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Editor-in-Chief:
Rob Hovey

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Legal Questions?

If you have any questions regarding divorce, custody and support, civil claims, criminal defense, personal injury, real estate matter, or any other legal issue call our toll free number today to schedule an appointment with an attorney or come in during our office evening hours for a consultation.

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Our Attorneys:

- **John J. Mooney III**
- **Judith Koper Morris**
- **Katrina M. Luedtke**
- **George W. Swartz II**
- **Amy E. W. Ehrhart**
- **Jason C. Imler**
- **Jeffrey R. Lawrence**
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MOONEY LAW LETTERS

Real Estate Refinance and Purchase

Whether you are refinancing your home or purchasing a home, the importance of using a qualified real estate attorney cannot be overstated. Although you may have been told by your realtor or your mortgage broker that a title company can conduct your closing, an attorney is a much better choice for several reasons. First, the attorney represents you and makes sure the loan documents are correct and that your ownership of the property is not hampered by any liens or unsatisfied mortgages. Whether refinancing or purchasing, a title examination must be done of both county and state wide records to determine that ownership is vested in the seller/refinancer and that there are no liens against the property



which have not been disclosed by the seller or are unknown to the refinancer. These liens could cause you to lose your property later unless resolved at settlement of the purchase or loan.

Second, while doing these for you, it costs no more for the attorney to represent you than if you used a title company. In addition to conducting a title examination, we are licensed title agents who issue title insurance policies at the same state controlled rates as a title company. Instead of a title clerk, you have a licensed attorney present at the settlement table to address all your concerns and professionally explain the particulars of your purchase and protect you, not just make sure all the "paperwork" is signed properly.

Finally, having a trained professional examine the title to your property allows you the comfort that the biggest investment of your life will be a good one. Home ownership is not only the Ameri-

can Dream but likely the most money you'll spend on any one item and the most money you'll borrow on any single day. Having an attorney conduct your settlement to your satisfaction and for your protection is essential to make sure the dream doesn't later become a nightmare.

Please feel free to talk to any of our attorneys before you begin to enter the homebuyers market. Once you have selected your house, let us review your offer or contract before you sign it. Once your loan is approved, we will be happy to schedule a settlement at one of our offices at a time convenient to you. Our goal is to assure you that the excitement of home ownership lasts with you long after you have written the settlement check and signed all the loan documents.

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Office Hours and Information

Monday—Friday 8:00 a.m.—7:00 p.m.

Walk-in Evening Hours: Mon, Tues, Wed, Fri 5pm-7pm (Hanover Office)

Thurs 5pm-7pm (New Oxford Office)

Mon 5:30pm-7:30pm (Chambersburg Office)

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Pennsylvania Divorce: How to Proceed

Obtaining a divorce can be a very stressful event without the assistance of an experienced family attorney. If both spouses agree, and all property issues are resolved, the parties can be divorced ninety (90) days from the date the divorce complaint is served on the non-filing spouse. The parties need not ever appear in court.

Often times, parties disagree on divorce or property issues. If the property issues are resolved but one spouse will not consent to the divorce at ninety (90) days, the other spouse can still obtain a divorce without the other spouse's consent two (2) years from the date of the parties' separation.

There are also several "fault grounds" for divorce which do not require the consent of the opposing party. These include deser-



tion, adultery, cruel and barbarous treatment, indignities, one spouse being sentenced to two or more years of imprisonment, and one spouse knowingly entering into a bigamous marriage while a former marriage is still subsisting. Proceeding on fault grounds requires a hearing and can not only increase costs but can cause the parties to relive the bitterness of their break-up..

Divorce can become costly and lengthy when the parties do not agree on whom should keep what property. In such a case, the parties can agree to appoint a divorce master to decide the property. If the parties do not agree to the appointment of the master at ninety (90) days, then one party may move for the appointment of the master after the expiration of two (2) years from the date of separation.

The master will identify what is the marital property and determine how the marital property will be divided between the parties. Marital property includes property acquired during the marriage, with certain exceptions, and the increase in value of property acquired prior to marriage or as a result of the exceptions. Exceptions include property acquired by gift (except gifts between spouses which are marital property), property acquired by inheritance, property excluded by agreement of the parties (as in a prenuptial agreement) and property acquired after final separation unless acquired with marital assets.

There is no presumption that property will be divided in an equal manner between the parties. The goal of property distribution in divorce is economic justice between the parties. For this reason, the court refers to the process of dividing the marital assets as *equitable distribution*. In attempting to achieve economic justice in the division of assets, the court will consider several factors. Some of these factors include: the length of the marriage, any prior marriage of either party, the age and health of the parties, the sources of income of both parties, the standard of living established during the marriage, and the contribution or dissipation of each party in the acquisition of marital property, including the contribution of a party as homemaker. However, the court will *not* consider who was at fault in bringing about the dissolution of the marriage or the parties' separation as a factor in determining who gets to keep how much of the marital estate.

In order to prepare for a separation, parties should be aware of the value of all of their assets and the balance owed on all of their debts. A person contemplating divorce or separation should ob-

tain documentation of this information in the form of bank statements, 401(k) or pension statements, tax returns, a most recent pay stub for you and your spouse, a Blue Book or NADA value of any vehicles owned, credit card statements, and mortgage statements. It is very important to be aware of what you own and what you owe.

Once you have gathered this information, it is best to consult the advice of an experienced family law attorney. This article is only a brief summary of the divorce process, meant to provide a basic understanding of the process and to be used as a starting point in your discussions with an attorney. It does not discuss all aspects and considerations of divorce or equitable distribution, and should not be a substitute for the advice of an attorney. Please look for discussion of spousal support, alimony and equitable distribution in future editions of this newsletter.

Amy E.W. Ehrhart, Esquire

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Did You Know?

Attorney Amy E. W. Ehrhart is licensed to practice law in Pennsylvania and Maryland. If you have a family, criminal, civil, estate, or real estate issue please call and ask for an appointment with Attorney Ehrhart.



The Foreclosure Plan

Mortgage foreclosures are at an all time high. Similarly, unemployment is at an all time high making it difficult for many Americans to support their families and pay their bills, especially their mortgages. Several years ago the trend in the real estate lending market was to offer up to 100% financing on homes and more lenient guidelines for lenders to approve these loans on an inflated housing market. In the long term, it was exactly this "freedom" of the market that caused the real estate crisis we are in today. Some Americans found themselves in homes that are worth less than their purchase price. Conventional "wisdom" that homes always increase in value has gone a rye.

The Foreclosure Plan of the Obama Administration attempts to offer much needed help to boost the American economy and help stabilize the real estate market. According to the plan, the first to reap the relief are the homeowners that owe more than their home is worth. The plan will allow them the opportunity to either refinance their current loan at a much lower interest rate or offer an extension to the life of the loan. The details of this plan have not yet been finalized but



the goal seems to be to keep the average American family in their home and their mortgage payment to be no more than 30% of their household income. The one thing the plan will not do is allow the amount of the loan to be reduced. It is designed to help people stay in their homes, avoid foreclosures and pay off their debt. The home must be your principal residence and there are limits on the mortgage amounts.

Borrowers who are current on their mortgages but can't refinance into lower interest-rate loans are eligible to refinance into a 30- or 15-year, fixed-rate loan under the plan, but only if their loan is held by mortgage finance companies Fannie Mae or Freddie Mac. Borrowers with a second mortgage are eligible as long as their combined mortgages aren't more than 105 percent of their home's value. The value of your property will be determined after you apply.

It's a good time for first-time homebuyers who will be eligible for a tax credit of 10 percent of the value of the home, up to \$8,000 to purchase a home. Homeowners also can get a tax credit of up to \$1,500 by making their homes more energy-efficient this year or next. The refinancing and loan modification programs were to start March 4.

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To schedule a settlement, refinance, deed preparation, contract review, title abstract review, or property research please email or call and ask

for Lisa Baublitz.



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We are committed to alleviating the stress that often accompanies legal transaction. Our clients speak with the attorney handling their case and are always informed about progress and options. For client convenience, we maintain five office locations and extended hours. If our clients are unable to travel, our attorneys visit client homes, nursing homes, and hospitals.

Mooney & Associates Would Like to Welcome...

Angela "Ang" Peffer as our Hanover receptionist. Ang greets all clients in the Hanover Office and directs their inquiries to the appropriate personnel. She handles office filing and updates client information. She also serves as the legal librarian for the Mooney & Associates law library. Ang enjoys hiking, shopping, reading, spending time with her friends and family, and helping those in need.

Bria Duncan is our New Oxford "Runner". She is currently a sophomore at New Oxford High School. Her career goals include attending college to become a Registered Nurse. She occupies her free time by practicing her violin, scrapbooking, and spending time with her family. Bria is involved in her school's FBLA and serves as their secretary. She is also a member of color guard.

Angela Waseilewski, paralegal for Amy E. W. Ehrhart, Esquire in the family, civil, and criminal law divisions. Angela joined Mooney & Associates in January 2009 and has previously worked for two York law firms. She will be graduating in May 2009 with a Bachelor degree from Elizabethtown College. In August 2009 she will attend Shippensburg University to obtain her Masters in Administration of Justice.



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I married my lovely wife Janice on September 4, 2006. Janice grew up in Hanover and attended Southwest School District where she graduated in 1997. She attended East Stroudsburg University and received a degree in Health Education with a concentration in Community Health. She is currently employed with the Hanover Hospital as a Health Educator. We currently reside in Penn Township along with our three cats.

My mother Lindy Lehman Lingg and my stepfather John Lingg currently reside in Hanover. Lindy is now a member of the Hanover School Board and currently serves as the Board's Vice-President. John attended Hanover High School and then The Wharton School of the University of Pennsylvania as well as Quinnipiac University School of Law. John now works with real estate and developments.

My father George Swartz graduated from the Hanover School District and currently resides in Lancaster.

I am the oldest of my siblings. My brother, Clayton Lingg, graduated from the Hanover School District and he is currently attending Pittsburgh University. My sister is Linsey Swartz who is currently attending Ephrata School District and she plans to attend a university and major in international affairs.

I grew up in Hanover and lived first on Juniper Lane and then on Broadway. I attended the Little School on Broadway, which is one of my first memories. I have probably ridden my bike over every street in Hanover. Two of my closest friends lived in the development behind Washington

Elementary School and much of my teenage years were spent in the woods behind their houses building forts and shooting paintballs. I spent many summers in Cape May, New Jersey, where my mother and stepfather kept a home. Most winter weekends were spent skiing at Jack Frost Mountain in the Pocono Mountains.

My most memorable adventure was when my brother, John, and I traveled to Pamplona Spain to run with the bulls as a rite of passage. As I had just begun my employment with Mooney & Associates, I was hesitant to take any time off and we therefore crammed the trip into a long, four-day weekend. We arrived in Pamplona to learn somewhere between Portugal and Madrid our luggage had been "misplaced". During San Fermin (the weekend festival of the running of the bulls) every store other than bars and drug stores are closed.

The morning of the run, we took my brother to the portion off the route determined to be the "safest" by the locals. John and I went to the stadium where the run was to end. A few people entered running and then a larger group entered running at a much faster pace which suggested these people were running for their lives. Immediately thereafter, the bulls entered the arena and then more runners entered, including my brother. He had survived and relief washed over John and I. We went back to our hotel and prepared to leave for the flight home. Just prior to our departure, our bags arrived. We changed clothes and departed. When we landed we learned that our luggage had been "misplaced" again.

Based upon over a 100 combined years of Litigation experience, we provide personal service and zealous representation with excellent results in the following areas:

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