



Seufert Law Offices, PA

We'll Get You Through It



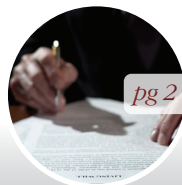
From the Captain's Log Battery Kirk

Along the New England coastline are remnants of times mostly forgotten, but you can find them if you know where to look. When the US was coming of age as a superpower, it began in earnest to fortify its coasts. Portsmouth Harbor, and Portsmouth Naval Shipyard, were obvious concerns as a vital seaport so a series of fortified encampments were built along its ME and NH flanks and BATTERY KIRK was born. Built in 1904 with reinforced concrete, partially covered with earthwork and stone, it sported a gun battery of 6" M1903 guns mounted. During WWI, its guns were stripped and shipped to France for the overseas war effort and Battery Kirk deactivated. Resurrected by the scourge of Nazi U-Boats in WWII a new structure was erected, and disguised as a commercial building, but within a fancy RADAR lay. FORT STARK was born. Much like Battery Kirk, it was decommissioned after WWII and began its silent sentry.

It has now stood the test of time of three generations of Seuferts and Seufert pets. Beardog, Sterling, and now Bodie have all run its ramparts and chased the ghosts of pasts. There are no roadway sign attractions to guide its visitors in, its military staff has long since stood down, but its bulwarks still stand, proudly saluting a distant time when the world shuddered. ●



December 2020 News



When an Heir Has Been Omitted from a NH Will

If a surviving spouse, or child, has been left out of a Will, whether intentionally or through oversight (e.g., a spouse had a will prior to marriage and never updated it), they may still be able to claim an inheritance.

In NH that omitted Spouse could elect to file for a “statutory share”, or “forced share” even if you meant to omit them. So, Soup Nazi or not, they would get something, either the 1st \$100,000, or \$250,000, of your estate (depending on children) and then a percentage of the balance. This would be in addition to anything they got by operation of law, such as being named as a beneficiary on an insurance policy, joint name on a bank account or deed to a house. If they lived in any property you owned, they would have “homestead rights” to remain there for their life or would have to be paid \$120,000 to “leave”.

If an omitted child, the law is a bit different. If you mention them by name in the Will, and specifically leave them nothing, then no soup for them. But if you forgot to mention them by name and exclude them they have statutory rights as a “Pretermitted Heir” and get a statutory share equal to what they would have gotten should you not have executed a Will. So if you have two children, one a favorite, and one not so much, and forgot to mention and exclude that not so favorite in your Will, that child would get ½ of your estate regardless. Probably not what you intended.

And do-it-yourself Wills are such a money maker for NH attorneys as saving a few hundred by not seeking a NH attorney’s advice, these internet Wills more often than not are not NH legal and can then costs thousands of dollars in probate litigation.

Best advice, spend a few hundred dollars and do it right the first time. •



Misconceptions About the Three Wise Men

The three Wise Men are fixtures in the account of Jesus’ birth, but the Bible doesn’t offer a lot of details about them. Many tidbits we’re familiar with today originated with Gnostic writers during the four centuries following Christ’s birth. Gnostics claimed to have special knowledge and enjoyed spicing up scriptural accounts or concocting new stories. Following are a few misconceptions.

First, the Bible does not state there were three Wise Men. “Three” likely stemmed from the three types of gifts presented to the newborn king: gold (signifying kingship), frankincense (divinity), and myrrh (death). The New Testament does not identify the Wise Men as kings (as some Christmas carols do). They were likely royal advisers.

The Bible says the Wise Men were “from the East.” Most scholars believe Persia, as many Jews lived in that region. Other commonly mentioned countries (Mediterranean/African) don’t match up, directionally speaking. The Wise Men likely did not ride camels either. Camels were mainly pack animals at that time; wealthy travelers from Persia probably would have journeyed on Arabian horses.

The names of the Wise Men were supposedly Caspar, Melchior, and Balthazar; however, the Bible is silent on this matter. Marco Polo’s 13th-century writings contain a report from a Persian town that speaks of three kings by these names who took gifts on a journey to visit a newborn prophet.

Many artistic renderings depict the Wise Men worshipping the newborn king alongside the shepherds. The shepherds visited the night of the birth; however, the Bible indicates that the Wise Men visited Jesus in his parents’ abode. The time gap between Jesus’ birth and their visitation ranges from 12 days to two years, depending on which Bible historian you talk to. •

The Best Way to Screw Up Your Injury Case

At some point in your life you've almost certainly heard the term, "honesty is the best policy." Well, truer words have never been spoken than when it comes to auto accident cases.

Fact is, if you lie or are deceptive to your attorney or to the insurance company about prior injuries, the extent of your current injuries, your medical history, your criminal record, or any other number of issues, at the very least you are going to significantly hurt your accident case...or you may completely ruin any chance you had of collecting damages for your injuries.

Here's the deal: insurance companies have access to tons of information about you – what injuries you've had in the past, any lawsuits you've filed, accidents, etc., and they are good at finding details that bolster their case and hurt yours. Plus, between the Internet and social media, insurance companies now have even more info at their disposal. Yes, they can and do check social media sites like Facebook and Instagram to see what you are up to! They also have a private "claims database" that all they need to type into is your name and DOB and every claim you have ever made, to any insurance company, anywhere in the US, flashes on their screen. Even health care appointments if paid by a health insurance company. EVERYTHING.

So, be up front with your attorney. Tell him or her about your past – warts and all – so that there can be a plan in place right from the start to deal with any problematic information that might exist about you. The last thing your attorney wants is a surprise.

Also, make sure that you are as accurate and truthful as possible when filling out any medical forms (like the ones you would fill out at your doctor's office). We have seen cases jeopardized and even ruined because an accident victim forgot to disclose a prior injury or exaggerated their current condition. •



December 2020 Notable Dates

December 1

Eat a Red Apple Day

December 4

Santa's List Day

December 8

National Brownie Day

December 16

Chocolate-Covered Anything Day

December 21

Crossword Puzzle Day

December 23

Festivus

December 27

Fruitcake Day

What should you do if an officer suspects you of Driving Under the Influence?



If you get pulled over for DWI (DUI), do not do field sobriety tests. Any pre-arrest tests you may be asked to take are not mandatory. You will not lose your license for refusing any such tests. The requirement to take a field sobriety or blood alcohol test only applies after you are arrested. If you refuse at that time, the State will seek to suspend your license. You are also not required to answer any questions regarding your activities. Prior to arrest, a driver is only required to provide license and registration.

In asking questions and requesting field sobriety or other testing, an officer is gathering information to determine if there is probable cause for an arrest. By answering questions

or performing tests, you are assisting the officer in developing probable cause. It would be difficult for an officer to gather sufficient evidence for an arrest if the only observations that officer had were of you sitting in the vehicle.

Often the officer will ask the operator to step out of the vehicle. Unless you are going to be placed into custody an officer cannot order you out of the vehicle: that is merely a request. (Custody usually, but not always, leads to an arrest). If you are ordered out of the vehicle, comply with the officer's order. The time to challenge the officer's decision to place you in custody is not as it is happening. A failure to comply can lead to additional charges. If the officer has not developed probable cause to arrest you, a motion to dismiss those charges can be filed. •

Seufert Law Offices, PA
Attorneys At Law



59 Central Street, Franklin, NH 03235
(603) 934-9837

www.seufertlaw.com

Protect Your Family, Protect Your Rights



Battery Kirk

SEE PAGE ONE

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

Everyone's Terrible at Driving in the Snow...Except our Wonderful Readers, of Course!



Winter's just around the corner, and it seems that no one can drive in even two inches of snow, so we're hoping to change that with these important winter driving tips from AAA:

- Take care of your car. This sounds basic, but it is one of the biggest factors in avoiding an accident. If you go into winter with a dying battery or bald tires, you're asking for trouble.
- Tell others your route and when to expect you to return. If something happens and you cannot personally call for help, your only hope will be that a loved one will realize something is wrong and investigate.
- Maintain at least a half-full tank of gas. This isn't just to avoid running out of gas in a snowstorm; it's also to avoid gas-line-freeze in the morning.
- Avoid cruise control. Cruise control gets very confused by slippery surfaces. Trust yourself to make better driving decisions in your snowy neighborhood than your car's manufacturers can.
- Do one thing at a time, and do it slowly. Accelerating, turning, and braking should all be done with a lot of extra time and space, and should be done slowly. There is a lot that can go wrong when attempting maneuvers in ice and snow; don't overwhelm your car with variables.

Bonus tip: Live in an area where you might get stranded out in the snow? Keep an emergency bag in your car with gloves, hats, food, water, a "burner" pay-as-you-go cell phone, and any daily medication you would need. These bags save lives. And ESPECIALLY tell someone the route you are traveling, easier to find the bodies that way.

Remember, even if you're a good winter driver, many others aren't! Make driving choices that keep everyone safe, and if anything ever happens or if you should get into an accident, our number is always right on this newsletter. ●