

Offices in  
Portsmouth and  
Virginia Beach, Virginia  
Tel: 757-399-7506  
Fax: 757-397-1267  
Web: [www.oasthook.com](http://www.oasthook.com)



MEMBER



*Special needs require special lawyers.*

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Editor  
Sandra L. Smith,  
Certified Elder Law Attorney

## OAST & HOOK CO-SPONSORING ESTATE AND LONG-TERM CARE PLANNING SEMINAR

Oast & Hook and the Episcopal Church Women (ECW) of Trinity Episcopal Church invite you to a seminar to be given by the elder law firm of Oast & Hook. This seminar will be held in the Parish Hall at Trinity Episcopal Church at 9:00 a.m., Tuesday, June 17th, and it is entitled:

### **Estate, Long-term Care and Financial Planning**

This two-hour seminar will address the many issues facing people in, or planning for, retirement, and it will cover estate, disability, insurance, and financial planning. The seminar speakers will be Oast & Hook attorneys Andrew Hook, William Oast III, and Sandra Smith. There is a \$15 registration fee, and all proceeds will be donated to the ECW's Mission and Outreach work. Attached to this newsletter is a registration form for the seminar.

Due to limited seating, Oast & Hook recommends that you make your reservation early. To register or obtain more information about this seminar, please phone Jennifer Lantz of Oast & Hook at 757-399-7506.

## **ELECTIVE SHARE AND SEPARATE PROPERTY**

A recent Fairfax Circuit Court case highlights the need for premarital or marital agreements for blended families. In *Higham v. Williams* (CL2006-11954, March 28, 2008), the husband and wife maintained separate property throughout their marriage. The wife died, and the husband filed an elective share claim against her estate. The wife's estate claimed that the parties maintained separate property so that they could leave their property to their respective children from previous marriages.

The husband and wife did not have a premarital or marital agreement that would prevent either party from electing a marital share of the other spouses' property. The husband asserted that the court could not deny his elective share claims in the absence of such an agreement. The court agreed with the husband's position, and held that it could not impose a premarital or marital agreement on the parties that waives the right of each spouse to claim against the estate of the other spouse, when the spouses did not make such an agreement themselves. The court could not impose such an agreement even though there may be concerns of fairness to the wife's two children and one grandson. The court also considered which of the wife's assets should be included in the augmented estate, and which assets should be excluded.

Blended families often have unique and complex estate planning issues. The attorneys at Oast & Hook can help blended families with their estate, financial, insurance, and long-term care planning needs.

### **Announcements**

#### **Planning for Persons With Disabilities and Their Families**

Oast & Hook, Merrill Lynch, and Endependence Center are co-sponsoring a panel seminar entitled "Planning for Persons With Disabilities and Their Families." The seminar will be held on Thursday, May 29, 2008, at Endependence Center, 6300 East Virginia Beach Boulevard, Norfolk, Virginia. There will be two sessions: one from 1:00 p.m. to 2:30 p.m. and the other from 6:00 p.m. to 7:30 p.m. The panel members will be Certified Elder Law Attorney Sandra Smith from Oast & Hook who will discuss legal issues; Brad Harris from Merrill Lynch who will discuss financial issues; and Lisbet Ward from Endependence Center who will discuss social issues. The seminar is geared toward adults with disabilities and their families, and parents of children with disabilities. The panel members will address questions from participants, and they will also be available to talk with participants after the seminar. There is no cost to attend this seminar, but reservations are required. Reservations can be made by phoning Linda Johnson at Endependence Center at 461-8007. For further information, please phone Jennifer Lantz at 757-399-7506.

#### **An Ordinary Life is an Extraordinary Gift**

Hope House Foundation is sponsoring a family forum entitled "An Ordinary Life is an Extraordinary Gift." It will be held from 6:00 p.m. to 8:00 p.m., Tuesday, May 20, 2008, at Blocker Hall, Virginia Wesleyan College, 1584 Wesleyan Drive, Norfolk Virginia. The guest speakers will include Dawn Machonis, the parent of a child with a disability; Nancy Mercer and Jill Engel, Co-Executive Directors of the Arc of Northern Virginia; and Kit Hammer, a young man with a disability. To reserve a seat, please phone 757-625-6161.

### Ask Allie

Question: Allie: I have heard about Veterans' benefits that can supplement my income to assist with the payment of in-home or assisted living expenses. Is this true? Junior

Allie: Junior, it is true. You must have served in the military for at least 90 days with one day during a period of war. There are income and resource eligibility rules. I recommend that you phone the attorneys at Oast & Hook to schedule an appointment to discuss this benefit. Please remember to bring kitty treats with you.



Please feel free to e-mail your questions to Allie at: [allie@oasthook.com](mailto:allie@oasthook.com).

### Speakers

If you are interested in having an elder law attorney from Oast & Hook speak at an event, then please call Jennifer Lantz at 757-399-7506.

### Distribution of This Newsletter

Oast & Hook encourages you to share this newsletter with anyone who is interested in issues pertaining to the elderly, the disabled and their advocates. The information in this newsletter may be copied and distributed, without charge and without permission, but with appropriate citation to Oast & Hook, P.C. If you are interested in a free subscription to the *Oast & Hook News*, then please e-mail us at [mail@oasthook.com](mailto:mail@oasthook.com), telephone us at 757-399-7506, or fax us at 757-397-1267.

Please visit us on the world wide web at:

**[www.oasthook.com](http://www.oasthook.com)**

Our website contains information about Oast & Hook and an archive of our newsletters and other estate planning, estate administration, and elder law articles in searchable form at.

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# OAST & HOOK

**Presents:**

## **Estate, Long-term Care and Financial Planning**

**Date:** Tuesday, June 17, 2008

**Location:** Trinity Episcopal Church  
500 Court Street  
Portsmouth, Virginia 23704

**Schedule:** Registration: 8:30 a.m. to 9:00 a.m.  
Workshop: 9:00 a.m. to 11:00 a.m.

**Presenters:** Andrew H. Hook, William H. Oast III, and Sandra L. Smith

**Tuition:** There is a registration fee of \$15. **All of the proceeds will be donated to the Trinity Episcopal Church Women's group.**

Space is limited, so please register as soon as possible. Walk-in registrations will not be accepted.  
*No refunds after June 10, 2008.*

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### Registration Form

Please complete this form and either fax it to Oast & Hook at 757-397-1267 or mail it to Linda Gerber at Oast & Hook, P.C., at 295 Bendix Road, Suite 170, Virginia Beach, Virginia 23452-1294.

Name: \_\_\_\_\_

Company: \_\_\_\_\_

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Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

#### **Payment Method:**

Mail check payable to Oast & Hook.

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For more information, please phone Jennifer Lantz or Linda Gerber at 757-399-7506.