



## Seufert Law Offices, PA

*We'll Get You Through It*

### From the Captain's Log PIRATES!!!!



If you remember my 9/2022 Article “a bag, a boat, and a block” you’ll remember the new moorings we installed in Portsmouth Harbor last summer. Quite an undertaking and we were very proud of our Yankee ingenuity. The #3 mooring was installed in the area called Little Harbor. It is a nice spot protected from all but northwesterly winds and we used it last summer on many weekends just to hang out if the outside seas were too rough to venture out.

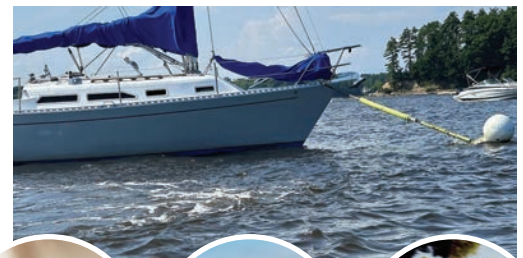
Well, May 2023, upon the marina opening for the season, I took the dingy around to #3 and saw, as with most moorings over the harsh winter, the permit # and name had been washed off the mooring ball by the tides. Each year you must reapply. I did have a new “foam pool noodle”, as those take a beating also, and zip tied it to the mooring line, which helps float the line and keep it from tangling on the chain beneath the mooring ball. I then went home and ordered new decals. The following weekend I went back to apply – and the mooring ball was GONE. I circled and circled, knowing pretty much where it was, it was just not there. I rounded up a few of the captains and we all scoured the harbor, maybe it broke loose and washed up on the beach. Nope. I called the Harbor Master and asked him if he had seen a loose mooring ball – nope. I dove in the area and couldn’t find it – but mostly because with all the recent freshwater rains mixing in the harbor visibility underwater was down to 6 inches.

The following week, I get a call from the Harbor Master that went something like this:

“Captain Chris, I think we have a problem. The owner of the small sailboat just to your southeast, well he called me last week and said there was a mooring ball floating near his boat and it was old and pretty beat so he asked me if he could take it. I told him if it looked abandoned with no visible name or decal and just floating freely that he could have it as I was too busy to come and check it myself. He said yes, it all looked old and rusty – clearly abandoned, and he’d take care of it for me. After your call I called your neighbor back and asked him about that “abandoned mooring ball” and he confessed that he took your mooring ball by removing the shackles and letting your chain drop to the sea bottom and took your mooring ball home and was repainting it with his name and decal #. Don’t take matters into your own hands, I am going to deal with this myself”.

Well piracy on the high seas is a serious matter and Portsmouth Harbor is “navigable waters” so both the State and USCG have jurisdiction. Being a former USCG NCO I rounded up a few of the Captains and we waited for the neighbor to be back on his boat. Once we spied him we all went over for a little “chat”. He had a this and that story as to how this was all a big misunderstanding. I asked him about the “abandoned mooring” with a new pool noodle, shackles installed last year still bright and shiny, and how we had waved to each other last summer. He then asked how we could make this right. He was bluntly told that my mooring better be reattached in short order or there would be consequences, maybe his boat would be hard to find the following week.

I am happy to report that my mooring is reattached, and our neighbor has not been seen on his sail boat since. ●



### August 2023 News



# 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.

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 may be 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 your vehicle.

Often the officer will ask the operator to step out of the vehicle which is merely a request. If the officer makes that request, you do not need to comply. 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. •

## Divorce After Fifty

The biggest difference in a divorce later in life is the squeezed time frame to recover financially. A divorce means dividing assets with your spouse. Current market value is not the exclusive consideration of an asset. Some assets will become more valuable farther down the road.

Deciding who gets the house is a primary example. Age triggers eligibility for tax exemptions and waivers for real estate tax. A reverse mortgage, which can offer a potential stream of income, is an option beginning at age sixty-two. Deductions for mortgage interest can be important in later years. Owning a house means access to equity if you choose to downsize.

Retirement presents another set of challenges that will require the careful attention of your attorney when the final divorce paperwork is being prepared. A separate court order, a Qualified Domestic Relations Order, may be necessary to cover the division of retirement benefits.

A small sample of the details your attorney should find the answers to are:

- whether you are eligible to receive distributions and still avoid tax penalties;
- whether you're entitled to any contributions made to your spouse's retirement plan(s) after the divorce; and
- whether you can get survivor benefits if your spouse dies after the divorce.

Social security comes into play as well and involves various factors: age, length of marriage, and number of years divorced, among others. These can all determine what you are entitled to as far as your spouse's social security benefits. Social security benefits are not assets that a divorce court can divide, but you need to be aware of the regulations to maximize your post-divorce income.

Divorce is unpleasant at any age, but its effects may be more far-reaching later in life.. •







# School Buses, Safety, and Seat-Belt Exclusion

August 2023 Notable Dates

**Aug. 5**

WWE  
SummerSlam

**Aug. 7**

National  
Lighthouse Day

**Aug. 10**

Lazy Day

**Aug. 16**

Tell a Joke Day

**Aug. 20**

National Radio Day

**Aug. 26**

National Dog Day

**Aug. 29**

Bat Night

The National Highway Traffic Safety Administration (NHTSA) establishes safety standards for school buses but does not have enforcement authority. It was only in 2015 that the NHTSA deemed three-point seat belts necessary on large school buses (those weighing 10,000 pounds or more).

As of September 2022, eight states require seat belts, but most of them include a conspicuous loophole: If retrofitting costs cannot be accommodated by school budgets, no requirement.

Retrofitting would cost approximately \$10,000 (possibly more) per school bus. Some argue that more bang for the buck could be achieved with alternative safety measures, such as cameras on school buses to catch motorists who violate school-bus safety laws or providing safer routes for student pedestrians.

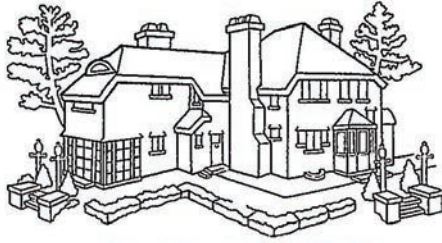
Others claim that “compartmentalization” negates the need for school-bus seat belts. Typically, school buses have seats with high backs that are filled with energy-absorbing materials, are placed close together (to form compartments), and are anchored securely. The padded seatbacks absorb the forward energy of a rider and more safely distribute the force of an impact.

The counterargument is what if the bus is hit from the side or rolls over? Kids would go flying in every direction, without padding. Compartmentalization also only works if kids are seated properly — not turned to the side or hanging halfway off the seat.

If brand-new buses are outfitted with seat belts, that’s the new (and more expensive) industry standard. School districts would be compelled to upgrade older buses, so they avoid the subject entirely.

An average of six school-bus passengers per year are killed in school-bus crashes; most could have been saved by seat belts. Legislators/school districts argue that seat belts’ benefits do not justify their prohibitive costs. The debate continues. •

Seufert Law Offices, PA  
Attorneys At Law



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

[www.seufertlaw.com](http://www.seufertlaw.com)

*Protect Your Family, Protect Your Rights*



PIRATES!!!!

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## Speeding: A Quicker Way to Tragedy

Speeding is one of the most dangerous habits exhibited on our roadways. According to the National Safety Council, speeding was a factor in 29% of the nation's traffic fatalities in 2021 — over 12,000 deaths; approximately 33 per day.

The faster a person drives, the less time they have to react and the greater their stopping distance. Driving too fast also diminishes the ability of safety structures/devices such as guardrails and impact attenuators to protect vehicle occupants in a crash.

“Driving too fast for conditions” amounts to the same thing as speeding. Driving at the 55-mph speed limit in dry, sunny conditions may be safe, but if the roads are snow covered or there's a driving rainstorm, 55 is hazardous.

To illustrate speed's deadly nature, the chances of a pedestrian being killed by a driver traveling at 20 mph are approximately 5%. That percentage shoots up to 45% when struck by a vehicle at 30 mph (per the British Medical Journal). That's a nine times greater risk of death for a 1.5 times increase in speed!

Young male drivers ages 15–24 are the most likely to be speeding at the time of fatal crashes. When you add alcohol/drug impairment and distracted driving to the mix — for any age group — speeding becomes an exponentially greater danger.

The consequences of speeding-related collisions include whiplash, traumatic brain injuries, fractures, spinal-cord trauma, and death. Property damage; fines, points on one's driving record, or loss of license; and being a defendant in a personal injury claim are other possibilities.

If you are injured due to a driver's negligence, call on our firm's experience and skill to achieve fair compensation for your injuries. ●

