

SOUTH DAKOTA LEGAL NOTES

SEPTEMBER 2013 | INFO@SWIERLAW.COM | WWW.SWIERLAW.COM

Jake Fischer Joins Swier Law Firm

Swier Law Firm, Prof. LLC is pleased to announce the expansion of its nationally-recognized legal practice with the addition of Jake Fischer.

Jake will lead the firm's new Corsica office and will focus on agricultural law, including crop insurance disputes, employment law disputes, agricultural litigation, entity selection and general corporate matters, environmental concerns and disputes, governmental regulation, purchase and sale of agricultural property, and taxation issues.

"Jake will be an invaluable member of our law firm," said Senior Partner Scott Swier. "He is well-versed in agricultural law issues and will provide our clients with excellent legal service in our state's most important business."

Jake graduated cum laude from the University of Minnesota Law School, where he served on the Environmental Law moot court, and devoted over 100 hours of service to the Minnesota Justice Foundation. Prior to joining Swier Law Firm, Jake worked as a judicial clerk in Minnesota's Fourth Judicial District, serving Hennepin County. Upon completion of his time as a judicial clerk, Jake moved into a position with The Minnesota Project, where he worked with Minnesota farmers on renewable energy and energy efficiency issues.

Jake grew up in Parkston, South Dakota and is excited to be back in the state after living in the Twin Cities for the past 10 years. Jake and his wife Robin recently added their daughter, Rosalie, to the family. His hobbies include music, the University of Minnesota Golden Gophers, and helping on the family farm.



Swier Law Firm Featured in 2013 KSFY Pigskin Preview

Swier Law Firm is prominently featured in KSFY's 2013 Pigskin Preview.

For the past 15 years, KSFY's Pigskin Preview has given football fans the insider information for our area's high school football teams. The cover page always features some of the area's top seniors. Two current NFL players, Lions offensive linemen Riley Reiff of Parkston and Vikings linebacker Chad Greenway of Stickney-Mount Vernon, were former cover boys.

Each year the Pigskin Preview has gotten bigger, in both size and coverage area, and this year's edition is the best yet. "This year we have expanded the athletes to watch with stats from over 160 kids and information about these kids," Editorial Coordinator Dan Genzler said. "We also have 90 something teams that will be profiled in this year's edition . . . you can find just about anything you want on this insiders report of high school football."

"Swier Law Firm is proud to be a featured sponsor of KSFY's 2013 Pigskin Preview," said Swier Law Firm's Senior Partner, Scott Swier. "Our sponsorship reflects our law firm's plans to continue growing throughout the state, building our brand and supporting the communities we serve."



Brooke Schloss Discusses 'Save Our Neighborhood' Lawsuit on KSFY Television

The city says it's been playing by the rules to annex a part of Lincoln County, but a group of neighbors in south Sioux Falls believes it isn't and filed a lawsuit. There are two sides to every story. This empty lot has become a virtual battlefield for the city of Sioux Falls versus a group called 'Save Our Neighborhood.'

Attorney Brooke Swier Schloss said, "that's why the lawsuit was brought so that a judge can determine whether the city did what it's supposed to do and got that approval, or whether, as 'Save Our Neighborhood' has alleged, they didn't get that approval, therefore implying the city didn't follow the state law."

City attorney Dave Pfiefler assured people that the city followed the law to annex this land into Sioux Falls. The neighbors fighting the proposed development in their backyards say the city did not.

"State statute requires that the county auditor be notified in particular, and then the county auditor takes that notification and by law they shall present it to the county commission. That's the way this procedure is done," Pfiefler said. He also said it's ironic the neighbors are suing the city considering they've been through this process before.

"The neighborhood where all these neighbors reside was annexed into the city using the exact same process where the Lincoln county commission didn't have a hearing or a vote on it either," Pfiefler said.

These neighbors and city hall have yet to agree on who's right.

"The city stated they're pretty confident in what their position is, and the 'Save Our Neighborhood' group is confident in theirs. I think it will be a fought battle and the judge will have to decide," Swier Schloss said.

Lincoln County auditor Paula Feucht said Sioux Falls notified her office after the city passed the resolution to annex the land.



Seven Reasons to Review Your South Dakota Will

In South Dakota, you may change your will as often as you like. Here are seven reasons to review your South Dakota will:

1. A change in marital status.
2. A change in your state of residence.
3. A significant change in the value of your assets.
4. A change in the federal tax laws.
5. The death of a beneficiary.
6. The death of a trustee or personal representative.
7. The death of your minor child's guardian.

If you believe a change to your will is needed, you should consult an estate planning attorney who is familiar with South Dakota's probate code.





Three Myths About Estate Planning and Probate in South Dakota

Planning for what will happen to your estate after you pass away is an overwhelming task. While the topic of death of you or your loved one is not always easy to think about, it is important to help your family prepare for the future. With it come plenty of myths that can make this already difficult task even harder to handle.

Here are three of the most common misconceptions about South Dakota estate planning and probate that we hear:

- **Completing probate on an estate takes years.** The truth is that a number of factors go into determining the length of time it takes to complete probate on an estate in South Dakota. Most of the time, if there are no family disputes, continuous income or complicated cases, completing probate on an estate can take months instead of years.
- **My family already knows my wishes for after I pass, so I don't need a will.** This may seem accurate when the loved one is alive, the family is together, and emotions are not running high. But once a death in the family occurs, people change—and emotions can get the best of them. It is a good idea to talk to a South Dakota estate planning lawyer prior to your passing to document your wishes, just in case there is some confusion after you pass.
- **Probate is too expensive for my family.** Probate can be complex. It's true that there are some stories of expensive probate circulating, but incidents are usually from very complicated estates. In most situations, probate is easy and very much worthwhile for your family to go through. Depending on the size of your estate and the complexities involved, probate can be very affordable for you.

SWIER LAW FIRM, PROF. LLC

AVON OFFICE

202 N. Main St., P.O. Box 256
Avon, South Dakota 57315
p: (605) 286-3218 | f: (605) 286-3219
toll free: (888) 864-9981

CORSICA OFFICE

240 E. Main Street
Corsica, SD 57328
p: (605) 286-3218 | f: (605) 286-3219
toll free: (888) 864-9981

SIOUX FALLS OFFICE

1741 S. Cleveland Ave., Suite 301
Sioux Falls, SD 57103
p: (605) 951-0798 | f: (605) 286-3219
toll free: (888) 864-9981

WINNER OFFICE

142 E. 3rd Street
Winner, SD 57580
p: (605) 842-3373 | f: (605) 842-3375
toll free: (888) 864-9981