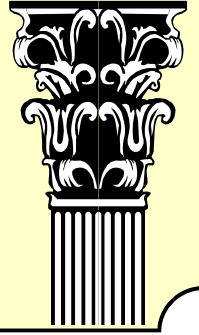
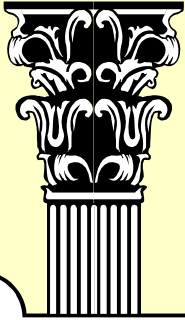


# Law Offices of Mark D. Petti

## LEGAL NOTES



2006 Issue Vol. 1

### IN THIS ISSUE:

- Plan for the Inevitable.
- So, you had a car accident.
- Real Estate: Buying and Selling
- Petti Cash
- Nicole's Law
- Briefly Speaking
- Answers to your legal questions.
- FREE Gas Giveaway
- Auto Accidents

### Law Offices of Mark D. Petti

204 Belmont Street  
Brockton, MA 02301

Tel. (508) 586-4466  
Fax. (508) 587-1143

Email:  
mdpetti@pettilaw.com

We are a general law firm specializing in:

- Personal Injury / Auto Accidents
- Family Law
- Probate Law
- Civil Litigation
- Criminal Law
- Wills, Trusts & Estates
- Real Estate Law
- Real Estate Closings

## Plan for the Inevitable: Protect your assets and the people you love.

Contemplating your demise isn't easy. But failing to draft an estate plan only adds delay, legal problems and uncertainty to all the emotional turmoil your family faces when you die.



It's not fun to think about death, but avoiding the inevitable is the biggest mistake many people make.

Estate planning is vital to everyone and is not just for the rich or the old. An estate plan can provide financial and emotional stability to your surviving loved ones. A good plan will protect your assets for future generations; ensure that your wishes are carried out; permit the speedy distribution of your assets; protect your privacy; and can assure that a family business will survive your death.

A Last Will and Testament and Health Care Proxy with Living Will Declaration could be two most important legal documents that you ever sign.

A Will provides the legal mechanism for disposing of property upon death in a way that recognizes your wishes and the needs of your survivors, while minimizing taxes. Without a Will, the courts—and not you—decide what happens to your assets. They can even decide what happens to your children.

A Health Care Proxy and Living Will Declaration involves, even more importantly, planning for the handling of affairs in case of disability, and the deeply personal medical choices to be made as life nears its end.

Our office is committed to providing excellent and compassionate legal work accompanied by outstanding client service in all aspects of wills, health care proxies, living trusts, other trusts, and probate. We are dedicated to the high quality of our work and to giving each of your legal matters respectful, thoughtful care.

For more information or an appointment, please call our office at 508-586-4466 or, if you prefer, send us an e-mail at [mdpetti@pettilaw.com](mailto:mdpetti@pettilaw.com) and our office will contact you.

This newsletter provides general information and is designed to keep you up-to-date with changes in the law. It does not constitute legal advice.

Please note that making a phone call or sending an e-mail does not create an attorney-client relationship; this requires a written agreement.

Please do not e-mail any confidential information until an agreement is signed; at that point, we can exchange confidential information freely.

# So, you had a car accident.

Your neck hurts, you can't work, your life has been turned upside down. Now there's an insurance adjuster on the phone trying to get you to agree to settle your case for a tiny amount of money.

**What do you do??? Where can you turn for help??? How can you get fairly compensated for your injuries???**

Car accidents are one of the most common sources of personal injury and occur on a large scale every day. A car accident occurs about every sixty seconds in the United States. At this rate, it is likely that you or a loved one will be involved in a car accident at some point in your lifetime. Even a simple "fender bender" car accident can cause an individual to suffer back and neck injuries that have a lasting adverse effect. Injuries sustained from a car accident, no matter how minor, can later end up causing aggravated pain and medical costs.

Sadly though, many auto accident victims never receive the full amount of damages to which they are entitled to for their car accidents. The major reason is because they don't know the full worth of their claims. Auto accident victims accept first offers that insurance companies make and it's no secret that these insurance companies try to get off cheap. That said, it is crucial to enlist the help of a qualified and experienced personal injury attorney if you are to be fairly compensated.



## Our office can:

- \* Help prove liability by preserving evidence and interviewing witnesses
- \* Ensure you receive the proper medical care
- \* Help you understand the law, including statutes of limitation
- \* Document your injuries properly so that you receive full compensation
- \* Ensure that you receive the compensation to which you are rightfully entitled.



If you would like to learn more about your rights and legal options after a car accident, please contact us at **508-586-4466** or email us at [mdpetti@pettilaw.com](mailto:mdpetti@pettilaw.com)

## REAL ESTATE: BUYING AND SELLING REAL ESTATE

The purchase of a house or condominium is, for most people, their single greatest financial investment. A mistake in the home-buying or home-selling process can undo a lifetime of effort. The complexities and technicalities involved require knowledge and experience.

The cost of retaining an attorney to represent you at the time you buy or sell real estate is usually a fraction of the cost of hiring a lawyer to fix problems or settle disputes after the signing of a purchase and sale agreement or the sale of real estate. Here are some tips involving real estate transactions:

- An offer to purchase real estate may be a **BINDING** contract. Be sure to understand the consequences of what your signing. The insertion of contingency language is absolutely necessary. The sooner you obtain competent legal advice, the less likely costly mistakes will occur.
- There is nothing "Standard" about a purchase and sale agreement. An attorney can implement certain contingencies and legal language into a purchase and sale agreement that can protect either the buyer or seller. Verbal agreements, no matter how seemingly trivial, between parties should always be avoided.
- The bank's or lending institution's attorney represents the lender. He or she does not represent you. His or her obligation is to the lender, not you. If you want a lawyer to represent your interests, you will need to hire your own attorney.

For more information or an appointment, please call our office at 508-586-4466 or, if you prefer, send us an e-mail at [mdpetti@pettilaw.com](mailto:mdpetti@pettilaw.com) and our office will contact you.

**Go Rox!**

Watch  
for

The Law Offices of Mark D. Petti are a proud sponsor of the Brockton Rox!

**PETTI**



**CASH**



ROX  
BOCKE

ROX  
BOCKE

Opening Day -  
**May 25, 2006**  
Rox vs. New Haven Cutters

GIFT CERTIFICATES  
Available at the Box Office

Brockton Rox Professional Baseball

# Nicole's Law

On November 4, 2005, a new law was enacted that effects all homeowners. Nicole's Law, Chapter 123 of 2005 is named in honor of 7 year old Nicole Garofalo who died in January 2005 when a heating vent in her house was blocked by snow drifts, allowing carbon monoxide to accumulate in the home.

The new law requires carbon monoxide detectors in homes. Devices will be required in any residence that:

- (1) Contains fossil-fuel burning equipment including, but not limited to, a furnace, boiler, water heater, fireplace or any other apparatus, appliance or device; or
- (2) Incorporates enclosed parking within its structure.

The law, which is very similar to a smoke detector mandate enacted two decades ago, requires a battery-operated or plug-in detector in most residences by **March 31, 2006**.

Large buildings with multiple units or other special cases, which will be required to install hard-wired detectors, will have until Jan. 1, 2007, to comply.

For more information, please call our office at 508-586-4466 or, if you prefer, send us an e-mail at [mdpetti@pettilaw.com](mailto:mdpetti@pettilaw.com)

## Everyone Knows "You Can't Have Your Cake & Eat It Too!"

Or  
Can You?



Don't just plan for tomorrow . . . protect it with **Return of Premium Term Life Insurance**. You've always worked hard to give your family the best of everything and protect them from financial burdens.



Securing that protection has never been easier, with solid term life insurance protection plus a return of premiums paid at the end of the level-premium period if the policy is then in force — all at a premium you can afford.

Whether your goal is ensuring income replacement, debt liquidation, a college fund in the event of a premature death or otherwise protecting your family should something happen to you, a **Return of Premium Term Policy** offers you the best of both worlds — it can guarantee your family a death benefit if you're suddenly taken from them. But if you're not, it actually guarantees to return the premiums you've paid at the end of the level-premium policy term. So you collect whether you live or die.

This is a **very** unique offer with a **very** fair pricing structure.

## Q & A ANSWERS TO YOUR LEGAL QUESTIONS

**Q. I bought a house in 2004. In 2005, I discovered there was a betterment & lien on the property. It was for a sewer line that was put in on the street in the year 2001. Is the title company who did the closing liable as it was fully recorded at the time and we were told nothing about it by the title company? Is this bill now ours or should it have been taken care of at closing?**

**A.** It is a very interesting question. I would first ask if the 2000 betterment & easement for the sewer line was recorded with the Registry of Deeds prior to the 2004 closing. If it was, then the attorney/title company that closed the loan should have seen it on a Title Examination. If the Title Exam noted the betterment & easement it would be listed on the Title Insurance policy. Ultimately, it should have been the responsibility of the Seller to have paid this and it should have been done at closing. Please check your closing documents.

If you bought Owner's Title Insurance, you should have received the original policy after closing. If so, the policy would note any exceptions the Title Insurance Company had based on the Title Examination the closing attorney/title company did.

If I were you, I would contact the Title Insurance Company, give them the policy number and have them look into it. That is what title insurance covers because this is a Title Issue. I would also suggest contacting the closing agent about this matter.

Email your legal questions to [mdpetti@pettilaw.com](mailto:mdpetti@pettilaw.com) or visit our website. Names, address, or specific personal information will not be used in publications.

## Briefly Speaking

Mark D. Petti, Esq.



Dear Reader:

At the heart of our practice is the recognition that strong, personal relationships are essential to creating, sustaining, and nurturing professional relationships between our firm, our clients and the Brockton community. If you received this newsletter, you are connected to this extended neighborhood.

We take great pride in our history of setting and providing the highest standards of service to our clients and the Brockton Community.

While servicing my customers, clients and the community, part of my job is to strive to live up to the reputation of trust earned over some 100 years of Brockton family business. I know that *your* case is the most important case.

This year our office, in conjunction with local businesses such as the Brockton Rox Professional Baseball Team and Mather Family Enterprises ~ Valero Gas, will be sponsoring several weekly/monthly drawings in which prize giveaways will be offered such as the FREE gas giveaway in this issue of *Legal Notes*

In addition, our office will be sponsoring "PETTI CASH" gift certificates good for use at Campanelli stadium as well as drawings for front row seats to the Brockton Rox home games.

So, visit our website often to see what's available next. Communication, giving back and serving the needs of our clients and the community is a constant goal of our office. Trust me.

*Mark D. Petti*



## Law Offices of Mark D. Petti

204 Belmont Street  
Brockton, MA 02301

Tel. (508) 586-4466

Fax. (508) 587-1143

Email: [mdpetti@pettilaw.com](mailto:mdpetti@pettilaw.com)

Visit us on the Web at [www.pettilaw.com](http://www.pettilaw.com)



### Thanks for the Referrals

Our clients *are* our business. We are grateful that many of our clients and friends feel confident in recommending our firm. The best source of our business is word of mouth.

When many people need a good lawyer unfortunately they do not know where to turn. If you or someone you know needs legal help, call us.

## Complimentary Issue

# FREE



### Don't forget to enter Giveaway!

### \$250 in FREE Gas!



## Enter to win FREE gas

Sponsored by:  
**Mather Family Enterprises**

~  
**Valero Gas**

158 Montello Street -Brockton, MA

**Prizes: \$250 in FREE gas  
Ten (10) \$25.00 gas gift certificates**

Simply mail this entry back or **register online** at [www.pettilaw.com](http://www.pettilaw.com) by March 30, 2006 to enter to win our **FREE** gas giveaway! Include your name, address, telephone number and email address.

That's it! No purchase required. One entry per household. Entries must be received on or before Noon, March 30, 2006. Names of winners may be published. For further details see website.

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

Address: \_\_\_\_\_

Daytime Phone ( ) \_\_\_\_\_

Home Phone ( ) \_\_\_\_\_

Email Address: \_\_\_\_\_

You can also enter by simply visiting our website:  
[www.pettilaw.com](http://www.pettilaw.com)

## AUTO ACCIDENTS



There are approximately 12 million car accidents in the United States each year. It is a disturbing fact that you or someone you know is likely to be involved. Take a few minutes to read the Auto Accident Checklist of do's and don'ts if you are involved in an accident.

### AUTO ACCIDENT CHECKLIST

- ✓ STAY CALM. Move yourself and your passengers out of harms way. Call the police.
- ✓ Assist anyone who is injured. Call for an ambulance if necessary.
- ✓ Get the name, address, phone number, and license number of the other driver(s) and car(s). Exchange insurance information.
- ✓ DO NOT discuss the accident (except with police), but DO make notes of anything the other driver(s) says about the accident.
- ✓ Get the names, addresses, and phone numbers of any witnesses.
- ✓ Get photographs of your vehicle, contact your insurance company and write down everything you remember about the collision ASAP.
- ✓ Contact our office to discuss your legal options.