



A Newsletter Published by Phillips & Garcia, P.C.

Phillips & Garcia News

Strong heart. Strong mind.

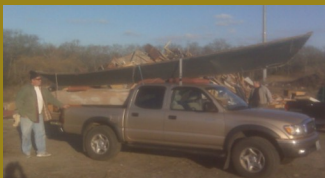
Holiday Issue 2010

This newsletter is published monthly by Phillips & Garcia, P.C. It is for informational purposes only; no legal advice is intended.

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The "Dump Runner"



On a recent visit to the local Tiverton landfill, P&G's Carlin Phillips found a classic dory style rowboat that had been left for trash. Being an avid boater, Carlin immediately liberated the skiff from the landfill and plans on bringing it back to its original beauty in the coming months. Track the progress in our upcoming newsletters of the renovations to "The Dump Runner."

Season's Greetings!

Andrew J. Garcia

With the fast approach of Christmas and New Year's Day, I am sure that preparations are in order for everyone regardless of how much or little you are doing. Many of those who are close to me know that my favorite part of this season is the gathering of family around the table.

In fact, following a special dinner to celebrate her ____ ieth birthday (I'm not allowed to say the number), Nancy even stenciled on the dining room wall this quote: "The fondest memories are made when gathered around the table."



Nancy's stencil magic

I look for any excuse to host a meal at our house, and Christmas dinner has become our annual tradition. While side dishes for the dinner usually change from year to year, my menu always centers around a hearty prime rib.



Andrew's House, Thanksgiving 2010

But to me, it's not about the food. It's about the memories of warmth and security I get every year from having people whom I love and who love me so much gathered around a table and breaking bread together. I have truly been blessed with the gift of a loving, caring and supportive family.

I would be remiss, though, to not be thankful for my professional life and the clients and friends who make it such a pleasure to be in business. Our team here at Phillips & Garcia has been honored to have worked with our amazing clients and affiliated counsel throughout the past year.

This year has been a year of exciting new growth and challenges for our firm. We launched a new website, expanded into a national presence in a developing new practice area protecting homeowners from wrongful foreclosure lockouts, and even jumped into the technology foray by adding educational video content to the web. We could not have done any of this without your trust and continued support. We look forward to our continued good relationships in 2011.

With all of this in mind, everyone here wishes you, your family and your friends the very best of this holiday season and our warm wishes for a healthy, fruitful and wonderful New Year. Since New Year's Day is about resolutions, in this issue you'll find that we've started you off with two important resolutions to protect your home and your business.

For more articles, reports, studies, news and commentary on these and other legal matters, visit our websites:

www.PhillipsGarcia.com www.SloppyBankPractices.com www.SouthCoastAccidentAttorney.com www.PlaceKidsFirst.com

New Year's Resolution # — Incorporate My Business In January

While we usually wait until after January 1st to start on our New Year's resolutions, December is a great time of year for small businesses to incorporate for an effective date of January 1. According to Patricia Riding of Riding Tax & Accounting, Inc. of Dartmouth, Mass., **"If you are operating as a sole proprietorship and want to incorporate your business, the best time would be January 1st."**

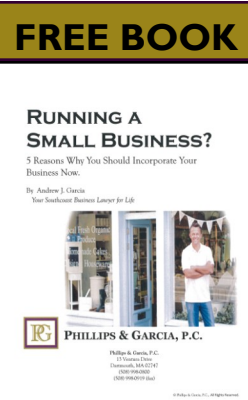
There are several good reasons for taking that step and incorporating as of January 1st, but one of the top reasons is money. "If you are starting a new business and incorporate now in November or December with the calendar year as your tax year, you'll have to file a tax return for the short year and pay \$456 minimum excise to Massachusetts," Riding said. "Then, you'll also have to pay \$125 for your annual report and the cost of filing your corporate tax return for the short year."

The decision to declare S Corporation status also makes sense when considering the calendar. If you choose to incorporate as an **S Corp**, you are **required** to use the calendar year as your fiscal year unless you can establish a **substantial business purpose** for having a different fiscal year. Since sole proprietorships have already been operating on a calendar year basis, then a new corporation would want to stay with that format.

If you wish to establish your corporation effective as of January 1st, it is important to remember that you must file **before** the first of the year. The Mass. Secretary of State doesn't allow businesses to make the effective date January 1st if you file it **after the fact**.

Phillips & Garcia has identified 5 good reasons to incorporate your business in its book *Running a Small Business*. To get your FREE copy, just send an email to info@phillipsgarcia.com and put "Incorporation" in the subject line.

Patricia Riding runs a bookkeeping & tax preparation service in North Dartmouth, MA. She provides comprehensive bookkeeping and consulting services to small business owners throughout the SouthCoast. She can be reached at (508) 984-3439.



RAQs — "Really Asked Questions"

"Can I change my will?"

Yes. A will can be revoked, modified, amended or entirely changed as often as you'd like before your death as long as you are mentally competent to do so. You should consider revising, or at least having an attorney review, your will whenever there are major changes in your life such as when you have a child, start a business, or become separated or divorced. Be aware, though, that you cannot alter your will simply by crossing something out or adding something new. In fact, making that kind of handwritten change might invalidate the entire will! Under Massachusetts law, to change your will, you must either make a new signed will that is witnessed by two witnesses over the age of 18 (and preferably notarized), or add a "codicil," which is an amendment to your Will that is signed with the same formalities as a Will.

If you have a question that you'd like answered, please email Andrew at agarcia@phillipsgarcia.com. By submitting it, you authorize us to publish your question in any of our newsletters or on any of our websites.

www.SouthCoastBusinessAttorney.com

Thanks for Your Referrals!

One of the greatest compliments that we receive is the referral of new business from our clients and friends. This month we'd like to thank the following people:

Byron Ford | Danny Warren

Gary & Rhonda Alves | John Mathieu, Esq.

Michael Franco, Esq. | Christopher Lilly, Esq.

Steven McDonald, Esq. | Judith Gagne

We are accepting the following types of cases:

Serious Auto & Truck Accidents

Dog Attacks | Bicycle Accidents

Wrongful Bank Seizures | Consumer Class Actions

Family Legal Planning | New Business Formation

New Year's Resolution #2 — Declare a Homestead on My House



A "homestead" is a way to protect your home by filing a form declaring that it is your principal residence. The form is filed at the Registry of Deeds in the county where your property is located. **It allows homeowners to protect their property from attachment, levy on execution or sale to satisfy debts up to \$500,000 of the value of their house.**

An owner of the home, or someone who leases the property, may file the "Homestead Declaration." If you are married, only one of you needs to file the Declaration and then all family members, including children, will receive the protection. If the parent who declares the Homestead dies, the law protects the residence until the youngest unmarried child reaches 18 and until the surviving spouse dies or remarries.

The Homestead Declaration doesn't protect your home from every type of lien, though. Generally, first and second mortgages are exempt from the homestead law. Orders to enforce child support or alimony are exempt. Federal and state taxes are exempt.

A Homestead can only be declared on a "principal residence," not on a vacation home. So if you live half the year in Massachusetts and half the year in Florida, you can only protect your Massachusetts property if it is your principal residence.

If you are wondering whether you've declared a homestead, you can check with your Registry of Deeds. The records of many of the registries are now available on line. Remember, though, that the homestead protection is not a substitute for home insurance or any other type of liability insurance.

Homesteads are an inexpensive form of protection for one of your most valuable assets. If you'd like to declare a homestead on your home, just contact us at info@phillipsgarcia.com and we'll send you more free information.

Client Spotlight — Serenity Salon

Lifestyles Plaza, Route 6, Fairhaven, MA | 508.961.0018 | www.facebook.com/pages/Serenity-Salon-Fairhaven

Thanks to holiday parties and the growing popularity of New Year's weddings, this is one of the busiest seasons for Nicole Letendre, owner of Serenity Salon in Fairhaven. Having been a hair stylist for 19 years, Nicole has been the proud owner of Serenity Salon since 2001. Nicole brings her passion for creative hair styling and design to her newly renovated salon which now boasts 6 style stations in a warm and current atmosphere. The renovation has also allowed her to add eye-lash extensions, gel nails, and Keratin treatments to her regular, full service salon menu.

A long time business client of **Phillips & Garcia**, we helped Nicole through the process of buying Serenity Salon and have helped guide her through her professional development. "I never trusted an attorney until I met Andrew [Garcia]," said Nicole about her experiences with the firm. "Not only has he provided me with business advice, but he has protected my family's future with Family Legal Planning. Now after 9 years, I'm finally incorporating," she added. Phillips & Garcia is grateful for Nicole's business and wanted to give her the opportunity to highlight her salon.

What's the best part of being in business for yourself? I can structure my hours around the most important thing which is my family. **What's the biggest challenge you face?** Finding good help with personalities that blend well with each other; though, I seem to have found that perfect mix right now. **Any upcoming promos?** Through January, we're offering Keratin treatments on Mondays with stylist Rhiannon for \$70. That's over a \$100 savings, because they're normally \$175!



Nicole Letendre (left), Stylist & Owner
joined by her assistant, Grace



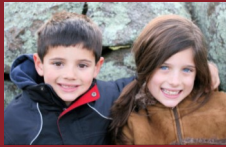
Phillips & Garcia, P.C.

13 Ventura Drive | Dartmouth, MA 02747
(508) 998-0800 • info@phillipsgarcia.com

YOUR LOOK INSIDE...

Happy Holidays!

The Garcia & Pinto Kids



The Phillips Kids

Season's Greetings!



**New Year's Resolution:
Incorporate Your Business**



Have You Protected Your Home?



**Client Spotlight
SERENITY SALON**

To be removed from our mailing list, please call 877-892-5620.



Andrew Garcia Interviewed on WBSM-AM Live Radio

P&G's Andrew Garcia recently had the pleasure of appearing as a guest on WBSM AM 1420's South-Coast Business Update radio program. The hour-long program hosted by Dave Biggs, focused on Andrew's roots in the SouthCoast and his role at Phillips & Garcia. When asked about P&G's unique fee structure, Andrew had this to say: "Over our years, we noticed that people are afraid to pick up the phone and call a lawyer because they think a week later they'll get a \$67.50 bill in the mail for talking for six minutes. We saw that as a struggle for people and in creating our Business Legal Planning and Family Legal Planning systems, we wanted to encourage clients to return our calls and ask questions. So we shifted [those systems] to a flat fee system, so that I can tell a potential client, right up front, what it's going to cost." For the complete transcript of Andrew's radio appearance, just email us at info@phillipsgarcia.com and write "radio interview" in the subject line of the email.



Phillips & Garcia Appointed by California Federal Court to Plaintiffs' Executive Committee in Citimortgage Loan Modification Class Action Case

Phillips & Garcia, along with 3 other national class action law firms, was recently appointed to the Plaintiffs' Executive Committee by a California Federal District Court judge in a major class action case against Citimortgage. The case involves allegations that Citimortgage mishandled and deceived thousands of homeowners in the handling of their loan modification requests under the federal Home Affordable Mortgage Program ("HAMP"). In a class action case, a plaintiffs' executive committee is generally responsible for coordinating the activities of the plaintiffs during pretrial proceedings, conducting discovery, maintaining document depositories, and responding to and presenting motions on behalf of the plaintiffs.

Our Firm's Communication Policy

Generally the attorneys at Phillips & Garcia, P.C., do not take unscheduled phone calls. With office calls, cell calls, texts and e-mails, we would never get any work done on your case if we reacted to every incoming message. We realize this may seem unusual, but this actually allows us to better focus on our cases, resulting in higher quality legal services. This policy also helps us to resolve cases more quickly. Rather than play "phone tag," we prefer that you schedule an appointment for a phone call or an in-person meeting with us by contacting one of our staff members — 508.998.0800 #110 or info@phillipsgarcia.com. Thank you.

This publication is intended to educate the general public about personal injury, wrongful foreclosure, family legal planning, small business law and other issues. For informational purposes only, it is not intended to be legal advice. Prior to acting on any information contained here, you should seek competent legal counsel. This information may be freely copied and distributed as long as the newsletter is copied in its entirety.