Alvarez entered a guilty plea to the murder. In response to the murder of

Agent Robert Rosas, San Diego Sector initiated "Operation Stronghold" in August that continued into September 2009. Operation Stronghold closed the Sector's eastern corridor to criminal smuggling organizations through agent and technology enhancements. "Campaign Stronghold," the San Diego Sector's strategic plan for fiscal year 2010, will target 22 additional border miles to be brought under effective operational control. At the conclusion of fiscal year 2010, San Diego Sector's goal is to establish 51 total border miles under operational control.

"These impressive achievements are the direct results of the brave men and women in uniform honorably serving and courageously confronting alien and drug smugglers in dangerous and diverse terrain, on hazardous roadways, and at unpredictable checkpoints," said Michael Fisher, Chief Patrol Agent of San Diego Sector. "We cannot forget the inherent dangers of the job nor ever forget the ultimate sacrifice that Border Patrol Agent Robert Rosas made to his country." Chief Fisher declared, "With our strategic partners, we will continue to focus our resources of personnel, technology, and infrastructure to gain operational control of our borders. Our primary objective is to disrupt, dismantle, and ultimately defeat alien and drug smuggling organizations operating within San Diego County leading to greater border security and safety that will increase the quality of life in our border communities."

Campo Minutemen Report

BY DEBORAH CRAIG

The Campo Minutemen were joined this month by Retired Army Captain, Mr. Pete who stayed on the border with Kingfish for ten days. Mr. Pete is a Vietnam Veteran who currently resides in New Mexico. He previously lived in California, however, he moved from the state several years ago due to the issues with illegal immigration.

He was motivated by the recent assassination of Agent Rosas to return to California and assist in monitoring the border. With his military background, Mr. Pete immediately understood how to secure

and maintain a high point and call the Border Patrol with any unusual activity. Mr. Pete hopes to return to the members of his Recreational Vehicle club then to return to Campo in the spring.

An Independent Film Crew also came, spent the night and spent two days filming.

Gadget Dan reports we have completed as of November 1, 2009, our 40th month of litter removal. Over the past 40 months, we have removed over 42,000 pounds of litter from public lands. Monthly totals for litter removal have ranged from 700 pounds in earlier months, to over 2,000

pounds set this past April. Gadget Dan enjoys saying to others, "We are taking back San Diego East County, one littered bit at a time!" An additional 85 pounds of litter were removed November 13, 2009, during an organized clean up with a group of Minutemen. Another Highway clean up was held on Friday, November 27, 2009 at 8:00 am. We met at Buckman Springs road and Oak Drive at 8:00 a.m. Trash bags, trash pickers and reflector vests were provided. After the Highway Clean up, we proceeded to the Rosas Memorial to leave flowers and pay our respects.