

FRIEDMAN RANZENHOFER ATTORNEYS AT LAW

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CONTACT US 24 HOURS A DAY



Robert Friedman

IRAs, pensions, properly documented gifts, spousal allowances and transfers, caregiver agreements and promissory notes. To register for the free seminar, call 716.542.5444 by October 24, 2016. ■

MEDICAID/ELDER LAW SEMINAR

"Fourteen Ways to Preserve Your Assets with the Medicaid Laws" will be presented at the Clarence Senior Center, 4600 Thompson Rd, Clarence, NY on Wednesday, October 26, 2016 at 1:30 PM. Speakers are Robert Friedman, Attorney and Jeff Vastola, CLU of M&T Securities. Learn how to preserve your assets and plan for incapacity with powers of attorney, health care proxies, living wills, Wills, Trusts, transferring your home to family members, Long Term Care Insurance, Prepaid Funeral Accounts,



Mike Ranzenhofer

CONSULT MIKE RANZENHOFER IF YOU ARE INJURED

Consult anytime with a local, compassionate and experienced personal injury attorney that you know and trust: Mike Ranzenhofer.

Experience: Mike has 36 years trial experience representing the victims of automobile accidents, dog bites, slip and fall accidents and defective products.

Availability: Mike is available seven days a week by telephone at 716.542.5444 or 585.343.0746; text at 716.983.6370 or by email: mrantz@legalsurvival.com. He will meet personally with you at your home, the hospital or at one of his seven local offices.

Free Consultation: Mike will advise you of your rights at a free consultation.

No Fee Guarantee: You pay no fee unless you win your case.

Mike Ranzenhofer promises to:

- ✓ Communicate with you in plain language that is easy to understand.
- ✓ Promptly return your telephone calls.
- ✓ Quickly and thoroughly investigate and analyze your case.
- ✓ Personally handle your case.
- ✓ Keep you informed of the progress of your case at all times.
- ✓ Show you the personal care, concern and attention which have been the hallmark of our law firm since 1955.
- ✓ Not handle your case in an "assembly line" fashion.
- ✓ Accommodate the needs of you and your family during the handling of your case.
- ✓ Vigorously protect your legal rights. ■

REAL ESTATE INVESTORS' SEMINAR

"How Landlords Can Prevent Discrimination Lawsuits" will be presented by Robert Friedman and "How to Double Your Real Estate Portfolio with Your Current Equity" will be presented by Russell J. Gullo, CCIM, CEA at the Buffalo Investors & Exchangers Group meeting on Tuesday, October 18, 2016 at 7 PM at the Millennium Hotel, 2040 Walden Ave., Cheektowaga, New York. Landlords will learn about their rights and responsibilities under the federal, state and local fair housing laws. Drawing on over thirty-seven years of experience representing landlords, Mr. Friedman will explain the U.S. Fair Housing Act, New York State Human Rights Law and local discrimination laws. According to Mr Friedman, "proper tenant screening, lease drafting, advertising and record-keeping will prevent landlords from being sued for housing discrimination. Landlords face enormous liability for discrimination including sexual harassment of tenants and denying tenants the right to have emotional assistance and service animals." The meeting is free and open to the public. Call (716)675-1500 for reservations. ■

LAW FIRM WEBSITES REDESIGNED

Our completely redesigned www.WNY-Lawyers.com and www.LegalSurvival.com websites offer:

- ✓ Educational videos on frequently asked legal questions
- ✓ Legal Guides, including the "2016 NY Medicaid Guide" and the "Executor's Legal Survival Guide"
- ✓ Legal blogs
- ✓ Past issues of our newsletter
- ✓ Legal forms
- ✓ 24-hour Chat Service to make it easy to reach us
- ✓ Bookstore
- ✓ Credit card processing for legal services
- ✓ Client testimonials
- ✓ Legal apps
- ✓ Law firm social media feeds
- ✓ Legal checklists
- ✓ Seminar announcements

Law firm partners Robert Friedman and Mike Ranzenhofer drew on their extensive legal experience to publish blog posts; videos; legal forms, guides and checklists; and news updates on relevant legal developments which are featured prominently on the user-friendly new websites. ■

EXECUTOR'S GUIDE

The Executor's Legal Survival® Guide assists you in naming a good executor in your will, explains to executors their duties and responsibilities and informs estate beneficiaries of the role of the executor in the probate process. The guide by Robert Friedman, Attorney answers such frequently asked questions as: What is probate? What are the executor's responsibilities? What are the steps in probating a will? Should a family member be named as executor? What death benefits are available? What qualities and abilities should an executor have? Checklists include: documents that must be collected, who must be notified, how to preserve estate property, what advisors to hire, and what records must be maintained. To obtain a free copy, see "Legal Guides" at WNY-Lawyers.com or send a stamped (.89), 4" x 9½" self-addressed envelope to POB 31-B, Akron, NY 14001. ■

CONTACT US 24 HOURS A DAY

Have a late night urgent legal question? Have you been injured in an accident? Arrested for DWI? Served with a lawsuit summons? We answer our phones 24 hours a day/ seven days a week. Additionally you can reach us using the Chat Service and contact forms on our websites www.WNY-Lawyers.com and www.Legalsurvival.com. ■

THE 21 MOST COMMON MISTAKES MADE BY LANDLORDS

Landlords often make costly mistakes by failing to:

- 1) Use rental applications to screen tenants.
- 2) Use criminal/credit/tenant screening reports.
- 3) Use move-in/move-out checklists.
- 4) Obtain payment of the security deposit and rent and tenant's signature on the lease before giving the keys to the tenant.
- 5) Include attorney's fees, late fees and added rent provisions in the lease.
- 6) Provide the lead-based paint disclosure form and booklet to warn tenants of the dangers of lead paint in properties built before 1978.
- 7) Include a drug-free rider in the lease.
- 8) Require guarantors to sign if the tenants have bad credit or no employment history.
- 9) Require renter's insurance.
- 10) Use limited liability companies for asset protection.
- 11) Properly prepare and serve default notices.
- 12) Properly prepare, serve and file the eviction notice of petition and petition.
- 13) Comply with Section 8 requirements for preparation and service of eviction papers.
- 14) Obtain and collect money judgments for unpaid rent and damages.
- 15) Comply with City of Buffalo and Niagara Falls rental registry requirements.
- 16) Give rent receipts for payment by cash or money order containing the date, the amount, the identity of the premises, period for which paid and the signature and title of the person receiving the rent.

Also, landlords should not:

- 17) Allow tenants to perform repairs in exchange for rent.
- 18) Accept rent after serving default or termination notices.
- 19) Allow unauthorized people to have access to a deceased tenant's apartment.
- 20) Ignore building code violation notices.
- 21) Procrastinate in evicting delinquent or troublesome tenants. Drug-dealing tenants should be immediately evicted to avoid civil forfeiture and fines. ■

OUR PRACTICE AREAS

- ✓ Accidents/Personal/Injury
- ✓ Administrative Proceedings
- ✓ Animal Law
- ✓ Commercial Litigation
- ✓ Corporate/Business/LLC
- ✓ Criminal/Traffic/DWI
- ✓ Divorce/Custody/Support
- ✓ Elder Law/Guardianships
- ✓ Fire Company Law
- ✓ Landlord/Tenant
- ✓ Matrimonial/Family Law
- ✓ Municipal Law
- ✓ Not-for-Profit Corporations
- ✓ Probate/Estates
- ✓ Real Estate
- ✓ Trials/Appeals
- ✓ Wills/Trusts

WHAT OUR ESTATE CLIENTS ARE SAYING ABOUT US

"Incredible Attorney and Law Firm: I have never dealt with an attorney or law firm as efficient and conscientious as Mr. Friedman and his employees. I came to him with my father's estate, sale of a home and other legal matters. I spoke DIRECTLY with him many times. I did NOT have to 'leave messages' constantly or get shuffled around to other people while waiting for a return phone call. HE addressed legal matters directly with me. I NEVER had to wait endlessly for a return email from him either. He answered them on the same day or within 24 hours. I believe his knowledge and expertise is unsurpassed in the legal field, but also in handling his clients. He is extremely considerate of YOU and YOUR situation, questions and concerns. Also, his fees are very reasonable compared to other attorneys. The individuals on his staff are top-notch and very competent as well. They were all very courteous, understanding and knowledgeable. They went out of their way for me as well. I could not be more satisfied with the treatment and attention to my affairs and legal issues. If you are looking for the PERFECT attorney, Mr. Friedman is the one to choose. You won't be disappointed by him or his staff. They are all amazing individuals to work with. It was truly my pleasure to have met him and to have him handle my legal affairs. He is truly one-in-a-million and I most highly recommend him!"

Signed, Gail ■



Sam Alba

HOW TO OVERTURN A DEFAULT JUDGMENT

Recently Friedman & Ranzenhofer PC successfully overturned or prevented default judgments against three of their clients. The most common basis to challenge a default judgment is lack of personal jurisdiction which means that service of the summons and complaint was not properly and lawfully served on the defendant. If so, the default judgment is a nullity.

CASE #1: Our client was shocked to discover a \$65,000 Monroe County Supreme Court judgment against him when re-financing his home. We were able to challenge the improper service of the summons and complaint and have the entire judgment removed for lack of personal jurisdiction.

CASE #2: Our client was served with a wage garnishment notice for a Buffalo City Court default judgment. We successfully stopped the garnishment. Although the summons and complaint was properly served, we noticed a severe defect. The three-year statute of limitations had expired. We had the complaint dismissed by arguing that the new evidence of the statute of limitation defense meant that the complaint was predicated on a fraud or mistake.

Continued on bottom.

ATTORNEY ADVERTISING- This newsletter is published as a public service by Friedman & Ranzenhofer, P.C., Attorneys, with offices in Akron, Buffalo, Batavia, Rochester, West Seneca, Niagara Falls and Williamsville/Clarence, New York. The firm, founded in 1955, practices estate planning, real estate, personal injury, probate, criminal, traffic, marital, family, business, municipal, corporate, debt collection, landlord/tenant and elder law. Your comments and questions are always welcome. For further information or to obtain permission to reprint the contents of this newsletter, call Robert Friedman at (716) 631-9999, visit the Legal Survival website at www.legalsurvival.com or e-mail to rfriedman@legalsurvival.com.

While a great deal of care has been taken to provide accurate and current information, the ideas, suggestions, general principles and conclusions presented in this newsletter are subject to local, state and federal laws and regulations, court cases and any revisions of same. The reader is thus urged to consult legal counsel regarding any points of law – this newsletter should not be used as a substitute for competent legal advice.

The purpose of this newsletter is to give the reader a general understanding of the law – not to provide specific advice. Every effort has been made to achieve accuracy. The law constantly changes and is subject to differing interpretations. Always consult with your attorney and act only on his or her advice. Friedman & Ranzenhofer, P.C. shall not be responsible for any damages resulting from any inaccuracy or omission. This newsletter is designed to provide accurate and authoritative information in regard to the subject matter covered. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. Certain portions of this newsletter may be applicable only to New York State law. Prior results do not guarantee a similar outcome.

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CASE #3: When you are sued, you usually have twenty days to respond to the lawsuit if you are served personally or thirty days if you are served by other means. Our client had been served over one-year ago, but had not answered the complaint because he had not hired an attorney yet. Therefore, the plaintiff’s attorney moved for a default judgment in Erie County Supreme Court. In reviewing the case, it became clear that the plaintiff had tried to sue our client’s limited liability company (LLC) and him individually. However, the plaintiff had only served the complaint on the client as an individual and not on the LLC. We opposed the motion for default judgment and cross-moved to dismiss the complaint for lack of personal jurisdiction and failure to state a claim. The judge dismissed the complaint in its entirety.

If you are being sued or find a default judgment on your credit report, contact us immediately because default judgments are not always the end of the road! ■

WOULD YOU LIKE TO RECEIVE FUTURE ISSUES OF THIS NEWSLETTER?

Is this your first issue of the newsletter? To receive future issues by mail or email:
call us at 716.542.5444; email april@legalsurvival.com;
or sign-up for the email version at www.Legalsurvival.com or www.WNY-Lawyers.com