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Negotiating the Repair or Replacement of your Wrecked Vehicle (#4 of "7 Strategies for a Successful Nebraska Injury Claim")

After a crash, your medical care usually starts in the emergency room, or with your family doctor. But whom do you turn to for repair or replacement of your car?

Well, that depends on who is deemed to be at fault. If the other driver is obviously liable, then you should contact his/her insurance company and request repair or replacement value. If you are 50% or more at fault, or if there is an issue as to liability, then you should deal with your own insurance company.

If your car is damaged but not "totaled", you will need at least two estimates from local repair shops. To



make a claim against the insurance company, send a dated letter, mail, fax, or e-mail to the agent with a copy of the two estimates. It is also a good idea to send several photos and keep copies for yourself. In most

cases, the agent will want to view the damage before writing you a check. This can all be done in a matter of a few days.

If your car is "totaled," the repair shops will indicate this on their estimates. Unfortunately, the repair shops will not typically determine the "market value" of your car, if it can't be fixed. Instead, this will need to be negotiated between you and the insurance company.

One of the easiest ways to determine the replacement value of your car is to research it on Kelley Blue Book via the Internet. Fill out your vehicle information under "Private Party Value." Then choose the

"condition" that fairly matches your car. Remember, only 3% of all cars are deemed "excellent" – basically showroom quality; and over half of all cars only meet the criteria of "good" condition. You get the idea – don't expect to negotiate "excellent condition" value for an average car.

Insurance companies typically have some leeway in negotiating value. While you are waiting for a decision or a check, you might inquire whether a "rental" car is available for your use under the auto policy.

Don't take too long in this negotiating phase because there may be a storage bill accumulating for which you may be liable.

Also, make sure that you have all the photos you may want or need of the car because it may be hauled off shortly after your settlement on value.

If asked to sign a "release" before payment, make sure you are only settling on the car. All other damages resulting from your accident should be reserved. When in doubt, seek assistance from a knowledgeable attorney. ■

A Note From Bill

Good grief, how can summer be over already?!! Kids are back in school, the "boys of fall" are cracking pads on the football field, and the days are getting shorter. I hope you enjoyed some "memory makers" this summer—Cory and I sure did. Well, dust off your bicycle, because fall in Nebraska is a grand invitation to blissfully pedal down one of the many bike paths throughout the state. You will find that there is a bike path almost anywhere you travel. Check out www.nebraskabiketrails.com. In addition, almost every community has a printable trail map if you just look on their website (Broken Bow proudly lists 42 routes). Enjoy the season!

10 Tips to Guard Against ID Theft

It is estimated that as many as 16 million households fell victim to identity theft in 2012. This type of theft is the fastest growing financial crime in the U.S. Reduce your risk with these simple, and mostly free, steps:

(1) **Get off mailing lists** for pre-approved credit card offers – a gold mine for identity thieves – by visiting optoutprescreen.com or calling toll free (888) 567-8688.

(2) **Don't carry your social security number.** You shouldn't carry any card or document that has your social security number on it – not even your Medicare card (the number is the same as your social security number). Carry it only for planned doctor/hospital visits. You will get emergency treatment without it. If you must, carry a photocopy with several digits snipped out.

(3) **Order a copy of your credit report.** Viewing your credit report can alert you to any fraud or errors.

You are entitled to one free credit report annually from each of the three major credit reporting bureaus. By accessing one of the three credit reports every four months at annual-creditreport.com, you will have up-to-date information year-round.



(4) **Guard your mail from theft.** Instead of leaving your mail to be picked up in an unlocked mail box, take it to the post office or a post office collection box. Be sure you remove your incoming mail right away. Leaving mail in your mail box overnight is an invitation for trouble.

(5) **Don't give out personal information** unless you initiated the contact. Be aware of scams such as “phishing” in which the identity thief pretends to be from a legitimate organization or business to retrieve personal information from you.

(6) **Safeguard your personal data on your electronic devices.** Be sure your virus protection is updated regularly, and use a firewall program to protect your computer. Your smart phone should also have a password in place – together with an auto lock setting.

(7) **Avoid use of debit cards when you travel.** Instead use credit cards. With credit cards, you have the ability to dispute fraudulent charges. Those charges can then be reversed. The criminal use of your debit card connects directly back to your bank account at home.

(8) **Carefully review your credit card statements.** Review all of the charges on your cards to quickly discover if someone is making unauthorized charges.

(9) **Maintain an emergency contact list.** If your identity is stolen, time is of the essence. Make a list of phone numbers for all your financial institutions so that you can contact them quickly and efficiently. Also, keep a photocopy of the front and back of all of your credit and debit cards so that lost or stolen cards can be reported immediately.

(10) **Shred unneeded documents** containing personal information. ■

Cory's Grilled Sweet Potato Fries

- 2 medium sweet potatoes
- 2 T. olive oil
- 2 t. brown sugar
- 1 t. coarse salt
- 1 t. paprika
- 1 t. dried thyme leaves
- 1 t. garlic powder
- 1 t. ground ginger

1. Cut sweet potatoes into halves lengthwise, then thick fries. Place in a large bowl. Drizzle oil over top and toss to coat.

2. Mix remaining ingredients in a small bowl and sprinkle over potatoes. Toss to coat.

3. Lay fries on the grill, or a tray, so they'll get horizontal grill marks. Then close the lid. Cook about 3 minutes, until potatoes have brown grill marks on one side (be careful here, you need to turn frequently on high heat to avoid burning). Flip and cook until all sides are marked. Potatoes are done when easily pierced with a fork. ■

Thanks for the Referrals

Our success depends on your continued satisfaction, and on the family and friends you refer to us.

Thanks for your help. We appreciate the trust that you have placed in us. Please continue to remember to pass our name on to people who could use our help.

Got a HCPOA?

(Hint: Only 1 in 3 People Have One)



HCPOA is the common acronym for Health Care Power of Attorney. This is a written document granting another person authority to make medical decisions for you. It can only be used by your agent (the individual with Power of Attorney) in the event that you are incompetent, or unable, to make your own health care decisions. You must be competent when you execute the document and it must clearly state your choices regarding health care.

So why would a person need a HCPOA if they have a Will or a Trust? Because the Personal Repre-

sentative named in your Will can only receive authority to act after your death. He/she is not authorized to step in and make health care decisions. As for your Successor Trustee (the individual controlling your trust), he/she is also without authority to act under the terms of a typical Trust. A HCPOA is an altogether separate document in your estate planning portfolio.

You may wonder why would you need a HCPOA anyway. Well, suppose you endure a severe, disabling brain injury in an auto accident, or suffer a prolonged stroke, which renders you comatose. Without a Health Care Power of Attorney, there is no appointed person to make critical decisions about your health care, and the treating medical staff will

be duty bound to make every effort to keep you alive. Unfortunately, “alive” may be how they define your otherwise lifeless body hooked up to various machines pumping blood through your veins and oxygen into your lungs. This kind of treatment doesn’t come cheap, and, in many cases, would be rejected if the patient had any say about it. However, in our example, without a HCPOA, there is no one with authority to say “stop these extraordinary measures.”

This Health Care Power of Attorney is not complicated, or expensive to prepare. While generic language resolves many advance care planning issues, the best approach is to attach your own specific preferences to the document.

The American

Bar Association has a very helpful guide entitled “Personal Priorities and Spiritual Values Important to Your Medical Decisions”, and a worksheet that helps you think about situations in which you would not want medical treatment intended to keep you alive, “Are Some Conditions Worse Than Death?”

If you would like either of these guides referred to above, or would simply like to further discuss the HCPOA, please do not hesitate to contact us. ■

We Appreciate You

Thank you for choosing our firm for your legal needs. We hope that you will think of us as “your law office.”

If you have a legal question, give us a call. If we don’t practice in the legal area you need, we can refer you to another experienced attorney who does.

Behold, The World’s Easiest Retirement Savings Plan!

I recently ran across a truly simple approach for retirement savings. It’s worth passing onto adult children just entering the workforce.

Here’s how the plan works: Save your age plus 2 zeroes every year. For example, when you are 20 years old, your goal would be to set aside at least \$2,000 for retirement that year, and then \$2,100 the next year, and so on.

While the numbers are totally arbitrary, it’s certainly an easy way to think about, and remember, to put away money for retirement every year. One could even authorize their bank to automatically transfer the desired amount from a checking account into a retirement investment account. In our example, \$2,000 divided by 12 months equals \$167 per month. The key here—pay

yourself first.

Gradually increasing the annual retirement savings by only \$100 per year, while virtually painless, mathematically really adds up. Assuming a 5% annual rate of return, this savings plan generates a retirement nest egg of nearly \$500,000 in a 40-year period.

If you can’t free up this much money, you could try banking your age

every week (\$20 per week when you are 20 years old). That should be doable, especially when your salary is likely to rise steadily throughout your career. You will only save about half as much under this modified plan after a 40-year career. But you’ll be \$250,000 richer! ■





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Rethink Your Drink

We all know that water is essential for the human body. Yet, many of us fail to drink enough of it. The average adult needs to replace 10 cups (80 oz.) of water per day for their body's normal processes. This figure can, of course, more than double if the person is very active and perspires heavily (think August 2013).

For many of us, the availability of high-calorie sodas and fruit drinks makes it easy for us to grab "liquid junk" without thinking about how many calories we are drinking. Moreover, high-calorie beverages usually do not satisfy our thirst or hunger.

We all know that in or-

der to maintain a healthy weight, we must not take in more calories than our body uses. People try to increase the calories they burn through exercise, and reduce calories by focusing on food. It is often easy to disregard the liquid calories we consume. The truth is that many of our favorite drinks

are chock full of calories, sugar, and other waist-expanding ingredients. For example, a 12-oz. soda contains 189 calories; 12 oz. of sweetened orange juice or apple juice – approximately 168 calories; 12 oz. of whole milk – 220 calories.

The average American gets about 21% of his/her

calories from beverages, even though we really only need water to survive. If your daily calories from beverages amount to more than 10%, think about ways to cut back on sugary drinks.

A large sweet tea from McDonald's contains a whopping 280 calories and very little nutritional value. However, at the same place, you can get a premium Caesar salad with chicken and low-fat balsamic vinaigrette with a medium Diet Coke, containing only 240 total calories. A pretty decent lunch that will keep you fuller longer. Better yet, substitute a cold glass of water with a slice of lemon for the medium Diet Coke. We can all drink to that! ■

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