

End Notes

Legalese Translated

Allegation – the position of a party to a lawsuit, stated in the pleading.

Bail – Cash or other security placed on deposit with the court to obtain the release of an arrested or imprisoned person and to guarantee his or her reappearance before the court on a specified day.

Civil Actions or Suits – Generally, non-criminal cases concerning the claim of one private individual against another.

Deposition – Testimony of a witness given elsewhere than in open court, recorded and sworn to for use at the trial of the case.

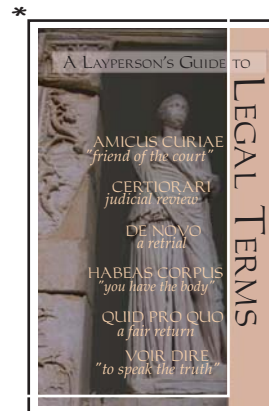
Injunction – A court order prohibiting a threatened or continuing act.

Negligence – Failure to do or not to do something that a reasonable and prudent person would do or not do under the same circumstances.

Statutes – Laws enacted by the legislative branch of the government.

Undue Influence – Whatever destroys free will and causes a person to do things that he or she would not do if left to act freely.

Warrant of Arrest – An order issued by a magistrate, justice or other competent authority to a peace officer requiring the arrest of the person named therein.



Reprinted from the State Bar of Michigan's "A Layperson's Guide to Legal Terms"

* "A Laypersons Guide To Legal Terms" is available from the State Bar of Michigan's Programs and Services Division 517-346-6322. The publication is available for \$2.25 including shipping.

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Legal Matters

Volume 1, Issue 3

Common sense information for you about the law



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Sources

State Bar of Michigan
<http://www.michbar.org>

Michigan Department of
Consumer & Industry Services
<http://www.michigan.gov/cis>

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BUYING OR SELLING A HOME

BUYING A HOME

When you decide to buy a home, consider hiring an attorney before you make an offer to purchase the property. An attorney will explain the important terms that should be included in a purchase agreement, and will negotiate with the seller or the seller's broker/salesperson to include the terms that are important to you in the final purchase agreement.

Remember, that in a typical transaction the broker/salesperson is paid by and is bound to represent the seller. This means the broker/salesperson intends to negotiate the most favorable terms for the seller.

All offers and agreements to buy a home must be in writing. An attorney will explain the purchase offer and why its terms are important. An attorney will draft language that best describes your needs and preferences and present your offer to the seller or the seller's broker/sales person. An attorney can also help you understand the financing process and different forms available to you.

Your attorney will review the details of the sale before the closing and review the title insurance commitment for defects in the title and other documents related to the sale. After the closing, the attorney will make sure the deed was properly recorded and the title insurance policy was issued properly. In order to make truly informed decisions regarding the purchase of your home, you should seek the advice of an attorney.

SELLING A HOME

It is advisable to hire an attorney before you decide whether to hire a real estate broker. You and your broker must sign a complex written agreement stating the broker's fees and duties before the broker may assist you. Your attorney can help you negotiate the terms of the listing agreement with the broker.

All offers to sell your home must be in writing. The purchase offer is a complex bundle of terms covering all aspects of the transaction. The attorney is trained to explain your rights and responsibilities and is best suited to assist you in preparing the documents related to the sale, or if a defect is found in your ownership of the property. A broker

may not be the best person to explain your rights and responsibilities or to assist you in making modifications to an offer if you wish to make a counter-offer. An attorney can explain the implications of various clauses in the purchase offer, and suggest alternatives that meet your needs and concerns. An attorney can review the title to your property, analyze whether there are any other claims to your property, and represent you if you must ask a court to confirm your title to the property. An attorney can also prepare your deed, escrow agreements, and land contracts.



Protect Your Family from Nursing Home Neglect

HEALTH CARE FRAUD DIVISION HOTLINE 800-24-ABUSE
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
HOTLINE 800-882-6006

HEALTH CARE FACILITIES

- Long-term care units in hospitals
- Homes for the aged
- County medical care facilities
- Adult foster care facilities
- Assisted living facilities

YOU CAN PROTECT YOUR LOVED ONE FROM ABUSE AND NEGLECT BY:

1. Visit often at unpredictable times and different times on different days
2. Take a camera and take a picture of you and your loved one at each visit, date the photo
3. Keep a journal of the dates of your visits and things you notice
4. Ask questions about the care of your loved one
5. Check your loved one for bedsores, bruising, and pain

6. Notice whether the facility and the residents are clean and well kept
7. Notice whether your loved one has lost weight and is hydrated
8. Report any suspected abuse

4. Noncriminal abuse or neglect to a residential facility resident, or any regulatory/quality of care issue should be reported to the facility administration and the Department of Consumer and Industry Services.

3. Obtain photographs of any physical injury and make a written statement listing what you observed, when you observed it, who was present, and any other information that may be helpful to an investigator.

IF YOU SUSPECT CRIMINAL ABUSE OR NEGLECT YOU SHOULD:

1. Immediately report the incident verbally or by letter to the facility's administrator, or person in charge.
2. Immediately report the incident to the Michigan Department of Consumer and Industry Services, the Michigan State Police, and/or the local police or sheriff's department.

If you suspect elder abuse, neglect, or exploitation, contact the Family Services Agency, County Protective Services, or your local law enforcement agency.

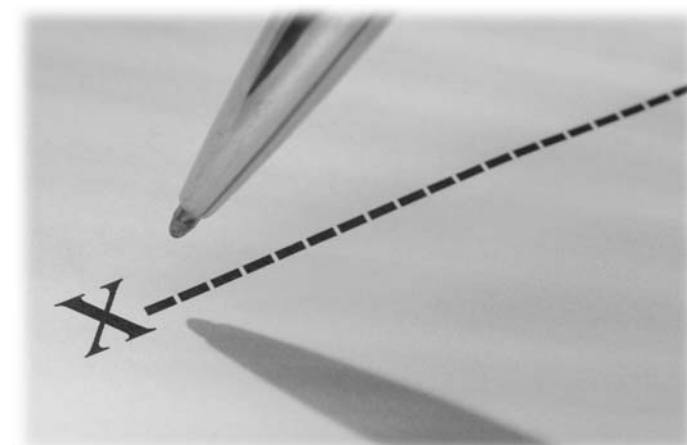
Advance Directives: Planning for Medical Care in the Event of Decision-Making Ability

We all value the right to make decisions for ourselves. Whether we term this autonomy, liberty, or independence, it is central to our concept of dignity. One important area in which we exercise independence is in choosing the medical treatment we receive. Few would deny that a competent adult has the right to consent to or refuse particular medical treatments or medically related services. Unfortunately, due to illness or injury, we may not remain able to participate in treatment decisions. Such disability may be temporary or permanent. No one likes to consider the possibility of becoming unable to make decisions. It is easy to put off thinking about that happening, and what treatment we would like in those circumstances. As difficult as it is to confront these issues, by doing so we can help ensure our wishes are honored in the future. Once you recognize your wishes, the process of planning is relatively simple and inexpensive or free. Several forms may be utilized to convey your wishes. These include: a Durable Power of Attorney for Health Care, a Living Will, and a Do-Not-Resuscitate Order.



For more information:
Visit the State Bar of Michigan Elder Law Section website at <http://www.michbar.org/elderlaw/home.html>

IMPORTANT THINGS TO REMEMBER BEFORE SIGNING A CONTRACT



Before signing a contract, you should follow these important steps:

- Read the contract carefully BEFORE you sign it.
- Be sure you understand what you are agreeing to do.

- Fill in the blanks, or cross them out and sign your initials.
- If the salesperson promises something like free installation, be sure it is written in the contract.
- Do not sign a contract if someone asks you to sign it before reading it.
- Do not let sales people pressure you to buy or to hurry.
- Be sure to get a complete signed copy of the contract.
- Keep the contract for your records.

- Ask questions about everything you do not understand.
- Be sure the price, interest, and monthly payments are specifically written in the contract.
- Do not sign a contract if it has any blank spaces.

Once you enter into a contract, you must follow its terms. If you miss payments or do not follow the terms of the contract, you can be sued. A claim can be made against you. If so, you will be required to appear in court. A judge or jury will decide the case. If you lose, a judgment will be made against you. A judgment is a sum of money you will have to pay.

(From the State Bar of Michigan Public Outreach Committee's "You and the Law")