

# FISHER'S LAW OFFICE, P.A.

18125 US HWY 41 N, Suite 109

Crystal Lakes Plaza

Lutz, Florida 33549 USA

Telephone: 1 (813) 949-2749

E-mail: [ralphfisher@yahoo.com](mailto:ralphfisher@yahoo.com)

[www.fisherslawoffice.com](http://www.fisherslawoffice.com)

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Welcome to the NEWSLETTER of Fisher's Law Office, providing you with legal information you can use in your everyday life. If you have any questions about any of the articles in this newsletter please don't hesitate to contact us.

## WHAT IS FINANCIAL REPRESSION?

Financial repression is the artificial lowering of interest rates on savings. In the 1980's, savings accounts yielded 10% on certificates of deposit at local banks.

Lately, the United States Federal Reserve has been printing money and using this money to buy long-term United States bonds as they did during WWII when the United States needed money to fund the war effort.

Currently, the money is being used to pay social security benefits and other amounts the government cannot raise through taxes.

The result is that interest rates have collapsed banks are paying less than 1% on savings accounts. Savers are being harmed. This financial repression is expected to continue until the Fed chairman, Bernanke, leaves office.

There are alternatives for obtaining good rates of return on savings but they are risky. The alternatives include stocks that pay dividends, junk bonds, and bonds of foreign governments.

(All clients should meet with a financial advisor before making any changes to their financial plans.)

## STRANGE FLORIDA LAWS YOU'VE NEVER HEARD OF...

**Statute 684.26** provides that if a court of this state confirms a judgment from another country, the court will convert the foreign judgment from whatever currency the judgment is denominated in to US dollars as of the date the judgment was entered.

## WHAT HAPPENS IF YOU WIN AN ARBITRATION AWARD?

Arbitration is a process by which parties select a private court to hear their differences. Once the award occurs, Florida statutes allow for a confirmation of the award by a court in Florida.

Specifically, Florida Statute 682.12 states that upon request of a party who has won an arbitration award, the court "shall confirm an award". There are exceptions and procedures for the confirmation process.

## WHAT ARE THE LEGAL HOLIDAYS IN FLORIDA?

Florida has a number of legal holidays that are contained in Florida Statute chapter 683. The legal holidays include the first Sunday of each week, New Years Day, Martin Luther King Jr's birthday (Jan 15), Robert E. Lee's birthday (Jan 19), Lincoln's birthday (Feb 12), Susan B. Anthony's birthday (Feb 15), Washington's birthday (first Monday in Feb), Good Friday, Pascua Florida Day (Apr 2), Confederate Memorial Day (Apr 26), Memorial Day (last Monday in May), the birthday of Jefferson

Davis (June 3), Independence Day (July 4), Labor Day (first Monday in Sept), Columbus Day and Farmer's Day (2<sup>nd</sup> Monday in Oct), Veteran's Day (Nov 11), General Election Day, Thanksgiving Day (4<sup>th</sup> Thursday of Nov), Christmas Day (Dec 25), and Shrove Tuesday.

If a legal holiday falls on a Sunday, the Monday next following shall be the public holiday for all purposes.

## **WHAT OTHER HOLIDAYS ARE LEGAL HOLIDAYS?**

Florida Statute 683.08 specifically makes Gasparilla Day a legal holiday in Hillsborough County. Also, Desoto Day under Florida Statute 683.09 is a legal holiday in Manatee County. The second Sunday of October each year is designated as Grandmother's Day and the Governor is allowed to issue an annual proclamation designating the second Sunday of October as Grandmother's Day calling upon public schools and citizens to observe the occasion.

Other times that are considered by the legislature as days to mark include Law Enforcement Appreciation Month, Law Enforcement Memorial Day, Parade Day in Hillsborough County (for the Plant City Strawberry Festival), the National Day of Mourning, Patriot's Day, and I am an American Day. There is also a Retired Teacher's Day and a Children's Day.

### **Case of the month: Our client gets attorney's fees after a credit card case against him is dismissed by the judge!**

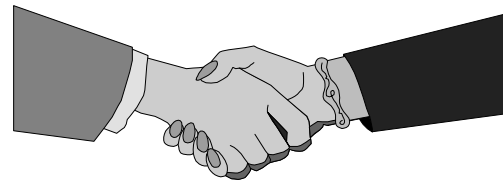
Our client had fallen behind on his credit card payments with a large national bank. The bank sued him and our client had our office file a responsive pleading on his behalf. We asked for copies of the credit card statements showing that our client was behind on his credit card payments. After some delay, a few of the statements were set by the bank, but no other

action took place on the case for over three years.

The court called up for hearing the matter and stated that the case would be dismissed unless activity was shown in the file. No activity occurred and the case was eventually dismissed and our client was awarded a substantial attorneys fee award because the credit card contract had a provision that whoever won the case would be entitled to attorneys fees.

### **Moral to the story?**

If you are sued for a credit card or other consumer debt, consider consulting with an attorney as you may have valid defenses to the claim and the plaintiff may lose interest in the case and the case may be dismissed.



## **WHAT IS MEDIATION?**

Mediation is becoming the norm in Florida. It is a process in which parties meet with an impartial mediator prior to bringing the case to trial before a judge. It is a time for both of the parties to attempt to reach a resolution without the court imposing a judgment that may not be acceptable to either of the parties.

Many cases that go to mediation end up settling because the parties come to terms and reach an agreement. Under new Florida Rule of Civil Procedure 1.720, parties are required to appear at mediation with "full authority to settle" the case. There are penalties for failure to attend mediation. Many courts provide mediation services including Hillsborough County, Florida.

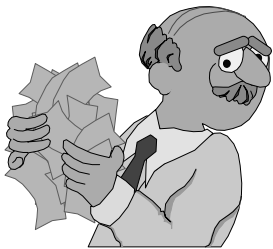
If you have questions about mediation, see your lawyer or, if you are representing yourself,

file a motion with the judge and ask the judge to order the parties to attend mediation. Your case may settle.

## **HOW MUCH DOES IT COST TO FILE A LAWSUIT IN FLORIDA?**

When Fisher's Law Office began business in the 1986, it cost only \$35 to file a Petition for Dissolution of Marriage. Currently, the clerk of the court in Hillsborough County charges \$418 to file for divorce and issue a Summons.

Here are some other filing fee amounts: In a foreclosure case where the mortgage amount is over \$250,000, the filing fee is \$1,905. If the amount of the foreclosure claim is between \$50,000 and \$250,000, the filing fee is \$905. For foreclosure lawsuits under \$50,000 the filing fee is \$400.



Eviction actions in Florida are a relative bargain in that an eviction complaint only costs \$185 to file plus \$10 for the summons to be issued. Garnishment of salaries and bank accounts costs \$188.

Filing fees go up every year, so before you file an action, make sure you check with your local clerk of the court to determine what the filing fee for your case.

## **WHAT HAPPENS WHEN SOMEONE DIES AND THEY OWE YOU MONEY?**

A client came to us with a problem. He was an engineer who'd done work for a prominent sports personality who died unexpectedly.

The engineer was owed money from the decedent and he wanted to know how to make a claim for the money owed to him.

We checked the public records and no estate had been filed in the county where the sports personality lived.

**The solution?** We suggested that our client file a caveat, a notice that officially notifies the clerk that a creditor of an estate has a claim. Thereafter, if an estate is filed, the clerk of the court will send a notice to the person who issued the caveat to inform him that the estate is being processed. Our client will be informed now that he has filed his caveat.

Children of a decedent and other interested persons can also file a caveat if they are fearful that an estate will be probated without them being notified. If such a person files a caveat, the court may not admit a will to probate or appoint a personal representative until formal notice of the petition for administration has been served on the caveator.

## **IS YOUR "LAST WILL & TESTAMENT" PROPERLY EXECUTED?**

Our client was the personal representative of his mother's estate. His mother died at the age of 97. She had a will but it was written in 1987, long before Florida allowed wills to contain "self proving affidavits".

A self-proving affidavit is a notarized statement signed by the witness of the will swearing that she saw the decedent sign the will. Absent a self-proving affidavit, the witness must come to court and give testimony that she witnessed the will being signed.

In our client's case, we were lucky that one of the witnesses to the will was still alive and was able to give testimony before the court that she saw our client's mother sign the will.

**Joke of the month:** Our client broke a mirror and thought he was going to get seven years bad luck. With negotiation, we were able to get him five.

**Education:**

1977

Degree in Accounting,  
University of Florida,  
Gainesville, Florida.

1978

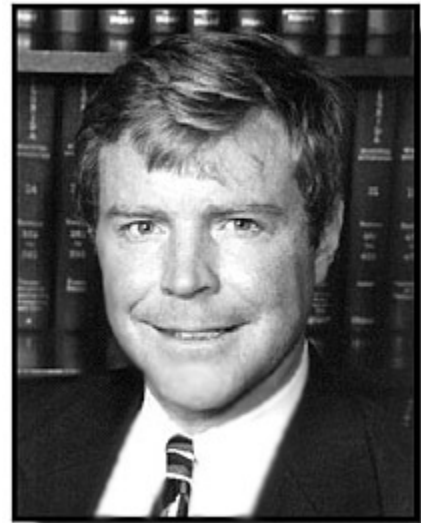
License Issued  
Certified Public Accountant

1983

Juris Doctorate Degree in Law,  
University of Florida,  
Gainesville, Florida  
Attorney, State of Florida

**Memberships:**

- Florida Bar Association [www.flabar.org](http://www.flabar.org)
- BV rated by Martindale Hubbell
- Gaucho Association [www.gauchoassn.com](http://www.gauchoassn.com)



**Ralph B. Fisher, Esq.**

**Fisher's Law Office, P.A.**

18125 U.S. Hwy 41 N., Suite 109  
Crystal Lakes Plaza  
Lutz, Florida 33549  
Tel. (813) 949-2749  
Fax (813) 464-7738