

Law and Life Newsletter

Legal Lead Story: The Expensive Cost of Waiting

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Sometimes procrastination is a good thing. Shopping after a holiday can result in huge discounts. Waiting to buy technology items can allow manufacturers to work out bugs and kinks and save you some aggravation. But then there are times that waiting can hurt you. Here are a few examples of how waiting to handle certain matters in North Carolina can cost you money and more:

- Failing to show up for traffic court can mean a \$200.00 failure to appear fee.
- Failing to pay your court costs, fines, and fees on the day your case is disposed in court will result in a \$20.00 "extended payment plan" fee assessed by the State of North Carolina court system.
- Failing to dispose of a traffic citation by the **deadline** stated in a letter you receive from the NC Division of Motor Vehicle could lead to the suspension of your license and even more money for you to pay.
- If you believe you were harassed or discriminated against by your employer and wish to file a claim, notify the U.S. Equal Employment Opportunity Commission as soon as possible. Failure to file a charge with the Commission within **180 days** of the last wrongful act means any such claims are barred.
- Have a claim of slander or libel? Better move fast. North Carolina has a **one-year** statute of limitations on defamation claims.
- If you believe you were terminated from your job or demoted due to a pending workers' compensation claim you have **six months** to file a lawsuit from the date of the wrongful employment action.
- If you receive a demand letter or other correspondence from a credit card company or other collector of a debt and you wish to dispute the debt, you must send your dispute letter and otherwise exercise your rights within **30 days** of your receipt of the correspondence. Missing this deadline could seriously affect your right to challenge the debt.
- Hurt at work? You need to notify your employer of your injury within **30 days** after it occurs or you may face an uphill battle with a workers' compensation claim.
- If you sign up for a multi-level marketing program or sign a health club membership your decision to cancel must be communicated to the business within **3 calendar days** (not business days which means weekends count too) of your sign-up date. NOTE: General rule, most contracts do not have any "cooling off" period. Once you sign, you bind---unless the contract or a specific law states otherwise.

When you wait to the last minute to go to a tax professional or a lawyer you need not expect a miracle. The moral of the story is to act promptly regarding your business and legal matters. Failure to do so just might cost you more than you can afford. -OLO

Thank you for your ongoing support.



Happy Holidays
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Healthful Hints: Deciphering Dates

Before you purchase that food or drink do you check the date? What does the date mean? Would you like some help on this?

- "Sell by" date: Tells the store how long to display the product for sale. You should buy the product before the date expires. This is basically a guide for the retailer, so the store knows when to pull the item. The last day the item is at its highest level of quality, but it will still be edible for some time after.
- "Expiration" date: Simple. Eating or drinking after this date should be done at your own risk.
- "Best if used by (or before)" date: Just means food may not taste as good but it is not a purchase or safety date.
- "Born on" date: Used to note the date of manufacturing of beer. Beer can go sub-par after three months. Beer in clear bottles stays fresher longer than beer in colored bottles.
- "Guaranteed fresh" date: This usually refers to bakery items. They will still be edible after the date, but will not be at peak freshness.
- "Use by" date: This is the last date recommended for the use of the product while at peak quality. The date has been determined by the manufacturer of the product.

Read more: http://www.consumeraffairs.com/nutrition/expiration_dates.htm#ixzz14YD4DELq



ALERT...ALERT....NEW LAWS IN NORTH CAROLINA.....

Effective December 1, 2010...

- Having a license plate frame or cover that "makes a number or letter on the plate, or the number or month on the registration renewal sticker illegible" can result in a fine of up to \$100.
- Commercial driver licenses will expire in 5 years.
- The \$1.00 postage and handling fee for vehicle registration renewal by mail will be eliminated.
- Penalties increase for maliciously killing or torturing an animal.
- Electronic sweepstakes machines will be illegal.
- All health plans must provide coverage for individuals under the age of 22 for one hearing aid per hearing-impaired ear, up to a cost of \$2,500 per hearing aid every 36 months.

Effective January 1, 2011...

- Regular driver licenses (Class C) for persons ages 18 to 65 will expire in 8 years.
- Motorcycle learner's permits will expire in 12 months and only one renewal of 6 months will be allowed.

Question & Answer

Q: I bought a car but now I have changed my mind. Can I take it back and get a refund?

A: Most likely not. Unless your purchase documents allow you a right to a refund you will be unable to cancel the purchase. There is an ongoing myth that you automatically have 3 days to cancel any contract. This is not true. In North Carolina, the 3-day cancellation rule applies to a very limited number of contracts/purchases. Whenever you make a purchase you should assume the deal is final. Do your homework and make the best decision. But read further...

Many vehicle purchases and leases involve conditional delivery or "spot delivery" which usually means the finality of the transaction is conditioned on the financing being approved and accepted. Confused? Realize that most car dealers do not employ true dealer financing. True dealer financing would mean you make your vehicle payments to the same dealer or legal entity from whom you purchased your vehicle. Instead most vehicle transactions feature the selling dealer assigning the payment rights to a third party which is usually a bank or finance company.

When you sign a Retail Installment Sales Agreement you are agreeing to certain finance terms (payment, interest rate, etc.) but these terms are subject to the approval of the entity that will be financing the loan. People with challenged credit or limited credit history may have difficulty getting financed and it is not uncommon to be asked to return to the dealership to provide more information and/or sign additional documents in an attempt to secure financing to finalize the vehicle transaction. (continued on pg. 4)

Spartan Spotlight---Holiday Spirit at UNCG

■ Branches of Love: Student organizations, alumni, and other volunteers form teams and converge on the Alumni House with a common purpose: to brighten the holiday season for less fortunate families in Greensboro. Teams are given one hour to decorate a Christmas tree. At the end of the hour the trees are judged and a winner is chosen in 4 categories. All trees are delivered to needy families in Greensboro. **Saturday, December 4 @ 2pm, Virginia Dare Room of the Alumni House.**

■ UNCG Holiday Choral concert: **Sunday, December 5 @ 5- 7pm, First Presbyterian Church, 617 N. Elm Street, Greensboro [27401].** Donations suggested.

Visit the UNCG Alumni webpage (<http://www.uncg.edu/ala>) for alumni activities in your area.



Support your Spartans for free! For the 2010-2011 season most UNCG sporting events will be free. Men's and women's basketball games will still require paid admission but you can check out soccer, baseball, wrestling, and many other games at no cost. Games, locations, and times are at <http://www.uncgspartans.com>. Go Spartans!—OLO

Check This Out! Websites for you...



<http://www.chowhound.com> Info on restaurants and food across the world. View reader ratings, shopping tips, recipes, and articles related to the joy of food and drink.

<http://blog.poorsanta.com/> Suggestions for making the holidays bright without making your wallet or purse too light.

<http://www.allmusic.com> Great site to learn about many categories of music and current music news. Locate hard-to-find artists and songs. Prepare to be entertained and educated for hours when you visit this site. Enjoy! —OLO

Personal Injury?

Negligence?

Wrongful Death?

Auto Fraud?

Lemon Law/used vehicle
problems?

Vehicle Repair Issues?

Consumer Law?

Civil Litigation?

Contracts?

Business Disputes?

Traffic Tickets?

Learn about your rights
and visit the Free
Information Center at:
www.oneallawoffice.com.

For more info call 336-
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Judgment

Your civil case has ended and you have won (or, unfortunately, you may have lost). A judgment has been entered. So now what happens?

In North Carolina a judgment is good for 10 years and can be renewed one time for another 10-year period. A judgment becomes a lien against any real property owned by the debtor (person against whom the judgment exists) and it can also impair the debtor's ability to obtain loans, mortgages, and other forms of credit. Judgments are often shown on the debtor's credit report.

When a judgment is granted the creditor (the person entitled to recover money from the debtor) is limited to seeking collection in the county in which the judgment was obtained. In order to collect on a judgment outside of the county the creditor must have the judgment docketed in the other jurisdiction(s) (ex: county, state, country). The docketing process can be complicated especially when the creditor seeks to enforce a North Carolina judgment in another state. It may be advisable to consult a lawyer for help with this aspect of judgment collection.

Even after a judgment is in place the debtor can still enter into an agreement with the creditor to settle the judgment for amount less than face value. The creditor is in the driver's seat, however, and is not required to enter into any payment agreement. The judgment entitles the creditor to have payment in full made in one lump sum but there are often good reasons for a creditor to accept less than face value.

The process of collecting on a judgment is called execution. In North Carolina executions involve a judgment personally serving the debtor with a Writ of Execution and taking steps to identify and seize money, property, and other assets that can be used to satisfy the judgment. The law allows the creditor to obtain information and documents from the debtor regarding the existence and value of assets that could be used to satisfy the judgment. The creditor can even command the debtor to appear in court at a hearing to produce documents and answer questions regarding assets and ability to pay the judgment. A debtor may be required to produce tax records, pay records, and other financial documents.

In North Carolina before the creditor can execute on the judgment she must serve the debtor with notice of the right to claim certain property as exempt from any judgment. State law designates a certain monetary value of real property and personal property (including motor vehicles) that a debtor can shelter from being taken to satisfy a judgment. Once a debtor is served with the notice of rights she has 20 days to complete and return a Motion to Claim Exempt Property form to the creditor. Failure to meet this deadline could result in a waiver of exemptions meaning any and all of the debtor's property is subject to being seized and sold to satisfy a judgment.

The rules and procedure regarding judgments can be complicated. Whether you are a creditor or debtor one of the best moves you can make is to consult with an attorney in the early stages of the process. Ideally you should consult an attorney either before you file lawsuit or immediately after being served with a lawsuit. -OLO

Question & Answer (Continued from pg. 3)

While conditional delivery of a vehicle is legal in North Carolina the seller must do it properly. If it is not done properly you may have valuable legal rights which allow you to cancel the transaction. If you have questions about canceling your vehicle purchase you should consult an attorney. -OLO