

Asset Protection Newsletter

"The new source of power is not money in the hands of a few, but information in the hands of many."

-John Naisbitt



**Welcome to Our April 2013
Asset Protection Newsletter!**

Is it correct that the first step to defensive planning is to get your assets out of your own name?

We agree. Unless your assets are exempt, title them to a protective entity. As long as the entity itself is not a debtor, then a subsequent transfer by that entity will not be considered fraudulent under the UFTA. Accordingly, when creditor threat arises, you can then reinforce the entity or transfer the asset to a new entity, with less fraudulent transfer concerns because the UFTA only considers transfers the debtor makes as being fraudulent. Furthermore, restructuring an entity so that a creditor of the entity's owner cannot reach the entity's assets for its owner's debts usually does not involve a transfer, and is therefore not considered to be a fraudulent transfer in most states. Even if it is, as long as the entity is not a debtor, then a transfer from the non-debtor entity to another entity is usually not considered fraudulent under fraudulent transfer law.

For protection why can't I just title my assets to someone else

Reserve your spot.
Register Today!



**Register for Our FREE
Educational Webinar
On Estate Planning Basics**

*Click on the link below to register
and then follow the on screen
instructions.*

[April 16, 2013 @ 1pm](#)

[April 17, 2013 @ 1pm](#)

**The Approximate Length for the
Presentation is One Hour**

**[VIEW ALL UPCOMING
WEBINARS HERE](#)**

Important Changes in Florida Law

Latest update: In June of 2010, the Florida Supreme Court held in *Olmstead v. Federal Trade Commission* (No. SC08-1009) that a charging order is not the exclusive remedy available to a creditor holding a judgment against the sole member of a Florida single-member

so they can't be claimed by my creditors?

Using 'straw men' is always poor planning. Its pitfalls are obvious. First is the fraudulent conveyance pitfall. Gifting your assets to a friend or relative after you're sued with the tacit understanding that they'll later return your assets seldom works.

Even if you title your assets to a 'straw' before you have creditors, how do you know that your 'straw' is safer from lawsuits than you? Nominee 'straws' have their own marital problems, creditors and lawsuits. Your straw can easily lose your assets to their creditors. You also incur a gift tax when you transfer assets to someone other than your spouse. And your nominee straw incurs a gift tax when he re-transfers your assets to you. The third problem is that you can't be certain that your nominee will return your assets. Not every straw or nominee is trustworthy.

Why is Estate Planning so important?

This answer is simple. Without an Estate Plan, your estate may end up going to your creditors rather than your children or spouses. You work your whole life to make money, you should make sure that it goes to the correct recipients at your death.

Further, if you don't have a Power of Attorney and become incapacitated, the court may need to appoint a guardian over you which will be expensive and may not be the person you would have chosen. Furthermore, guardianship requires you being designated "incapacitated", which is not what you would want if you want to be treated with dignity when you are unable to care for yourself.

In summation, taking the time to create and execute an Estate Plan (which isn't terribly inconvenient) far outweighs the risk of harm presented by passing away intestate or without a Will.

The Presser Law Firm, P.A. - Asset Protection Attorneys

The Presser Law Firm, P.A. represents individuals and businesses in connection with the establishment of comprehensive Asset Protection plans that incorporate both domestic and international components.

We help our clients protect themselves from lawyers, creditors, foreclosure deficiencies, former or current spouses, children, relatives, and greedy lawsuit-obsessed citizens. While many people can make money, few know how to protect it.

In addition to Asset Protection, The Presser Law Firm, P.A. represents individuals in the areas of business formation, legal and business counsel, estate planning, and estate administration (wills and trusts).

limited liability company.

Be one step ahead, keep following our newsletter for up to date changes in the law!



Craziest Lawsuit of the Month

Taser or Gun?

A police officer tased a suspect in the back of their car when he became uncontrollable and started kicking at the windows. Unfortunately for the crook, the officer had accidentally used their gun instead, and shot him in the chest – killing him. The city sued the taser company, arguing that any reasonable officer could mistakenly draw and shoot their gun instead of their taser.

Trending Asset Protection Article

E-commerce businesses stand to lose more without Asset Protection.

What differentiates an E-commerce business from a traditional business when it comes to Asset Protection?

[Click on this link to keep reading this](#)

We have been featured in numerous newspapers and magazines, among them Forbes, Sports Illustrated, The Robb Report, The Houston Chronicle, and The Los Angeles Times. We have also appeared on several radio and television stations such as FOX, BRAVO, NBC, ABC, and CBS and have been profiled in the international press in Canada, Germany, Greece, Ireland, and the United Kingdom. We have represented some of today's most well known business owners, celebrities, and professional athletes.

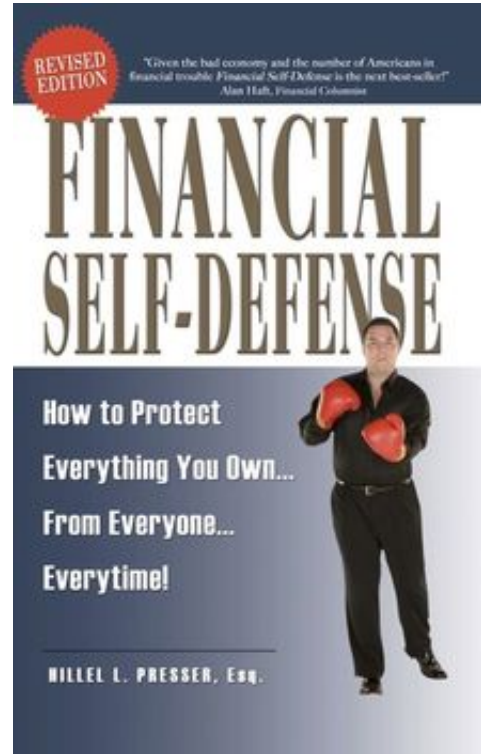
We have been working around the clock to improve our Firm's online presence to ensure that you receive the most up-to-date information on how to protect everything you own from everyone, every time. We will be constantly updating our social media with new cutting edge information, just click the links above to follow us.

If you know a colleague, friend, family member or anyone that would benefit from this important information, please have them contact us to be added to our newsletter!

Best Wishes,

The Presser Law Firm, P.A.
Asset Protection Attorneys

[article](#)



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Contact our law firm today to schedule a complimentary (free) Preliminary Consultation with Attorney Mr. Presser and receive a complimentary copy of Financial Self Defense (Revised Edition) or click the image above to purchase your copy on Amazon today!

Refer a Friend!

If you know anyone that would benefit from this newsletter, please have them contact us at

Info@AssetProtectionAttorneys.com.

**For every 60 minutes you spend
making money, spend 60 seconds
thinking about how to protect it!**



Visit Us At Our Office Location!

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