

STAYING *in Touch*

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This publication is intended to educate the general public about various issues. It is not intended to be legal advice. Every case is different.

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Small Business



Many solo-entrepreneurs and partnerships make the mistake of thinking they do not have the same legal obligations as bigger enterprises. They often believe if legal issues arise as they grow, they can bring in an attorney when needed. This mistake can cost a lot of money and sometimes shut down the business. We recommend you consult an attorney before you launch your business, get it set up correctly from the start, and routinely discuss operations along the way.

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Brandon's Soapbox: I hope everyone is well and that the spring weather allows you to get outside and enjoy the fresh air. We continue to limit access to our office to protect our clients and staff. We will reevaluate our decision after Memorial Day. This target is ever-changing due to infection rates, vaccine availability, and everyone's health.

We have many changes happening at Parks Zeigler; most are behind the scenes to improve our ability to service our clients. Being a technology-forward firm requires constant upgrades to both hardware and software. We are in the process of building out a new, more powerful practice management system. This robust new system (still cloud-based) will allow us to deploy many new features, increasing our efficiencies, and enhancing our client communication. We have many more changes in the works that we'll be sharing in the coming months.

Wishing you a safe and healthy spring,

Brandon

Did You Know?

The moon has moonquakes, just as Earth has earthquakes. While these quakes are less common and less intense than the shakes that happen on Earth, moonquakes are believed to be caused by tidal stresses related to the distance between Earth and the moon.





"Life is like riding a bicycle. To keep your balance, you must keep moving."

– Albert Einstein

ELECTRONIC WILLS

A little over a year ago, the pandemic closed courts, businesses, and law offices, sending nearly everyone home to work virtually, regardless if they were prepared. While Parks Zeigler, already in the cloud, was particularly well-suited to the new remote workplace, one area of the law was not prepared for a remote environment: Wills. Virginia has rejected a proposed Electronic Wills statute repeatedly, leaving clients little alternatives to a traditional Will signing with two witnesses and a notary, all present in the same room together, signing the Will in each other's presence. Attorneys were forced to get creative to get Wills signed traditionally while reducing the risk of exposure to COVID, resulting in parking lot signings and social distancing in large conference rooms.

So, the question remains, what is an Electronic Will and why hasn't Virginia adopted the practice? The statute presented in 2021 was the Uniform Electronic Wills Act. It would have allowed a Will to be electronically executed as long as the testator and the witnesses are in the physical or electronic presence of each other. This requires real time interaction via video where the witnesses can see the testator and each other. It also requires an electronic notary, which is a special notary who uses special software to apply their notarial signature and seal to an electronic document. A major difference for Electronic Wills is that they may be revoked only by a new Will or by a written (may be written electronically) revocation. The Electronic Will must be readable as text at the time of execution, so "video wills" would not be validated by the Electronic Wills statute. Earlier versions of the Virginia

Electronic Wills statute presented to the General Assembly provided additional safeguards with companies or persons to act as qualified custodians of Electronic Wills and maintain the Electronic Will.

Under the proposed law, once a testator dies, a Will is presented to the Clerk of Court either electronically or by a certified paper reproduction of the Will. Either the testator may create the certified copy, or another person may create the certified copy of the Electronic Will by affirming under oath that the paper copy is a complete, true and accurate copy of the Electric Will.

In this year's session, Senators expressed concern that undue influence might go unnoticed in a virtual context. Certainly, Electronic Wills could lead to an uptick in litigation over the testator's mental capacity or the possibility of undue influence. Attorneys are specially trained to evaluate competency and oversee the execution and witnessing of Wills. A Will witnessed by an attorney is given greater weight than a Will witnessed by lay persons alone.

While Virginia remains skeptical about Electronic Wills, several states have enacted the legislation, including Florida in 2020. Florida's law uses the custodian version of the statute, with strict requirements regarding who can be a custodian. Given the advance of technology, it is only a matter of time before Virginia comes up with its own Electronic Will laws – it is a question of when, not if.

We welcome your referrals!

We value our clients and want you to come to us for any legal need you may have, no matter the type of case. If it is in an area we do not practice, we will refer you to a trusted colleague to take care of you as we would. If you refer someone to us, we promise to answer his or her questions and provide first-rate, attentive service. Thank you for your referrals and for continuing to come back to Parks Zeigler.



Deb Dishes:

I recently enrolled in Hello-Fresh meal kit delivery. It forces me to cook, which in this past year of pandemic isolation has been a challenge. It's difficult to recreate their recipes, as you are given premeasured mixed herbs and sauces. I have found how to make the Tex Mex seasoning used in the Beef Flautas Supreme recipe! For this delicious baked meal you will need: 1 small yellow onion, 10 ounces lean ground beef, 6 medium tortillas, 1 tsp Cayenne pepper, 1 tsp Chile powder, 1 tsp Cumin, 1 tsp Mexican oregano, 2 Tbs tomato paste, 1/3 c water, 1/2 c shredded Mexican blend cheese, 1 lime, 1 Roma tomato, 4 Tbs sour cream and olive oil. Preheat oven to 425°. Line a baking sheet with foil and lightly coat with olive oil. Save about 1 Tbsp uncooked onion to chop for pico. Add a drizzle of olive oil to a pan, over medium high heat cook onion slices for 3 minutes. Add beef, sprinkle with dry spices. Stir and cook until beef is browned. Stir in tomato paste & water. Simmer until mixture is thickened. Turn off heat. Brush or rub olive oil on back side of the tortillas. Place a spoonful of meat on each one and sprinkle cheese. Roll up and place seam side down on baking sheet, snug to each other. Bake 8-12 minutes, until golden brown and crispy. See the full recipe in our Parks Zeigler Family Cookbook 2021 Edition, on our website at www.pzlaw.com/library/pz-family-cookbooks.cfm.

5 VIRGINIA BEACH BIKE TRAILS

After a long winter, actually long year, most of us are looking to get outside and enjoy the nice spring weather. With over 100 miles of bike trails throughout Virginia Beach, a bike ride is a perfect activity. Spread out around the city, there is a trail for every skill level.

The **Cape Henry Trail**, located within First Landing State Park, is a 7.5-mile trail which stretches from the park's northern border to the southernmost entrance off 72nd Street and Atlantic Avenue. This trail is flat and somewhat shady and is perfect for bird watchers as you will see osprey, egrets, and often an eagle.

The **Sand Ridge Trail**, located in False Cape State Park, is a 6.2-mile trail which runs from the park entrance to the North Carolina state boarder. This is one of the longest, and most difficult trails in the park through one of the last remaining undeveloped areas.

The **Pungo Loop Trail** starts and ends at Red Mill Commons and is a local favorite due to limited traffic and unbeatable views of vineyards, strawberry fields, and waterways. This trail is 19.84 miles so be sure to carry enough water since the first water stop is over 15 miles into your ride.

The **Virginia Beach Boardwalk** offers a separate bike path allowing cyclist to ride along the coast without having to worry about pedestrians or cars. The bike path runs the entire 3 miles and offers many opportunities to stop for a quick bit or libation.

The **Lake Trashmore Loop** is a 1.9-mile trail which circles Mount Trashmore Park. This trail is an easy ride for all levels.

Riding a bicycle is great for relaxation and fun. Please be safe and follow the rules of the road. Virginia Beach city code requires that children under the age of 14 wear a bicycle helmet at all times, but we recommend that everyone wears one no matter the age.

Family Corner

Ashley's boys are the cutest bunnies. (on cover)



Allison's son had a great time hunting eggs.



Shelly and her youngest son at Easter service.



BLUE CRAB SEASON

I (Brandon) enjoy blue crabs and catching them is almost as enjoyable as eating them. In Virginia crabbing season runs from late spring to early winter. There is nothing more challenging than dangling a chicken neck on a line and snatching up a crab into a net - takes a little practice. I only participate in recreational crabbing but if you are interested in crabbing with traps, be sure to check out <https://crabsman.com/virginia-crabbing-regulations-season-locations/> for tips, gear suggestions, and state laws.

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Caryn's Counsel:

How To Avoid Probate

Revocable Living Trusts are an excellent way to avoid probate (going through the court to administer an estate) – any assets in your Revocable Living Trust when you die avoid probate. But what if you don't want to bother with a Trust or you don't think you have enough assets to justify a Trust?

1. Payable on Death/Transfer on Death Accounts. One way to avoid probate is to name a beneficiary on your bank accounts or brokerage accounts. This makes them a Payable on Death or a Transfer on Death account. At your death, the bank or brokerage company pays the account to the named beneficiaries.
2. Beneficiary Designations. Life Insurance, retirement accounts, annuities, etc. have the option to designate a beneficiary by filling out their form. When you die, the proceeds are paid to the primary beneficiary, if they are living, but if not living, you can also name contingent beneficiaries to inherit those assets if your primary beneficiary is no longer living.
3. Joint Accounts & Joint Tenancy. Joint Bank Accounts pass by law to the joint owner. Real Estate owned by joint tenants with right of survivorship also pass automatically to the survivor.
4. Revocable Transfer on Death Deeds. Virginia allows you to transfer real estate without probate by recording a Revocable Transfer on Death Deed. It is completely revocable but must be recorded while you are alive to be effective. At your death, your beneficiary files an affidavit and they become the legal owner of the property.

There may be other ways for you to avoid probate, which is a time-consuming and expensive process. Contact us now to set a consult with our estate planning attorney.

New address? New phone number? New Email? Help us stay current by letting us know. Call Deb at 757.453.7579 or email her at dmontagna@pzlaw.com. If you wish to unsubscribe to this newsletter, please call Deb. Thanks!