

# Carluccio, Leone, Dimon, ATTORNEYS AT LAW Doyle & Sacks, LLC

Ph. 732.797.1600 • Fax 732.505.6340  
www.CLDDS.com • info@cldds.com  
9 Robbins Street, Toms River, NJ 08753

A quarterly letter of legal news and information for the  
friends of Carluccio, Leone, Dimon, Doyle & Sacks, LLC

## FIRM COMMITMENT

Fall 2017

### Estate Planning in a Digital World

Who will have authority to access or manage your digital assets after you die? Until recently, little was certain about how digital assets would be treated after the owner passed away. Oftentimes, no one, not even the owner's executor, had the authority. Fortunately, lawmakers are finally catching up with the digital age, realizing that executors need access to digital assets in order to finalize the owner's estate. A handful of states have laws that provide this authority, including New Jersey. On September 13, 2017 Governor Christie signed a bill that allows a fiduciary (executor/executrix, trustee, etc.) to have access to the "digital assets" of the decedent or principal.

The bill defines the term "digital assets" as a person's digital property and electronic communications. Digital assets are not the electronic devices such as computers, smartphones, or iPads or tablets. Rather, digital assets are the information stored on the electronic devices. There are the social media accounts, such as Facebook, Twitter, Instagram, Linked-in, Snapchat, and Shutterfly and other social sites. There is a wide range of personal accounts including email accounts, financial accounts, auto-pay or paperless billing accounts, personal daily calendar, contact lists, statement information from financial institutions or credit cards, PayPal, Amazon, eBay, Sirius, Spotify, Pandora, and other digital accounts

which the owner maintained his or her personal information. There are the digital business accounts that include assets such as digital customer information, databases, trademarks, trade-secrets, websites, domain names, and Dropbox accounts. There are also numerous miscellaneous digital assets that encompass electronic subscriptions, reward programs, blogs, items stored in the cloud, gaming accounts, video sharing accounts like YouTube, movie services like Hulu or Netflix, electronic libraries like Kindle or Barnes and Noble, and medical or educational records accessible through portals.

An executor still faces a formidable task of determining what accounts the decedent owned and how to access those accounts. An executor's task would be made much less onerous if the decedent left a list of access information and instructions. The executor can then easily access the accounts and address what needs to be done without the added stress of having to determine what accounts existed and figuring out how to gain access.

In today's highly digital world, it is important that you review how your estate plan handles digital assets, and decide if an update is needed. Appropriate language may need to be included in your estate documents that authorizes your executor to access and deal with your digital assets.



*If you have questions regarding your digital assets or need to revise your estate documents please contact **Annemarie Schreiber** at 732.797.1600.*

### Message from the Co-Managing Partners

**Robert L. Gutman, Esq. and Jonathan Z. Petro, Esq.**



As we welcome the changing of the season from summer into fall, with the leaves changing colors, the chill in the air and the scent of pumpkin spice, we at CLDDS have been embracing some changes of our own. In September, we completed various building renovations and a bit of a facelift to the firm. The H. Clay Glover Building has never looked so fresh. We have also added some new faces to our legal team, bringing the firm to 15 attorneys and 20 support staff who are ready willing and able to meet our clients' needs. As we continue in our firm's 20th Anniversary

Year, we are reminded of the words of Pauline Kezer: "Continuity gives us roots; Change gives us branches, letting us stretch and grow and reach new heights."

*Robert L. Gutman* *Jonathan Z. Petro*

CLDDS's, Certified Elder Law Attorney, **Annemarie Schreiber** was a guest on *Caregivers First*, a TV show produced by SCAN\*, that provides helpful information and resources for caregiving including topics such as legal, health insurance, physical wellness, end of life issues, and nutrition.

The host of *Caregivers First* is Lynette Whiteman, Executive Director of *Caregiver Volunteers of Central Jersey*. Annemarie answered Lynette's questions and offered advice regarding Advanced Medical Directives, Living Wills and Guardianships, along with other elder law related topics.

This episode of *Caregivers First* will air on December 12th on local TV stations (visit [www.scannj.com](http://www.scannj.com) for listings) as well as SCAN's YouTube channel, we will also post it on the CLDDS website... stay tuned!!

*\*Social Community Activities Network is NJ's premier provider of continuing education for adults since 1988. Social Community Activities Network membership is open to anyone 50 or over. They are located on the basement level of the Monmouth Mall and there are no residency or income requirements - All are welcome!*

CLDDS is pleased to announce that attorneys, **Marguerite Kneisser, Esq.** and **Peter M. Draper, Esq.**, have been selected to serve as panel members on the Ocean County District Fee Arbitration Committee (DFAC). Fee arbitration is a process by which a client may request arbitration to resolve a fee dispute with his or her attorney. As panel members of the Ocean County DFAC, Ms. Kneisser and Mr. Draper serve under the oversight of the Supreme Court for a four-year term. In this role, Ms. Kneisser and Mr. Draper will assist their respective panels in reviewing and deciding fee arbitration disputes. They are both honored to have been selected as members of the Ocean County DFAC and excited to be part of this dispute resolution process.

Congratulations to **Vincent J. Grasso** on his admission to the roster of mediators and arbitrators of the American Arbitration Association (AAA) in September. Out of 3,000 nationwide applicants only 225 were chosen to the roster.

Headquartered in New York City, where Judge Grasso attended a two-day training and orientation, the AAA is a national organization in the field of Alternate Dispute Resolution that provides services to those who wish to resolve conflicts out of court.

Judge Grasso will now be handling commercial matters in the New Jersey region which also includes Delaware, the District of Columbia, Maryland, Pennsylvania and Virginia.



## We are happy to extend a warm welcome to the newest members of the CLDDS team...

This past September, after years in private practice and serving five years as a Superior Court Judge in Ocean County **Melanie S. Appleby, Esq.**, joined CLDDS as Of Counsel practicing Real Estate Law.

In her spare time, she enjoys biking, paddleboarding, sailing, cooking, baking and traveling to new places. She is a self-proclaimed spin class addict – it's a great stress reliever. She has two grown children. Her daughter, Jaclyn, is currently in a graduate school residency for George Washington University for health science administration, and her son, Matthew, is an attorney practicing education law.



**Kathy Hoernlein**, real estate paralegal, joined CLDDS in July.

Originally from northern New Jersey, she moved to Toms River in 2014. She has three adult sons and her youngest will be graduating from Rowan University June of 2018.

In her free time she enjoys cooking, gardening, traveling, and Americana music and music festivals.

**Lisa Urspruch**, legal secretary, joined CLDDS in August.

A born and raised North Jersey girl, she made her roots in South Jersey 17 years ago and loves it!

She enjoys spending her free time having fun with family, friends and her dog Harley.

Lisa has 4 children and 4 grandsons with a 5th on the way!

The beach and her backyard deck and pool are her absolute happy places so she is sorry to see this Summer end.



**NOTE:** The articles herein contained are provided as general information for our clients, friends and business associates. They are not intended to serve as a substitute for or supplement to legal counsel. Information in these articles is considered to be general in nature and does not apply to the reader's individual situation, circumstances, and jurisdiction.



## CLDDS FAMILY ANNOUNCEMENTS & ACCOMPLISHMENTS



**Jonathan Z. Petro** and Kenneth J. Malagiere are recipients of the YMCA's 2017 Red Triangle Award and will be honored at a reception on November 30th.

At the center of the YMCA's logo is a red triangle that stands for unification of spirit, mind and body. It also represents the YMCA's highest honor – the Red Triangle Award.



The award recognizes and honors a community volunteer/organization whose YMCA volunteer service has been clearly distinguished by length of time, devotion to the mission of the YMCA and significant participation to the advancement of the Ocean County YMCA.

Congratulations to both Jonathan and Ken for a well-deserved honor and thank you for all that you do for the community.

On September 16th **Anthony Berardi** ran in the Seaside Semper Five, a 5K charity run to benefit the MARSOC Foundation\*. He finished 279th out of 1063 participants. Well done!!



*\*MARSOC Foundation provides benevolent support to the U. S. Marine Corps Forces Special Operations Command (MARSOC). The Foundation supports active duty and medically retired MARSOC personnel and their families, as well as the families of Marines who have lost their lives in service to our Nation. The Foundation aims to meet needs unmet by the government with an emphasis on building personal and family resiliency and supporting the full reintegration of MARSOC Marines and Sailors following wounds, injuries and extended deployments.*

Congratulations to former CLDDS intern, **John "J.P." McCormick** and Kaytlyn Kelley the two were married on September 30th.



John "J.P." McCormick,  
Jonathan Z. Petro & Ed Moroney

**Pat Speziale** is very proud of her niece, Emily Speziale Monique, who has recently returned safely home from her first tour in Afghanistan serving in the U.S. Army. Since graduating from West Point in 2015, Emily has earned her Air Assault Wings and, while in Afghanistan, she earned a promotion to the rank of Second Lieutenant. Congratulations, and thank you for your service!!



Photo Credit: Michelle Holt Photography



Photo Credit: Michelle Holt Photography

CLDDS was proud to sponsor the the Greater Toms River Chamber of Commerce's 2nd Annual *SUP the River* Networking Breakfast on the River Lady.

On September 16th, 85 paddlers raced up the Toms River while the 35 guests of the Networking Breakfast enjoyed watching them from the deck of the River Lady.

A portion of the proceeds to benefit the Barnegat Bay Partnership at Ocean County College was forwarded on to its sister National Estuary Programs, the Coastal Bend Bays & Estuaries Program (Corpus Christi, TX) and Galveston Bay Estuary Program (Houston, TX) to help with the massive recovery efforts in their areas due to the catastrophic damages they suffered after Hurricane Harvey. Estuary Programs throughout the United States had also generously contributed funds to the Barnegat Bay Partnership post-Hurricane Sandy.

**Anthony Berardi** and **Nancy Maynard** are Assistant Scout Leaders for Troop 165 here in Toms River. This summer has been particularly busy for the troop as three of the boys had their "Eagle Projects" completed. The troop built two bridges in Cattus Island and three benches for the American Legion on Church Road. With the guidance from Scout Leaders and the support of their fellow troop members all three projects were completed. It was an amazing summer for Troop 165!



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call CLDDS Accounting Department  
at (732) 797-1600, extension 249



## Carluccio, Leone, Dimon, Doyle & Sacks, LLC

ATTORNEYS AT LAW



Stephan R. Leone



Edward J. Dimon



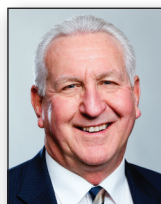
John Paul Doyle



Robert L. Gutman



Neil Brodsky



Ronald E. Prusek



Annemarie Schreiber



Jonathan Z. Petro



Marguerite Kneisser



Peter M. Draper



Danielle A. Rosiejka



Vincent J. Grasso  
Of Counsel  
(ret. A.J.S.C.)



Joseph J. LaCosta  
Of Counsel



Howard Butensky  
Of Counsel



Melanie S. Appleby  
Of Counsel

## NAVIGATING the legal waters of the Jersey Shore FOR YOU.

Ph.: 732.797.1600 | Fax: 732.505.6340 | Email: [info@cldds.com](mailto:info@cldds.com) | [www.CLDDS.com](http://www.CLDDS.com)

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