



The Lyles Law Firm, LLC

Newsletter

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The Lyles Law Firm, LLC
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Real Estate: In Fee versus In Trust



By: Joseph Lyles

I represented a senior citizen, Linda, who was involved in a serious car accident in which she sustained a bad injury, putting her into a wheelchair for the rest of her life.

Fortunately there was a good deal of insurance coverage available, and I ob-

tained a substantial recovery for Linda.

Linda was resourceful enough to realize that this was a once-in-a-lifetime opportunity, and she saved and invested the proceeds instead of spending them like so many do. She hoped to use a portion of the funds to help her two adult sons. One was illiterate, unsophisticated and barely able to make a living. Linda decided to buy a small house and give it to this disadvantaged son so he would always have a home.

That was a good idea, but she made the mistake of giving the son complete and total ownership (often called *in fee*). After Linda died, the son became involved with some bad people who took advan-

tage of his naiveté. They talked him into taking out a loan secured with a mortgage on the house. And then the son became completely disabled and couldn't make his mortgage payments.

If Linda had given the house to her son *in trust*, instead of *in fee*, he wouldn't have been able to put a mortgage on it and he would still have a place to live.

The moral of this story is that you should be careful how you leave your property to family members. If you do not want the loved one to sell the real estate, then you need to take certain legal precautions, such as putting the title in trust.

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The Meyer Center's Ladies' Holiday Luncheon

Looking for a great way to start (or finish!) your Christmas shopping while enjoying time with friends and helping children with special needs? Don't miss the Meyer Center's eighth annual Ladies' Holiday Luncheon on Thursday, December 4, at Carolina First Center. The luncheon will feature a silent auction from 10:00 a.m. to 11:45 a.m., which will include more than 400 household and children's items. It will also have jewelry, spa, travel and entertainment packages and gift baskets. A delicious lunch will be served at noon, accompanied by live entertainment.

Funds raised at the luncheon are a vital source of support for the Meyer Center, which has provided speech, physical and oc-

cupational therapy along with preschool education for children with disabilities for more than 50 years. Organizers and volunteer leadership anticipate 1,000 ladies to attend.

"If a disability is a hurdle, then the Meyer Center is the place where children learn to leap." It's a place where children's dreams are simple dreams – dreams that others may take for granted, such as learning to walk, sitting unassisted or feeding themselves. Always, however their ultimate dream and the dreams of their parents are for these children to live life as fully and successfully as possible.

As a non-profit agency, the Meyer Center relies on the

generosity of businesses and individuals. Monies raised at the luncheon each year are used to provide intensive educational and therapy services so children with special needs are given the opportunity to reach their full potential. More than 130 children were served in 2007.

Plan to get your family, friends and colleagues together and take part in this spectacular holiday event. The cost to host a table for ten is \$500. Various sponsorship levels, beginning at \$1000 and extending to \$10,000, can be tailored to specific personal or business objectives. For additional information, please contact the Meyer Center at 250-0005, ext. 208.





Estate Planning in an Uncertain Environment



Since 2001 when President Bush signed the Economic Growth and Tax Relief Reconciliation Act, we've seen estate tax exclusions climb and rates paid on taxable estate assets decline. The

exclusion elevator continues until 2010, when the federal estate tax disappears for one year. If Congress fails to act, the exclusion falls back to \$1 million in 2011. Any new legislation may cut the top tax percentages or increase exemption amounts. But don't look for a permanent estate tax repeal. Estate taxes have gone away "permanently" before- and have always come back.

That said, uncertainties complicate estate planning. Many estate planning attorneys look for flexible techniques when a client's assets approach the top of the current exclusion amount (the bubble). They are reluctant to advise some-

thing that's irreversible, causing clients to give up control, unless there are other reasons besides tax minimization for doing so. Irrevocable transfers of wealth and control are likely to come back to haunt clients later.

I recommend four anchoring strategies in our shifting estate tax landscape:

1. **Testamentary trust.** This trust, the provisions of which don't take effect until the grantor's death, can be built into a will or a trust. Therefore, you can make adjustments as tax laws change.
2. **Irrevocable Life Insurance Trust (ILIT).** While this trust is not changeable in itself, your estate still gets the policy proceeds when you die. And you (or your trustee) retain the flexibility to stop paying for the insurance if you don't want it any more.
3. **Gifting.** This is usually a viable strategy only if you're planning to gift to the recipients anyway. How-

ever, it can be useful for trying to stay under the bubble and insuring that certain people receive certain assets.

4. **529 College Savings Plan.** If you're planning to fund all or part of a grandchild's education, this is better than random giving. You can front load with five years of giving (\$60,000) when you set it up, and usually you can add \$12,000 annually. It grows tax-free and you retain control.

For more information on these techniques, consult with an attorney. Any strategy begins by defining the goals for your estate. Once that's done, you can plan proactively to transfer your estate in ways that fulfill your priorities- not just to minimize taxes.



"Common Sense often makes good law"

~William Douglas

Get your free copy today, by simply coming in!

How You Can Avoid Legal Land Mines Legal Lessons for the Practical World

From the Book by Mr. Lyles.

Lesson 34 is about social security disability benefits and the importance of perseverance.

"If at first you don't succeed, try, try again". This advice may not apply to everything in life, but it definitely applies to applications for disability benefits under our federal Social Security program. If you are denied benefits in response to your first application, don't give up.

There are several reviews or appeals you can

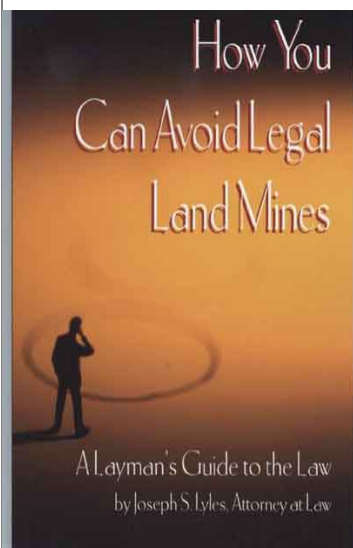
request. It has been my experience that the involvement of a competent attorney will often result in a reversal of the denial by the government agency that administers the Social Security program.

The younger you are, the harder it is to qualify for Social Security disability benefits. However, your age is only one of the factors that the agency is supposed to consider in reaching its decision. Other factors include your education, your work history, and the extent and nature of your disability.

Fortunately, most attorneys will agree to represent you

on your disability claim on a contingency fee basis. Because you have to be unemployed to make a claim for social security disability, then you will obviously be unable to pay attorneys fees up front unless you have other resources. Thus, the contingency fee arrangement is most often used in these cases.

The Lesson: *Experience shows that applications for Social Security benefits are often denied at the initial level, but are frequently granted after an attorney begins representing the applicant. Thus, it usually pays to keep pursuing your claim after it has denied, especially with the assistance of an attorney.*





Legal Jargon

There are some words that are used in day to day conversations that people generally understand to have a certain meaning. However, there are some words that you should be careful how you use when dealing with legal issues.

Appearance:

Normal Definition: the state, condition, manner, or style in which a person looks.

Legal Definition: the act of replying to a summons or attending court and accepting its jurisdiction to try proceedings.

Contempt:

Normal Definition: the feeling with which a person regards anything considered mean, vile, worthless.

Legal Definition: deliberate disregard for a court order.

Partition:

Normal Definition: something that separates or divides, like a wall.

Legal Definition: division of jointly owned land or property between the respective owners by the court.

Summons:

Normal Definition: a request, demand, or call to do something

Legal Definition: written command to a person to appear in court.

Party:

Normal Definition: a social gathering with invited guests for conversation, refreshments and entertainment.

Legal Definition: a person or legal entity involved in a court case.

Transcript:

Normal Definition: an official report supplied by the school on

the record of an individual student, listing subjects studied as well as grades received.

Legal Definition: a record of the spoken evidence in a court case, usually prepared by an official court reporter.

Accessory:

Normal Definition: an article or set of articles of dress, like gloves or earrings or scarves that add to your basic outfit.

Legal Definition: Someone who intentionally helps another person commit a felony by giving advice before the crime or helping to conceal the evidence or the perpetrator.

Caption:

Normal Definition: a title or explanation for a picture in a magazine, or a heading or title, of a chapter, or article.

Legal Definition: A heading on all pleadings submitted to the court, stating the parties names, and the



Definitions provided by Dictionary.Com, and the Legal Jargon Dictionary.

Mr. Lyles in the Community

19th Annual
WALK FOR THE HOMELESS

The homeless in Greenville need your help! Place of Hope Day Shelter had over 800 people visit more than 15,000 times in 2007, for a shower, washing machine, mailbox, or telephone — all things we take for granted. Place of Hope works to end chronic homelessness in Greenville by serving as an entry point for homeless people, developing relationships and identifying needs through case management. YOU CAN HELP...by walking the Walk our homeless travel.



...benefiting
PLACE OF HOPE
A Day Shelter

Sunday October 5, 2008, United Ministries will be holding their nineteenth annual Walk for the Homeless. This walk is to benefit the Place of Hope shelter, which helps homeless people find housing and has been able to help around sixty-seven percent of the homeless people who come in to obtain permanent housing. The proceeds from this walk will help take care of expenses incurred from the daily running of the center.

If you would like to register to participate in this walk this year, please go online to www.united-ministries.org.

SAVE THE DATE
SUNDAY, OCTOBER 5, 2008 2pm

Contact Rebecca Ragland 335-2612 rragland@united-ministries.org
606 Pendleton Street, Greenville, SC 29601 www.united-ministries.org



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Directions:
Across Grove Road from the
Greenville Memorial Hospital
Campus, near the Ronald
McDonald House.

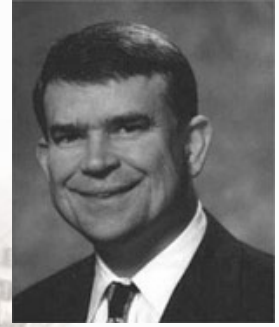


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We're on the Web!
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A Little More About Me

I grew up in Winnsboro, South Carolina. I received a BS from Western Washington University in Environmental Studies and a Juris Doctorate from the University of South Carolina School of Law. For one year I was a law clerk to the Honorable C. Victor Pyle, Jr, Judge of the Thirteenth Judicial Circuit, Greenville, SC., a job I held before I started active duty as a JAG for three years. Since then, I have worked as a member of a firm and as a sole practitioner.



I have practiced law since 1984 in a wide variety of areas including accidents, divorces, injuries, state permits, DUIs, contracts, military law, insurance, disability, employment matters, criminal charges, real estate, probate court, wrongful deaths, wills and trusts, and have gained invaluable experience in court. Over the years my focus has increased on personal injury cases, having represented injured persons in cases involving everything from bicycles to airplanes.

I have appeared in administrative courts, city courts, magistrate's courts (small claims), state courts, federal courts, and appellate courts. My cases have ranged from small traffic tickets to multiple-victim wrongful deaths. Often my practice takes me to the surrounding counties of Anderson, Spartanburg, Laurens and Pickens, where many of my clients live. I have also worked on environmental cases, representing landowners, individuals, and groups in legal contests with big corporations, government agencies, and others.

I live in Greenville County with my wife, Carole Howard Lyles. Many of you knew her father, Ernest Howard, when he was alive and practicing law. We have three children: Jenna (20), Kitt (18), and Brennan (14). I enjoy my family, working on my "mini-farm," other outdoor activities, photography, and reading.

"Law is not a profession at all, but rather a business service station and repair shop"
-Adlai Stevenson

"One with the law is a majority"
-Calvin Coolidge

"The Only road to the highest stations in this country is that of the law"
-William Joyce

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