



Newsletter

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What Pennsylvania Lawyers Need to Know About New Jersey Real Estate Law

Michael Mattioni
Seminar Panelist

Michael Mattioni, Esquire, President of Mattioni Ltd, served as course planner and contributor for this CLE seminar which was cosponsored by the Pennsylvania Bar Institute and the Philadelphia Bar Association. This CLE seminar was presented at The CLE Conference Center on November 7th, 2012.

This new course highlighted some of the major differences between New Jersey and Pennsylvania real estate law. Pennsylvania real estate professionals came away from this presentation knowing how to effectively represent clients

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In this Newsletter

**What Pennsylvania Lawyers Need
to Know About New Jersey Real Estate Law**

~and~

Don't Need a Will - Think Again!

~and~

Women in the Profession

under New Jersey law. Areas of interest which were covered included: environmental issues including riparian rights, land use laws, requirements and boards, title insurance and the need for surveys, farmland rights and transfer tax issues, as well as such information regarding the difference between a planning board and zoning board and how New Jersey treats these issues differently than Pennsylvania and why. Mr. Mattioni spoke on Title Insurance issues.

Mr. Mattioni focuses his practice on corporate and other business organizations, real estate, land use and zoning, taxation and estate planning. Mr. Mattioni has developed a substantial practice in the area of real estate (purchase, sale, or other disposition of property, and negotiation of leases), including land use planning and development. Mr. Mattioni has appeared before boards and commissions in applications for zoning and land use approvals in Philadelphia and the surrounding counties of Pennsylvania and Southern New Jersey. In addition, he provides advice and counseling regarding shareholder and other ownership agreements; mergers, acquisitions and other business combinations. Mr. Mattioni can be reached at mmattioni@mattioni.com or at 215-269-1600.



Don't Need a Will - Think Again!

Those who have done their homework know that, currently,
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Michael Mattioni, Esquire



Dawn Tancredi, Esquire

**Zoning and Land Use Seminar in Philadelphia;
August 2012**

Mr. Michael Mattioni and Ms. Dawn Tancredi were presenters at the recent Zoning and Land Use Seminar in Philadelphia hosted by LORMAN Education Services for Continuing Education. Mr. Mattioni and Ms. Tancredi's presented on *The Overview of the New Zoning Code and The Zoning Code Commission: Was It Successful*. They regularly assist their clients with zoning and permit issues for both commercial and residential properties and have recently been navigating the new policies and regulations for their clients over the last month.

estates with net values (total estate assets less allowable deductions) of less than \$5 million will pass federal tax-free. Uncle Sam, in all its generosity, has extended this \$5 million exemption through December 31, 2012. In 2013, the federal tax exemption amount will fall to \$1 million unless Congress acts. The election this fall will likely play a roll in determining what the federal estate tax will be 2013 and thereafter.

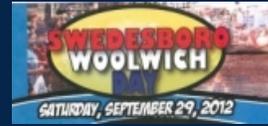
Many individuals who do not exceed this threshold for federal estate tax feel drafting a Will (and related estate planning documents) is a waste of time and money. The mentality is that the estate is not getting taxed anyway, and therefore, there is little need for tax planning and Will drafting - it's just going to my wife anyway. Yes, maybe.

When a person dies without a Will, she is said to have died intestate. Under Pennsylvania intestacy laws, the deceased individual's estate will get distributed based on the person's specific situation. For example, if a person dies with just a spouse, that spouse will receive everything. If the person dies with a spouse and children, the spouse will generally receive the first \$30k of the estate, then split the remainder equally with their children (the spouse gets half and the children divide the other half). These are just two of the many ways an intestate estate can be distributed.

Wills and related estate planning documents, such as trusts, are important vehicles that allow you to get your estate into the hands of those in which you intend to provide for. Even when there is clear intent on the part of both spouses to get the estate to the children, not having a Will creates unintended results. For example, a husband and wife made an agreement that each would leave to the other his or her estate, and that after the death of the surviving spouse, the entire estate would go to their children. Each had a Will drawn up accordingly. The husband dies and, as agreed in his Will, distributes everything to his wife. The wife lives for a

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NEWS FROM OUR SWEDESBORO OFFICE



Swedesboro Day Was a Huge Success!

This was the biggest event that Swedesboro has ever hosted. There were approximately 12,000 - 13,000 folks on hand taking part in this celebration. This year, Mattioni, Ltd. sponsored the *Phillies Ballgirls* and the new television show, *Dance City TV*. Brian Soscia, well-known DJ for Mix 106.1, was the host of the show. The dancers put on two performances during the afternoon and signed autographs for hours. The show's crew filmed throughout the day, and everyone is looking forward to seeing Swedesboro on a future episode. Stay tuned for more information in upcoming newsletters.

CONGRATULATIONS TO SAMANTHA DONNELLY FOR WINNING THE PHILLIES HALL OF FAME TICKETS THAT WERE GIVEN AWAY FOR SWEDESBORO DAY!

For the second year in a row, we are pleased to raffle off 2 tickets to a lucky winner for a Phillies game. You can find more information on our Facebook page and through our Swedesboro Newsletter.



number of years beyond the death of her husband. During that time, she decides to make a slight change to her existing Will. She destroys the old Will in anticipation of drafting a new one. However, thinking that she understands the law, she decides to save time and money by foregoing a new Will, thinking the children will receive her estate through intestacy. Here is the problem: her children are not really her children. She married her husband when his children were infants (the children's mother had passed away). "Mom" never legally adopted the children and technically they never became hers. Because of the way intestacy works, her estate now gets divided between her siblings who she had little contact with over the years. This real life scenario sounds extreme, but, these things happen.

Even when you have a Will, sometimes the execution falls short of its intended result. How about the case where a husband dies and through his Will leaves everything to his wife (no provisions for their children). The plan was for the wife to leave everything to their children through her Will. However, time has passed and the wife decides to remarry. She decides to update her Will to leave everything to her new husband, trusting that he will provide for her children. She dies and her new husband is left holding her entire estate with no intent on leaving anything to her children. Husband number one is left rolling in his grave. Even when you have a Will, it is a good idea to review it every few years. There are life events that affect each of us. These life events include getting married, having children, buying a house, getting divorced, as well as many others. Unfortunately, your Will does not automatically change as you change. Give yourself peace of mind, talk to a lawyer who practices estate planning. Have the comfort in knowing that your loved ones will be provided for.

This article is meant to provide information regarding general estate planning concepts. Everyone with questions about Wills or other estate planning documents is encouraged to

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Brian Soscia with the Dance City Dancers



Heidi G. Villari, Esquire

Featured Panelist at the Women in the Profession Committee Meeting

Heidi G. Villari, Esquire, served as a panelist at the Philadelphia Bar Association's Women in the Profession committee meeting this past July with two other attorneys and Judges Frederica A. Messiah-Jackson and Marlene F. Lachman. Ms. Villari shared some strategies of her litigation experience regarding "Handling the Obstreperous Lawyer" in her practice. According to *The Philadelphia Bar Reporter*, September 2012 issue, in an article by Megan Q. Miller, "the program defined and obstreperous lawyer as someone who repeatedly violates the rules of civil procedure, badgers witnesses and opposing counsel, or uses the judicial process for an improper purpose".

Ms. Villari is a civil trial attorney with significant major trial experience in federal and state courts in Pennsylvania and New Jersey. Ms. Villari's practice has focused on representation of clients involving construction defects and accidents, complex product and premises liability, truck, bus and other motor vehicle accidents involving serious personal injury, Directors and Officers claims and death claims.

meet with an appropriate attorney or other appropriate professional to discuss particular estate planning issues and questions.



Jennifer Iacono, Esquire

Ms. Iacono is an associate in the Philadelphia office of the law firm Mattioni, Ltd., where she practices in the tax, business and estate planning areas of the law.

If you are interested in a complimentary Wills and Estate Planning seminar for your business associates, please feel free to contact Ms. Iacono at jiacono@mattioni.com



OFFICES

PENNSYLVANIA
399 Market Street, Suite 200
Philadelphia, PA 19106
Telephone (215) 629-1600
Fax (215) 923-2227

NEW JERSEY
1316 Kings Highway
Swedesboro, NJ 08085
Telephone (856) 241-9779
Fax (856) 241-9989

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