



EXECUTIVE REPORT

SUMMER GREETINGS TO ALL OF OUR CLIENTS AND FRIENDS!

In this edition of the Petrie + Pettit newsletter, we are very pleased to introduce you to our firm's newest attorney, Renee Ruffin Nawrocki. Renee has joined the P+P estates and trusts team where she will focus her practice on estate planning, probate and trust administration and guardianships. Renee is off to a great start in these areas: she has already assumed the role of Co-Chair of the Milwaukee Bar Association's Probate Bench-Bar Committee (taking over for P+P attorney Sumeeta Krishnaney who has served as Committee Co-Chair for the past 2 years). In addition, Renee brings with her a wealth of family law

and mediation experience. Renee's article on the importance of updating estate planning documents following a divorce, legal separation or annulment is featured elsewhere in this newsletter, and Renee's mediation skills and experience were recently recognized by her peers in her selection as a training coach for the Family Mediation Center's 2018 Mediation Training. We know that you will enjoy working with Renee as much as we do.

Laura J. Petrie

PRESIDENT

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NEW TAX BENEFIT FOR WISCONSIN FAMILIES

Wisconsin Senate Bill 798, passed in April 2018, provides some benefits for Wisconsin families, including a back to school sales tax holiday. Take note of this potential benefit and be sure to act quickly if it applies to you as the window to benefit is very short!

EARLY AUGUST SALES TAX HOLIDAY

Mark your calendars: between August 1 and August 5, 2018, Wisconsin will charge no sales tax on school supplies, articles of clothing priced at less than \$75 and certain computer equipment. For more information, go to: <https://revenue.wi.gov/Pages/Individuals/SalesTaxHoliday.aspx>.



PETRIE+PETTIT.COM

250 E. Wisconsin Avenue
Suite 1000
Milwaukee, WI 53202

414.276.2850 Phone
414.276.0731 Fax
info@petriepettit.com

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REFLECTION

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100 YEARS AGO

this June, a young man named Nelson Petrie completed his degree at Marquette Law school and joined the Milwaukee law firm of Nohl & Nohl. The firm's senior partner at that time was Max W. Nohl, who was also teaching law part time at Marquette Law School and had been one of Nelson's professors. (Max later became a Milwaukee County Circuit Court Judge).

Nelson didn't know it then but for the next 100 years there would be at least one Petrie in the firm. Nelson practiced with the firm for 60 years, until his passing in 1978. Nelson's son Jim joined the firm in 1956 and his granddaughter Laura followed in 1994. As many of you know, both Jim and Laura are still practicing law at Petrie + Pettit today.



Nohl & Nohl

ANNOUNCEMENTS

Congratulations to Attorney **DAVID ESPIN**, who has been selected to participate in the National Conference of Bankruptcy Judge's ninth annual "*Next Generation Program*" in San Antonio, Texas on October 28-31, 2018. To qualify for this program, attorneys must focus a significant portion of their practice on bankruptcy law and also must demonstrate a commitment to the highest standards of civility, ethics, and professionalism.

David was also a presenter at the "*25th Annual Central States Bankruptcy Workshop*" held at the Grand Geneva Resort and Spa in Lake Geneva, Wisconsin on June 7-9. David was part of a panel discussing the benefits and pitfalls of individual chapter 11 bankruptcy cases.

Attorney **JENNIFER HAYDEN** was a presenter at the "*Racine Landlord Education*" conference sponsored by the Racine Revitalization Partnership and held at Gateway Technical College on April 21, 2018. Jen spoke on the topics of *Current and Pending Landlord Law* and *Eviction Actions*. She also participated in a panel discussion.

P+P is pleased to announce that Attorney **SUMEETA K. KRISHNAN** was recently elected to the Board of Trustees of the University School of Milwaukee. Sumeeta previously served on the Alumni Association Board and the Booster Club Board of Directors.

On May 23rd, Sumeeta also presented a seminar on "*Guardianships, Decision Making and Special Needs Planning*" at Curative Care in Wauwatosa. Stay tuned for details regarding a follow up seminar currently being planned for Fall of 2018.

Congratulations to Attorney **DAVID MCCLURG** whose recent article on his U.S. Supreme Court victory has been accepted by the State Bar of Wisconsin.

It will be published in the monthly journal, the *Wisconsin Lawyer*.

Attorney McClurg secured an Americans with Disability Act victory for his client, Heartland Woodcraft.

RENEE RUFFIN NAWROCKI recently completed a term as Chair of the State Bar of Wisconsin's Leadership Development Committee. As Chair, Renee helped plan, execute and moderate the 2017-2018 G. Lane Ware Leadership Academy, a 3 session program designed to provide Wisconsin lawyers with the tools and resources to become more effective leaders in their profession as well as in their communities. Program topics included powerful public speaking, effective time management, successful conflict resolution, and key leadership traits.

P+P Attorneys **JIM AND LAURA PETRIE** have both been named as 2018 Milwaukee 5 Star Wealth Managers in the area of estate planning. Jim and Laura have been honored with this 5 Star designation for multiple years. The 2018 Milwaukee 5 Star Wealth Managers will be featured in the July edition of Milwaukee Magazine.

Attorney **TRISTAN PETTIT** was a presenter at the annual Wisconsin Judicial Court Commissioner's Conference in Port Washington on June 4th. Tristan spoke to the commissioners about Wisconsin's newest Landlord Tenant Law (Act 317) and issues related to subsidized housing and its effects on the eviction process.

Tristan will also be presenting his *Landlord Boot Camp: The ABC's of Residential Landlord-Tenant Law in Wisconsin* on October 20th at the Four Point Sheraton from 8:30 a.m. – 5 pm. For more information on the seminar or to register, call 414-276-7378 or go to www.LandlordBootCamp2018.com.





IN SICKNESS AND IN HEALTH



The Importance of Updating Your Estate Planning Documents
During and After Your Divorce, Legal Separation, or Annulment in Wisconsin.

The process of going through a divorce, legal separation, or annulment is overwhelming for many. Once your case is filed, your family structure begins transitioning immediately. You must make temporary decisions about property usage and spousal support, and if you have a minor child, you must make additional decisions about legal custody, physical placement, and child support. You may spend significant time and energy reaching final agreements with your (soon to be ex) spouse on all of these issues. As a result, it's not surprising that people often forget that the filing *and* the granting of a divorce, legal separation, or annulment in Wisconsin significantly impacts their existing estate planning documents, including financial and healthcare powers of attorney (POAs).

If you executed POA documents during your marriage, you probably named your spouse as your primary financial and health care POA (a/k/a agent). However, under Wisconsin law, your POA documents are *automatically* modified at various stages of your divorce, legal separation, or annulment process - without your consulting an estate planning attorney to make the changes *and* without your express consent. Most people do not realize that these automatic modifications occur, which can have costly and unintended consequences.

As soon as your divorce, legal separation, or annulment is *filed*, your spouse's authority to act as your financial POA is *immediately* revoked. If you then lose capacity and your financial POA document does not name a successor agent to your spouse, you will be left without anyone to legally make financial decisions on your behalf during your incapacity, and you will need a legal guardian to be appointed for your estate (finances). This would likely prolong the completion of your divorce, legal separation, or annulment process, and it would certainly increase your overall legal fees and costs.

As soon as your divorce, legal separation, or annulment is *granted*, a second modification to your POA documents occurs *automatically*. If your ex-spouse is still named as your health care POA at the time your judgment is granted, your *entire* healthcare POA document is revoked, even if you have named a successor agent in the document. So, if you lose capacity following the granting of your divorce, legal separation, or annulment without having updated your healthcare POA document, you will need a legal guardian of your person to be appointed by the probate court to make all of your healthcare related decisions. And, if you need to be moved from your home into a continuing care facility, a petition for protective placement will also

be required to obtain court approval of the move. Similar to obtaining a legal guardian of your estate, obtaining a legal guardian of your person and a placement order through the probate courts can be a time consuming and costly process.

Accordingly, to ensure that you maintain control of who makes your financial and healthcare decisions in case of your incapacity, be sure to review and if necessary, update your POA documents during and after your divorce, legal separation, or annulment in Wisconsin. If you have any questions regarding your existing POAs or any other estate planning documents, please contact the P+P trusts and estates team.



Renee Ruffin
Nawrocki

Renee Nawrocki concentrates her legal practice on estate planning, guardianships, and probate and trust administration. Renee is also experienced in the area of family law.



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ACT 317: WISCONSIN'S NEWEST LANDLORD-TENANT LAW

Wisconsin's latest Landlord-Tenant Law, Act 317, was signed into law by Governor Walker on April 16, 2018 and became effective on April 18, 2018. P+P Attorney Tristan Pettit was involved in the drafting of and consulted on this new law. The primary focus of this law is on landlord-tenant related matters. However, it also addresses issues such as municipal rental inspections, inspection fees, registration of rental properties, and municipal fees to rental owners.

Act 317 is voluminous. Therefore it cannot be adequately covered in this short article. Some key aspects of the new law include:

- Provides a detailed summation of the laws affecting working assistance animals and emotional support animals in housing, including what documentation a landlord can request from a rental applicant or tenant to support a request for an assistance animal.
- Allows a landlord to charge for his or her time in repairing tenant-caused damage.
- Increases the amount a landlord can charge a rental applicant for a credit check to \$25 and creates the ability to charge an applicant for a background check if they are moving from outside of Wisconsin.
- Clarifies that a tenant may only abate rent if the untenantability of the unit is due to a condition that materially affects the health or safety of the tenant or substantially affects the use and occupancy of the rental property.
- Clarifies that a tenant will be entitled to an eviction hearing if they raise "valid legal grounds for the contest," as opposed to prior law which only required a tenant to "claim that a contest exists" in order to be granted an eviction hearing.
- Forgoes the need to have an eviction summons and complaint notarized.
- Forgoes the need to file an affidavit of service if the notice terminating tenancy was served via certified mail – the certified mailing receipt is sufficient.
- Allows a landlord to provide a tenant with certain information via electronic means (e-mail and text), as long as the tenant consents to this in the rental agreement.
- Specifies that the definition of "rent" includes late fees. This will allow a Milwaukee County landlord to once again include late fees in his or her 5 Day Notice once a new rental agreement is signed or renewal has occurred after April 18, 2018.
- Specifies that a notice for failure to pay rent or for any other amount due under the rental agreement that includes an incorrect amount will still be valid unless certain limited circumstances apply.
- Implements certain time periods during which eviction actions must remain on CCAP.
- Limits the "stay" period if a tenant applies for Emergency Assistance to 10 business days and precludes a court from ordering a stay in an eviction action where a tenant has applied for Emergency Assistance if the writ of restitution has already been granted.

To learn more about Wisconsin's newest Landlord-Tenant law, read Tristan's blog on Act 317 which can be found at: www.LandlordTenantLawBlog.com.



Tristan R. Pettit

Tristan Pettit concentrates his practice in the area of landlord-tenant law, representing landlords and property management companies throughout the state.