

MSBA ELDER LAW SECTION eNEWSLETTER
September 17, 2007

eNewsletter Editorial Staff:

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MINNESOTA CASES

Unpublished decisions:

In re the Estate of:

Gerald Lee Larson, a/k/a Jerry Lee Larson, Deceased.

Appellant Jennifer Anderson challenges the district court order granting summary judgment to respondent Earl Larson, personal representative of decedent Gerald Lee Larson's estate. The Court of appeals reversed and remanded because Anderson presented material-fact questions as to whether the anti-palimony statutes apply, including whether the parties' sexual relationship was the sole consideration for any contract between them and, consequently, whether she is seeking to preserve her own property or to acquire decedent's property. On this record, the district court erred by granting summary judgment to respondent based on application of the anti-palimony statutes.

<http://www2.mnbar.org/ctops/opa062031-0911.htm>

A06-1319

In re the Marriage of:Jennifer Ann Puetz, petitioner,Respondent, vs.
John Thomas Puetz,Appellant.

In this dissolution appeal, appellant-husband argues that(1) he was denied due process and a fair trial because he was not provided with court-appointed counsel when he was incompetent and confused over the role of the guardian ad litem, and (2) the property division was inequitable.Because Minnesota has no statutory or constitutional right to counsel in a dissolution proceeding, and the record shows that appellant was made aware of the role of the guardian ad litem and the fact that he could seek legal representation if he so desired, appellant was not deprived of his due-process rights.

<http://www2.mnbar.org/ctops/opa061319-0911.htm>

Published decisions:

John A. Woodhall, Jr., et al., petitioners, Appellants (A05-2525) vs. State of Minnesota, Respondent; and State of Minnesota, by its Commissioner of Transportation, petitioner, Respondent, (A05-2525) vs. Grove City Grain and Feed Company, Respondent Below and Timothy R. Pieh, et al., Appellants.

Appellants Woodhall and Pieh (collectively appellants) appealed to the district court from separate condemnation awards. Respondent State of Minnesota filed motions to dismiss the appeals, and the district court granted both motions, holding that the court had no subject matter jurisdiction over the appeals because appellants failed to serve notice of appeal on all parties entitled to service under Minn. Stat. § 117.145 (2006). The appeals were consolidated, and the court of appeals affirmed dismissal of the appeals. The Minnesota Supreme Court affirmed.

<http://www.mncourts.gov/opinions/sc/current/OPA052424-0913.htm>

ELDER LAW NEWS

Minnesota seniors skip retirement, keep working

http://www.postbulletin.com/newsmanager/templates/localnews_story.asp?a=307600&z=2

Fergus Falls senior center receives accreditation

<http://www.fergusfallsjournal.com/news/2007/sep/10/accreditation-has-substantial-value-fergus-senior/>

AARP and FCCLA set to roll out joint "Divided We Fail" campaign

<http://www.startribune.com/745/story/1421115.html>

ELDER LAW SECTION ACTIVITIES

The **17th Annual Elder Law Institute** will be held on October 25 - 26, 2007, at the Minnesota CLE Conference Center in Minneapolis. To register, call 651-227-8266 or 800-759-8840, or go online at www.MinnCLE.org

- **Special guest speaker:** Charles P. Sabatino, Director of the Commission on Law and Aging, Washington, D.C., past president of NAELA, past chair of the National Elder Law Foundation elder law certification exam committee, and adjunct professor at Georgetown University Law Center. Mr. Sabatino will provide a national perspective on the DRA.

Upcoming Meetings:

Medical Assistance Committee Meeting - Tuesday, October 16, 2007, at 3:30 pm at MAO Legal Services, 2021 E. Hennepin Avenue, Suite 200, Minneapolis.

Elder Law Section Council Meeting - Friday, October 26, 2007, at 7:30 a.m., prior to Day 2 of the Elder Law Institute. All section members are encouraged to attend.

STATUTES, REGULATIONS, BULLETINS

Nothing to report this week.

MEMBERS IN THE NEWS

Sarah J. Rowley has moved to Parsinen, Kaplan, Rosberg & Gotlieb, effective September 17, 2007.

ELDER LAW WEBSITE

Don't forget that the Elder Law Website is a great resource. Here's what you can find on the Website: Links to the DHS Health Care Programs Manual, the updated Income and Asset Eligibility Figures for Minnesota Health Care Programs, the DHS Bulletin on treatment of uncompensated transfers, and the Minnesota Bankers Association Compliance Bulletin on Powers of Attorney; Practice Links to organizations such as NAELA, the ABA Commission on Law and Aging, and the Minnesota Senior Federation; Links to Federal and State Government Agencies, Statutes, and Regulations; Meeting Notices, Listings of Officers and Council Members, Section Bylaws, and more.

To access the ELDER LAW SECTION WEBSITE

Click here: <http://www2.mnbar.org/sections/elder-law/index.asp>

Please send eNewsletter contributions by noon on Saturday of each week to Vicki McIntyre at vmcintyre2@yahoo.com

If you do not wish to receive this eNewsletter, send your request to be removed from the mailing list to Meaghan Harper at mharper@mnbar.org