

# Legal NEWSLETTER

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FIRM NEWS



## IS IT LEGAL TO WRITE MY OWN WILL?

*By Attorney Heather Huebner*

We often hear this scenario: you handwrite your final wishes and sign the document before storing it in your safe, bank box or another safe place. Is this document a valid Last Will and Testament to carry out your wishes?

In Wisconsin, this handwritten document is considered a “holographic” will. A holographic will is a handwritten document that is signed by the testator, being the person who intends to formalize their distribution intentions, but is not

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*This publication is not intended to provide legal advice, but rather insight and awareness into legal issues that we feel could be useful to our clients and friends. Actual resolution of legal issues depends upon many factors, including variations of facts and state and federal laws.*

ANDERSON O'BRIEN LLP

# THE ABCs OF ATVs AND UTVs

*By Attorney Brent Jacobson*

In Wisconsin, all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) are becoming increasingly popular not only for recreation but for travel between and within local communities. In turn, more cities, villages, towns and counties are opening roads, streets and highways to ATV and UTV travel.

To start, ATVs and UTVs are regulated by state law through the Department of Natural Resources. Chapter 23.33 of the Wisconsin Statutes outlines numerous requirements from registration, to noise, to lighting and more. When it comes to access to roadways and highways, however, regulation largely falls on local communities.

State law allows local counties and municipalities to designate some or all highways and roadways under their jurisdiction as all-terrain vehicle routes. On designated routes, these local governments may enact ordinances that regulate the use of ATVs and UTVs. State law leaves local governments with discretion when it comes to regulating aspects of use on routes under their jurisdiction.

Local control is retained over travel within communities, this may result in a patchwork of different regulations affecting travel between communities. For example, while one community may limit hours of operation, another may have no limits. For these reasons, it is important to be familiar with the local laws of the communities you intend to travel before heading out on the road with your ATV or UTV.

Some basic things from state law to be aware of include registration as well as operator and occupant restrictions. With limited exceptions, ATV and UTV owners must register the vehicle with the State of Wisconsin. Non-residents may obtain an annual trail pass from the DNR. Generally, ATV operators must be



at least 12 years of age and UTV operators must be at least 16. With some exceptions, those born on or after January 1, 1988 shall obtain a safety certificate issued by the DNR. With limited exceptions, those under 18 years of age must wear protective headgear. Furthermore, seatbelts are required for all occupants.

Remember, local communities may impose greater restrictions on operators and occupants. For example, local ordinances may require operators to be at least 16 years of age and hold a valid Wisconsin driver's license. You should always check with local law enforcement prior to traveling between communities to ensure that you and your occupants will be in compliance with all laws governing all-terrain vehicle operation on locally designated routes.

For more information on the requirements in Wisconsin please visit.

<https://dnr.wisconsin.gov/permits/registrations/atv> ◇

**Lawyers where you live.**

# TIPS TO AVOID SCAMS AND IDENTITY THEFT

By Attorney Amy Eddy

In today's fast paced world, there is no end to the types of scams that target people of all ages, income levels and backgrounds. According to the Federal Trade Commission, one out of every ten adults in the United States will become a victim to a scam or fraud every year. Although one might think that scams, fraud and identity theft are easy to recognize, a study conducted by the Better Business Bureau, FINRA (the Financial Industry Regulatory Authority) and the Stanford Center for Longevity found that 53% of all people approached by scammers will engage with them, while less than half become immediately suspicious and ignore the approach.



Be alert to these warning signs – the Four P's:

**PRETEND** – Scammers will pretend to be from an organization you know and may use technology to change the phone number that appears on your caller ID to a familiar organization, like the IRS, Social Security Administration, Amazon or a charitable organization.

**PROBLEM OR PRIZE** – Scammers will then try to convince you that you are in trouble with the government and that you owe money. Sometimes you will be told that there is a problem or unauthorized charge on one of your accounts and you need to verify the account information, or that you have won a sweepstakes or lottery, but need to pay a fee to get the prize.

**PRESSURE** – Scammers want you to act immediately before you have time to verify anything or check out their story. They may say that if you act right now, the problem will be taken care of immediately before any further problems or damage occurs.

**PAY** – A sure sign of a scam is that you are asked to pay in a specific way, like with a money transfer company or through a gift card. Some will send a fake check to

you, ask you to deposit it and send them the money. What can you do?

- Block unwanted calls and text messages.
- Never give your personal or financial information to a request you were not expecting. Legitimate organizations and retailers do not call, email or text you and ask for personal information.
- Do not click on links in emails sending information you have not requested or that you are not expecting. While the email may look like it comes from a company you do business with, if you were not expecting it, it is probably not real.
- Resist the pressure. Anyone who pressures you to pay or give them your personal information is a scammer.
- Never pay someone with a gift card or a money transfer service and do not accept or deposit checks for the purpose of sending money back to someone else.

Finally, in the event you are targeted or fall victim to a scam, report it to the Federal Trade Commission at [reportfraud.ftc.gov](https://reportfraud.ftc.gov). If you believe you have been a victim of identity theft, you can also put an alert and/or a freeze on your credit reports. Both can be

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witnessed or notarized. Under Wisconsin law, such a will is not properly executed and is not considered a valid Last Will and Testament.

For a Will to uphold and truly carry out the final wishes of a testator, the document must be properly executed with a number of formalities. First, the document must be signed by the testator or with assistance of another person with the testator's consent, or by another person with the testator's direction and in the testator's conscious presence.

Second, the document must be signed in the conscious presence of two witnesses. Alternatively, the testator may implicitly or explicitly acknowledge the signature on the Will or acknowledge the Will itself in the conscious presence of the two witnesses.

The two disinterested witnesses must sign the Will. These two witnesses shall be disinterested, meaning that they do not stand to inherit from the testator's estate via the Will and they are not listed as fiduciaries in the Will.

A witness's signature is not considered proper if the witness does not either actually witness the testator's signing or receive the above-described acknowledgement from the testator. For example, a Will cannot be signed by a third-party at a different location without any acknowledgement from the testator. Further, Wisconsin does not allow for the signing of Wills via video conferencing.

You may also further protect your intentions by self-proving your Will at the time of execution if you sign your Will under oath and witness. To formalize this self-proved Will, you should sign your Will in the presence of a notary public and receive an official seal.

If you have questions about your estate planning options and whether a Will or another document is the right fit for your intentions, the experienced estate planning attorneys at Anderson O'Brien, LLP are happy to meet with you to discuss your options. ♦

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done by calling the three credit bureaus (Transunion, Experian and Equifax) or going to each bureau online and placing the alert or freeze yourself.

You can lift a freeze at any time. A fraud alert will require creditors to verify your identity before processing credit applications. A credit freeze blocks any access to your credit report. The purpose is to prevent someone who may be trying to use your identity to obtain loans or credit card accounts in your name.

For more information about common scams and frauds visit <https://www.usa.gov/common-scams-frauds> ♦

## Firm News

### NEW ATTORNEY - Jocelyn Donahue-Renfert



We are excited to announce that Jocelyn Donahue-Renfert has joined our firm as an associate. Jocelyn was raised in Stevens Point and graduated *summa cum laude* from UW-Stevens Point with a degree in Accounting and Business Administration. She attended UW-Madison Law School and completed the Estate Planning Concentration with honors in 2022. While in law school, Jocelyn volunteered with a bankruptcy clinic through Legal Action of Wisconsin and worked at Scholz Nonprofit Law, LLC in Madison where she assisted nonprofit organizations with start-up and legal compliance. Her areas of practice are real estate, estate planning, and business law. ♦



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