



My Website

[Zolla Law Firm](#)

Join Our Mailing List!

As with every year, 2009 had its share of ups and downs, magical moments and days of frustration. But, with two kids and a busy business, I can't say it was boring!

I hope you enjoy this issue of my Newsletter. Please consider forwarding this copy to your family and friends. And, if you have any comments, I'd love to hear from you.

Happy holidays! And, here's to a great New Year!

In This Issue

Upcoming Seminar

Estate and Gift Taxes

Property Taxes

Homeowner's Exemption

Certified Specialists

Zolla Law Firm

Upcoming Seminar

I will be giving a seminar next week with Jarrett Brady, a financial advisor at Wells Fargo Advisors. It's on Tuesday, December 8 at the Fish Market on Blossom Hill Road (San Jose) from 6:15-7:15. I'll be speaking about estate planning and Jarrett will talk about the current financial markets.

If you are interested in coming, there are a few spaces available. Please send me an email on Friday so I can get you on the guest list. (And, yes, dinner is included.)

Estate and Gift Taxes



Although there are many bills currently in Congress to revise the Estate Tax and get rid of the one-year repeal that is scheduled for next year, none are close to making it to President Obama's desk. When I have more news, I will send a brief newsletter with the scoop.

Property Taxes



Unfortunately, in 2009 many of my clients noticed that their homes have declined in value. If you purchased your home in the past few years, the County Assessor's Office may have automatically reduced the value of your home for purposes of property taxes. In fact, they reduced the value of over 90,000 homes in 2009.

(If you purchased your home a long time ago, you may not have received any property tax relief because, in general, property values are still higher than they were 10 years ago.)

If you believe that your property tax assessment is still too high, you have the right to appeal the assessment. It is too late for this years' taxes, but beginning on January 1, you may appeal 2010 assessments.

Your first course of attack is the informal process of filing for Proposition 8, Temporary Tax Relief. This is a simple document you can file with the County to ask them to look at your property and reduce the *current* tax rolls. Unfortunately, though, if there is a steep increase in property values, the County is allowed to increase your property taxes more than 2% the next year (but not more than 2% above your prior base value).

If the County does not agree to the informal tax relief provided by Proposition 8, or you want more permanent relief, you may file a formal Assessment Appeal by the Independent Assessment Appeals Board. This process is more involved, and may require a hearing, but if you win, you will bring your property tax base value down to current levels. And, if property values go back up again, the County can only increase your taxes by 2% each year.

The County of Santa Clara has some excellent resources on its website to describe the two types of appeals. If you are interested in this topic, I highly suggest that you follow this link to learn about the [informal process](#) and this link to learn about the [formal process](#).

Homeowner's Exemption

One of the great things about Constant Contact is that I can find out who read my newsletter and who followed my links. Sadly, I know that last year very few clients followed the links to ensure that their properties received the Homeowner's Exemption. So, I am running my article again, and hope you will check your property taxes carefully! (This is a much-easier way to save \$\$\$ than filing an appeal!)



If you are a homeowner, you are entitled to reduce the "assessed value" of your home by \$7,000, and consequently reduce your property taxes by \$70-\$80/year. This "Homeowner's Exemption" is only given to people who live in their own property, and cannot be used for vacation homes or commercial real estate.

When you moved your home into your living trust, the property still remained owner-occupied, and is still eligible for the Homeowner's Exemption. However, I have recently discovered that some of the employees at the Santa Clara County Assessor's Office are not coding the transfer properly and may not recognize that you and your trust are the same (and deserve to retain the Homeowner's Exemption).

If your home is in Santa Clara County, I urge you to follow this link and check your home address: [Santa Clara County Assessor](#). In the bottom section of the page, third column from the left, there is a category called "Exemptions". If you do not have \$7,000 listed next to "Homeowner", contact the Assessor at (408) 299-6460 and ask them for the Exemption form. The form and request is free, and you should not pay any service to file the Exemption for you. The same information can be found for [San Mateo County](#) and [Alameda County](#) as well. If you do not live in any of those counties, be sure to check your property taxes very carefully or Google your Assessor and see if your county provides the same assessment information online.

Of course, if you have any questions, do not hesitate to contact me. Unfortunately, there is no form for you to pre-apply for the Exemption. You need to wait for the new Trust Transfer Deed to make its way through the Recorder's and Assessor's Offices, and then determine whether you need to re-apply. But don't delay! A late filing could cost you a tank of gas for your SUV!

Certified Specialists



As you know, I am a member of the Estate Planning, Trust & Probate Law Advisory Commission of the State Board of Legal Specialization.

I have had a lot of fun in this group, but we've also done a ton of work! This year, we finished the one-day Estate Planning specialist exam, and then spent the better part of September grading the essays. About 150 attorneys took the exam this year, so that they too can hold themselves out as a specialist in this field.

If you have a relative or friend in another part of the state who is looking for a qualified attorney, I highly suggest that you direct them to the [State Bar website](#), where they can find people who are certified specialists in their county. The attorneys who choose to specialize have taken the exam, shown that they spend a great deal of time in the field, and have received positive reviews from their peers.

Zolla Law Firm

I am so grateful for your referrals and the confidence you have in my work. I've recently discovered social networking, so if you're interested in "friending" me on LinkedIn, I look forward to hearing from you.

If you volunteer for a nonprofit and are planning a raffle or silent auction, please contact me. I would be happy to make a donation of my time. I'm also willing to give free seminars to your parents' group, pre-school, work group, or gathering of friends to answer questions about living trusts and probate.