

April 2013

Issue: 12

Welcome to Hogwash!

Greetings!

Welcome to the latest issue of Hogwash!

If you have a minute to [email us](#), we'd love to hear from you with your feedback on what you'd like to see in Hogwash.

Return of the . . . Twinkies?

When the Hostess company filed for bankruptcy protection, and then also experienced labor difficulties, the Twinkie production lines were shut down. It looked like the end for those sweet, spongy never-go-bad, almost-glowing-yellow and white "snack cakes."



But, Twinkie lovers rejoice! Hostess snacks - including Twinkies, Ho Hos, Ding Dongs and Zingers - were sold for \$410 million to a joint venture of private equity firms Apollo Global Management and Metropoulos & Co. They expect to return the product to store shelves this summer.

For more details about the bankruptcy court approval, and the sale of other Hostess brands (including Wonder Bread) [click on this link](#).

A Tough Act to Follow

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Reflecting on Spring

Samuel Clemens, better known as Mark Twain, may have grown up in Missouri, but it was likely his years in Connecticut that caused this reflection on Spring weather. Remind anyone of a Michigan Spring?

In the Spring, I have counted 136 different kinds of weather inside of 24 hours.

-Mark Twain

And other thoughts on Spring...

We, the authors of this missive and you, the readers, have each grown up with television role models, be they the Lone Ranger who was always able to disarm the wrong doer by shooting the six shooter from out of his hand, Ozzie and Harriet and Father Knows Best for family guidance, or Marcus Welby, M.D., the always there and ready family doctor.

For those of us in the legal arena, we have had to live up to the standards - and, yes the remarkable successes - of numerous attorneys. The American Bar Association has listed 25 favorites, [click here to read more](#). I, for one, have always wondered how the unsuspected perpetrator was ALWAYS in court when Perry Mason unmasked him, for all to see.

Visiting the ABA article and the memories sparked by that trip will give both attorneys and clients an unrealistic view into the everyday workings of a lawyer's mind and business. The expectations that the case will be the innocent man set free or the perpetrator unmasked, all in a single episode or, at most, in a 10 or 15 week season are something we attorneys deal with all too often.

The reality -- on occasion, the process can extend for years in litigious matters, often requiring both extensive pre-trial and post-trial hearings, appeals, reversals, and even re-trials, usually resulting in substantial hair loss to both the litigants and the lawyers. Even in matters that don't involve litigation in the usual sense, contract negotiation and dispute resolutions may drag on, ad nauseum, to the frustration, and substantial expense of all parties.

Is there a way to get legal matters resolved as efficiently as on a TV drama, without involving criminal charges? If anyone has a fool proof way to do so, we at HOGWASH! want to hear from you. If your idea is successful, we'll share it in a future edition and award a HOGWASH! coffee cup to the supplier of that knowledge.



Protection of Personal Residences with a FLP or a FLLC

The first day of spring is one thing, and the first spring day is another. The difference between them is sometimes as great as a month.

-Henry Van Dyke

Spring is sooner recognized by plants than by men.
-Chinese Proverb

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Spring Humor

For your enjoyment this month we provide you with a couple of silly riddles reflecting the need for a spring tonic: sulphur and molasses

Question:

April showers bring mayflowers, but what do Mayflowers bring?

Answer:

Pilgrims! Ha Ha Ha

Question:

What is a spring chick after it is five months old?

Answer:

Six months old.

Internet Scam Alerts Truth or Hogwash?

Some urban legends just don't die. And scammers are persistent.

How do you tell an urban legend from a true scam alert? One of the best resources on the Internet is Snopes, which researches many of those messages that hit your email box. To check out a "warning" we encourage you to check Snopes before

Much has been touted in recent years about the importance of protecting a family home from creditors through the use of special legal devices. Often it's suggested that a Family Limited Partnership (FLP) or a Family Limited Liability Company (FLLC),

would do the trick. The theory behind the use of such devices is an accounting one: perhaps a creditor could only get at the distribution rights of a member, not the assets of the FLP or the FLLC itself.

However, in the event that a creditor challenges the validity of the FLP or FLLC, it would be necessary to establish that the entity was created with a legitimate business purpose and that it was established for generating a profit. To accomplish that, those residing in the residence would have to pay a reasonable rent to do so. Moreover, having the FLP or FLLC could have several adverse local zoning and tax implications as well as state and federal tax consequences.

Courts have held that it is fully legitimate to protect one's assets if it is done in a manner consistent with the law. Placing non-business property - such as a family residence - into an entity that is not engaged in business is not likely to protect it from creditors. There are, however, other strategies that may be followed. We at Rosi & Gardner would be pleased to discuss the available options with those who feel they need to obtain such protection.



taking action, but don't just click on a link in the email... go to Snopes and search on the topic.

We did that recently on an email that came to our office talking about the 809 Area Code Scam and warning that returning a call to a number with the 809 area code could result in exorbitant charges of up to \$2,259 per minute. While this warning had some basis in fact, the scare has been over publicized. To learn more [click here](#).

Not all scams come in via email. Our office recently learned that a local grandmother had received a call - ostensibly from her nephew - asking for money to bail him out of a tight situation he got into on vacation and further asking that she not tell his father because the father would be angry. Suspicious, the woman said "But you don't sound like my nephew" to which the scammer replied that he had a cold. Preparing to go to the bank to get the money to help her nephew, she called her daughter and told her what she was doing, and why. Her daughter told her to stop and personally telephoned the nephew only to find that 1) he wasn't traveling out of the country and 2) he was at work where she expected him to be.

The best advice we can offer you is to not return calls to an area code for an unfamiliar number or to a person you don't know without giving it a thorough check and don't respond to "urgent" phone or email requests for money from anyone - friend or family member - until you've checked with them to make sure the crisis is a real one.

Trolls? Patents? Patented Trolls?

How do you patent a troll? I suppose that one could copyright an image of a troll . . . but that's not what the term "patent troll" refers to.

Like the mythical troll who finds a bridge and then "shakes down" those who want to cross, a "patent troll" finds and buys a patent (or a series of them) that is arguably being infringed. Then the "troll" (an individual, or a company formed just to be a "troll") files litigation to cajole damages, license fees or a settlement out of the company sued.



Even the President of the United States has described these trolls: [P]atent "trolls" don't actually produce anything themselves ... they just leverage and hijack somebody else's idea and see if they can extort some money out of them." (in a Google+ "Fireside Hangout" after the State of the Union address in early 2013; you can [view it here](#)).

Some people, including those in tech industries who rely on patent protections (protection, that is, for the creator of the patented technology), are asking the federal government, including the Department of Justice and the Fair Trade Commission, to fight back against the trolls. They argue that the trolls stifle innovation, can cripple fledgling start-up companies, and are really nothing more than "privateers" that should "reined in."

Fun, Food and Fine Wine Honest April Celebrations

April kicks off with April Fool's Day, but did you realize that the entire month of April is dedicated to humor? April is National Humor Month. The month's focus is on the therapeutic value and joy that can be found in laughter and humor. For ideas on how to add humor into your own life, check out humormonth.com for ideas. There are lots of great ideas on this site, including a list of 30 Ways to Add Humor to Your Life in 30 Days.



Here in Michigan April is Michigan Wine Month. Living in a great wine growing area this is a great month to check out the offerings of our local wineries. While the wineries in the southwest area of the state can claim the status of operating the longest, we're developing some great grape growing history right here in Grand Traverse, Leelanau and Benzie counties. It's a growing industry and it's big business for Michigan. According to the Michigan Grape and Wine Industry Council wine, grapes and grape juice products and the related industries produce nearly \$790 of total economic value to the State of Michigan. The industry also provides over 5,000 jobs with a payroll exceeding \$1 million dollars a year.

For those of us who love garlic and the way it enhances our food, April 19 is a day to celebrate. That's National Garlic Day. Learn more about the day at www.nationalgarlicday.com where they give a short history of garlic - dating back some 6,000 years - as well as a discussion of its medicinal properties and alternative names.

We close out the month with National Honesty Day, which includes Honest Abe Awards. The day celebrates honesty and those who are honest and honorable in their dealings with others. Winners get "Abies" to signify they have won an Honest Abe Award. Honest!

Karen's At Home Cookin'



I've always kept a patch of herbs in my yard. The first green I look for are chives*, fighting their way up through the dirty snow . . . so begins the return to fresh, locally grown food. My hobby is measuring the seasons in edible increments . . . for April and the first of May it is chives, leeks, maple syrup and morel mushrooms. Decorate your table with vases of crocus and daffodils and serve the following for a nice, northern Michigan peasant meal:

Chive Soup

2 T olive oil
1 lb. potatoes, peeled and chopped into bite size pieces
8 oz. chives, cut into 1-inch pieces
2 cups good chicken stock
2 cups whole milk
Salt and pepper
4 T. butter (or bacon grease or a blend of both)
Bacon
Chive flowers

Heat oil in pan over medium heat and add potatoes, stirring to coat. Add salt and pepper. When the oil is sizzling add stock and stir. Cover and cook for 15-20 minutes or until the potatoes are very tender. Stir in butter or bacon fat. Add chives, then potato mixture to a blender or food processor and blend until smooth. Add milk, stir and serve chilled, with crisped bacon and chive flowers as a garnish. Sorry vegetarians, it's the bacon that really makes this soup a stand out. Sprinkle with parmesan.

Grilled Leeks with Maple Syrup Balsamic Sauce

Fresh leeks (they taste best when you dig them up yourself!)
Heavy pinch kosher salt
Balsamic vinegar/maple syrup
Crumbled bacon and goat cheese, as an accompaniment, optional

Preheat grill to high. Thoroughly wash your leeks to remove all dirt and sand. Pat dry. Brush with olive oil and sprinkle with kosher salt. Grill over direct, high heat, until grill marks appear. Remove the leeks to a sheet of aluminum foil. Brush the leeks with blend of maple syrup and balsamic vinegar. Wrap tightly in foil, and set back on the grill away from direct heat for about five minutes.

Remove the leeks from the foil and serve immediately, as is, or with crumbled bacon and goat cheese.

Simple Sautéed Morels

No need to measure anything. Just clean your morels well (a soak overnight in salt water). Pat dry, cut in half and sauté gently with lots of butter, garlic and dry white wine (or chicken broth). Lather the morels (with the grilled leeks) on a good sour dough bread (or pasta), sprinkle on fresh chives, sea

salt and pepper, and serve with your favorite cheese.

*Chive Trivia: Chives surprisingly comprise more vitamin A than any other allium (scallion, onion, leek) family member vegetables. 100 g of fresh leaves contain 4353 IU of vitamin-A or 145% of daily recommended levels. In addition, the green leaves contain other flavonoid-phenolic antioxidants such as carotenes, zeaxanthin, and lutein.

Chives have been cultivated in Europe since the Middle Ages, although their usage dates back 5000 years. The Romans believed chives could relieve the pain from sunburn or a sore throat. They believed eating chives could increase blood pressure and act as a diuretic. Romanian Gypsies have used chives in fortune telling. It was believed that bunches of dried chives hung around a house would ward off disease and evil.

Passing Your Home, Cottage or Farm to Future Generations

Do you have a farm, a family cottage or other family place that you want to pass to your next generations?

Call to schedule an appointment with us to learn what can be done. When you schedule your appointment by April 30, 2013 your consultation is free!

To schedule an appointment just give us a call at [\(231\) 941-5878](tel:231-941-5878).

Offer Expires: April 30, 2013

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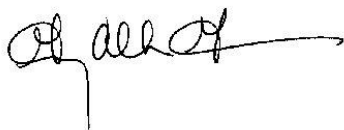
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Gary Allen Gardner

A handwritten signature in black ink, appearing to read 'G Allen Gardner', with a long horizontal flourish extending to the right.

Email Gary

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