



JAMES G. DIBBINI & ASSOCIATES, P.C.

Attorneys At Law

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- NEWSLETTER -

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Do You Need a Power of Attorney?

Are you going to be unavailable to attend your real estate closing? Will you be going into a complicated surgery and want to ensure someone will be able to act on your behalf? These are common situations in which people execute power of attorney (POA) contracts.

A POA is a legal contract where you, the principal, grant an agent the authority to make decisions on your behalf. A POA creates a "fiduciary relationship" where an agent is bound by law to act in your best interest. You choose the scope of authority given to an agent and you should always take precautions to define this clearly in any POA contract.

Before September 1, 2009, there were different forms a principal would have to execute depending on when he/she wanted the POA to go into effect, the scope of the POA, whether or not it would be revoked if the principal became incapacitated, etc. Now there is one form, the New York Statutory Short Form Power of Attorney, you as principal need to fill out and execute in order to grant a POA. On this form you can modify it in several ways including limiting the agent's power, controlling when the POA goes into effect and whether it stays in effect in the event you become incapacitated. However, under the NY Statutory Short Form POA, the agent cannot make health care decisions for you. In order for the agent to make such decisions, you and the agent will have to execute a Health Care Proxy.

Usually, in New York, a POA does not need to be recorded with the County Clerk's office unless it is being utilized in a real estate transaction.

POAs can be a very helpful and effective estate planning tool but they must be drafted carefully and it is crucial that each principal have a clear understanding of his/her rights



**James G. Dibbini &
Associates, P.C.**

Everyday We Strive to Help Our Clients Reach or Exceed Their Legal Goals

It means so much to our entire firm when we receive testimonials from our clients thanking us for helping them with their legal problem. The following is a thoughtful testimonial we received on August 4, 2015 from our client and his family:

"My family and I would like to take a few minutes to express our gratitude for the excellent and quality service James Dibbini and Associates provided to us throughout the whole problem you helped us to solve. For the last month with the help of your firm the process we went through was a little less painful. Besides an excellent group of professionals, you have an excellent set of people like Ms.

under the POA. James G. Dibbini & Associates, P.C., collectively, has over 20 years of experience preparing and executing POA contracts. If you need help with your POA or other areas of life and estate planning, give us a call at (914) 965-1011 or email us at jdibbini@dibbinilaw.com to learn more.

Landlord-Tenant Feud **Landlord Fires Shotgun at Tenant**

A Long Island landlord is accused of firing a shotgun at one of his tenants because they got into a fight over the payment of rent. We understand the frustrations of the landlord but violence or the use of weapons is never the answer. Fortunately, the tenant was not harmed. To read the entire article, [click here.](#)



If you are having problems with nonpaying tenants, don't pick up the shotgun, instead pick up the phone, give us a call and let us help you!



Thank you...

Referrals from current/former clients and friends are the greatest compliment our firm receives. We are grateful for every referral, thank you!

Media

NEW Video!

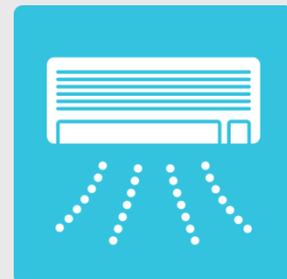
7 Mistakes Buyers Make When Purchasing a Home and How to Avoid Them



Villafuerte who was always the one assisting us not only in a professional way but she also listened to us like we were her family and gave us her personal counseling and support in the hard moments. Thank you Ms. Gladis.

Also we would like to thank Mr. Kenney for solving the matter and for the time he took from of his busy schedule to always answer our questions and interact with us as much he schedule allowed him. He provided very helpful information in how to proceed and the various ways and outcomes we could have had. He is a very intelligent and knowledgeable young man with a bright future in the years ahead. Thank you Mr. Kenney.

Finally we like to thank Mr. James Dibbini for providing the service we needed and for being considerate with his prices knowing our financial situation and for working with us in a reasonable way. Thank you Mr. Dibbini. You are an excellent human being that understands the client and no matter how successful you are, you keep yourself grounded and don't abuse or take advantage of the client. Because of this we wish you many years of success and we are very sure it will continue like that. You have a great team. Thank you all - Gracias a todos."- A.R.



Energy Saving Tips:
If your home has ceiling fans, switch your ceiling fan

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to run counterclockwise in the summer. That will push the cool air down. You can run a ceiling fan half the day for about \$1.50 a month, compared to \$25 for an air conditioner.

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