

BARRISTER'S CORNER



ATTY. KENNETH URSUA REYES

Changing separate property to community property for estate planning purposes and its consequences upon divorce

272, 272 CR at 155, 160.

Often, spouses change the character of separate property to community property for estate planning purposes (i.e. to avoid probate and estate taxes upon one of the spouse's death). A typical transmutation agreement for estate planning purposes is one which involves the transfer of property into a revocable living trust. At first glance, the transmutation for estate planning purposes appears to be a good idea. Typically, when the character of property is changed from separate to community property for estate planning purposes, the spouses are on good terms and the marriage is contemplated to last until the death of one of the spouses. However, what happens if the spouses decide to divorce, and the underlying estate planning purpose of the transmutation no longer exists? Does the character of the property revert to separate property?

The Court of Appeals entertained this issue recently in *Marriage of Holtemann* (2008) Cal.App.4th (No. B203089. Sec-

ond Dist., Div. Six, 5/12/2008). In *Marriage of Holtemann*, the spouses signed a transmutation agreement in which the husband agreed to change the character of his separate property to community property. The transmutation agreement contained an express declaration by the husband that his separate property was to become community property. Also, the transmutation agreement stated that the agreement was specifically made for the purpose of interpreting how the property would be disposed upon death of one of the spouses. Shortly after the agreement was executed, the wife petitioned for divorce, and the husband maintained that the character of his separate property did not change to community property despite the transmutation agreement. The husband reasoned that there was no express declaration as required by Family Code Sec.852 in that the agreement provided that the change in character of the property was for estate planning purposes only. The Appellate Court disagreed with the husband, and ruled that

the character of the property had been changed to community property.

The Appellate Court's opinion in *Marriage of Holtemann* is further evidence of the necessity of competent representation when the issue of changing the character of property arises. The change in the character of property often brings with it unintended consequences. Accordingly, if you are married and are contemplating changing the character of your property for estate planning purposes, or for any other purpose, it is advised that you consult with an experienced attorney.

Atty. Kenneth Ursua Reyes was President of the Philippine American Bar Association. He is a member of both the Family law section and Immigration law section of the Los Angeles County Bar Association. He has extensive CPA experience prior to law practice. **LAW OFFICES OF KENNETH REYES, P.C.** is located at 3699 Wilshire Blvd., Suite 700, Los Angeles, CA, 90010. Tel. (213) 388-1611 or e-mail kureyeslaw@aol.com. Visit website Kenreyeslaw.com.

(Advertising Supplement)

RE-UNION

Filipino-American Associations in America

Searching for a kababata from your hometown, a college buddy or a Pinoy colleague? Your search is finally over. The Asian Journal brings you Re:Union, Filipino American Associations in America -- your link to a network of kababayan associations here in the United States. As your Filipino-American community newspaper, the Asian Journal recognizes your need to nourish and maintain ties with the people and the culture you were born with. This is our way of connecting our kababayans to the past, of creating new opportunities for the present and of inspiring you to pay it forward by becoming active members of your association and the FilAm community at large in the future.

Filipino-American Employees Association (FilAmEA)

Contact: (818) 892-0345
Website: www.filamea.org

THE Filipino-American Employees Association (FilAmEA) is a non-profit organization incorporated pursuant to the general non-profit Corporation Law of California; for the purpose of organizing Department of Public Social Services (DPSS) county employees of Filipino descent; unifying and directing their efforts towards promoting activities and/or programs designed to promote and uplift the general welfare of members, and for such other related and lawful purpose.

- Goals**
- To organize and unite all Filipino American county employees in DPSS into a solid and cohesive group to promote Unity.
 - To work for the improvement of the membership's socio-economic and political interests to secure the uplifting of social standards.
 - To work for the promotion and preservation of cultural heritage, traditions and national identity.
 - d.) To obtain social justice and the guarantees for equal opportunities.

Objective

FilAmEA's objective is to develop awareness among the members the need for unity and cooperation in the pursuit of self-preservation. We are also to create work committees to plan and carry out strategies and course of action to attain organization's goals. The association identifies needs and problems and to seek remedies and/or solutions by involving the Filipino-American community in Los Angeles in pursuing goals and objectives.

- Officers**
- Corazon Macias, President
 - Jose Arenas, Vice President
 - Dee Abellera, Secretary
 - Amelita Ibay, Treasurer
 - Rufina Tolentino, Assistant Treasurer
 - Rodel Santos, Auditor
 - Noel Martinez, Public Relations Officer
- Board of Directors**
- Rueben Basconcillo, Chairman, Director
 - Glenn Alapag, Board Member
 - Roger Lorenzo, Board Member
 - Tony Gan, Board Member
 - Edgar Obra, Board Member
 - Mercedes Prudencio, Board Member
 - Rene Prudencio, Board Member
 - Carlo Prudencio, Board Member
 - Vicky Ramiento, Board Member
 - Antonio Roldan, Board Member
 - Beda Sasis, Board Member

People and Events

'Simbang Gabi' advent mass at Good Shepherd Catholic Church on Dec. 22

THE Filipino-American parish community of Good Shepherd Catholic Church in Beverly Hills will hold its first "Simbang Gabi" Advent Mass -- the 8th day in the Novena of Masses in Our Lady of Angels Region, on Monday, December 22, 2008 at 7:00 p.m. This first-

time event was made possible under the auspices of the Filipino Ministry of the Archdiocese of Los Angeles.

The sponsoring parishioners committee was coordinated by Ped & Estela Dar Santos who acted as chairpersons of the "Simbang Gabi '08 at Good Shepherd"

with the blessing of its pastor, Rev. Colm O'ryan. The Filipino-American parishioners group was glad to have the agreement of Bishop Oscar A. Solis, the first Filipino auxiliary bishop and Vicar of Ethnic Ministry of the Archdiocese of Los Angeles to be the main celebrant of the special ad-

vent mass in the tradition of the Filipino pre-Christmas novena rites, "Simbang Gabi" (Mass at Night). The mass which will be celebrated with three (3) other priests from the LA Region will be participated in by other ethnic minorities in Beverly Hills parish, nearby parishes and guest parishes from other regions. All the members of the Good Shepherd parish community are most welcome to join the "Simbang Gabi" celebration.

The Philippine Chamber Singers, a 20-man choral group of former internationally known "Phil. Madrigal Singers" will performed the hymns and songs relevant to the advent mass celebration.

There will be a Pot-luck reception after the mass at the Parish Hall as part of the festive occasion with a little music and raffle. ■

Bishop Solis to Celebrate Christmas Mass at Hollywood Presbyterian Medical Center

LOS ANGELES - Bishop Oscar Solis will celebrate Christmas Mass on the grounds of Hollywood Presbyterian Medical Center (HPMC) on December 23, during an evening of spiritual reflection and Christmas pageantry.

With a history of providing services to the needy population in the area, Hollywood Presbyterian Medical Center (HPMC) is hosting the public religious service in continuing to outreach to the Los Angeles Community.

"We want to our community

to be able to celebrate the real joy of Christmas and in the truest fashion," said HPMC CEO Jeff A. Nelson. "We are fortunate that Bishop Solis will be performing this sacred Mass and thankful to be able to host the event."

Bishop Solis recently highlighted the hospital's public commitment and the quality of equal care. "Hollywood Presbyterian Medical Center cares for the poor with compassion. It operates under a strong principal that no matter what the patients' circumstances, they can rest

assured that care will never be denied." The Bishop specifically pointed to what he called "the definite and perceptible difference in the spiritual feel of the hospital" in the past few years.

The outdoor Mass will be open to the public and will begin at 7PM on the lawn of the main entrance to the hospital that is accessed from Fountain Street. Parking will be available both in the HPMC's parking lot and across the street on Fountain, at the QueensCare facility parking lot. ■

Certified list of candidates for the 2009 City of Los Angeles Primary Nominating Election

LOS ANGELES Interim City Clerk Karen E. Kalfayan released the official list of candidates today for the March 3, 2009, City of Los Angeles Primary Nominating Election. The following candidates have been certified to appear on the March ballot in the following order:

- Mayor**
- Carlos Alvarez, Legal Assistant
 - Gordon Turner, Deputy City Attorney
 - Walter Moore, Lawyer
 - Phil Jennerjahn, Entertainer
 - James Harris, Union Meat Packer
 - David R Hernandez, Civic Community Leader
 - Bruce Darian, General Contractor/Whistleblower
- Antonio R. Villaraigosa, Mayor of Los Angeles
- David "Zuma Dagg" Saltsburg, Community Advocate/Economist
- Craig X Rubin, Pastor
- City Attorney**
- Michael Richard Amerian, Deputy City Attorney
 - David Berger, Criminal Prosecutor
 - Carmen "Nuch" Trutanich, Environmental Attorney
 - Noel Weiss, Attorney/Policy Advocate
 - Jack Weiss, Attorney/City Councilmember
- Controller**
- Kathleen "Suzy" Evans, Business Owner
 - Wendy Greuel, Los Angeles City Councilwoman
 - Nick Patsouras, Electrical Engineer/Businessman
- Member of the City Council, District No. 1**
- Ed P. Reyes, City Council Member
 - Jesse Rosas, Businessman/Community Activist
- Member of the City Council, District No. 3**
- Dennis P. Zine, Councilmember/Police Reserve
 - Jeff Bornstein, Small Business Owner
- Member of the City Council, District No. 5**
- Adeena N. Bleich, Director, Non-Profit Organization
 - Paul Koretz, Nonprofit Organization Director
 - Ron Galperin, Neighborhood Advocate/Attorney
 - David T. Vahedi, Boardmember, Neighborhood Council
 - Robert Schwartz, Attorney
 - Robyn Ritter Simon, Community Leader/Businesswoman
- Member of the City Council, District No. 7**
- Richard Alarcón, City Councilmember

- Member of the City Council, District No. 9**
- Jan C. Perry, Los Angeles City Councilwoman
- Member of the City Council, District No. 11**
- Harry "Craig" Wilson, Hydrographer
 - Bill Rosendahl, Council Member
- Member of the City Council, District No. 13**
- Eric Garcetti, Los Angeles City Councilmember
 - Gary Slossberg, Public Interest Attorney
- Member of the City Council, District No. 15**
- Janice Hahn, Los Angeles City Councilwoman
 - Chris Salabaj, Educator
- Member of the Board Of Education, District No. 2**
- Mónica Garcia, Member of the Board of Education
- Member of the Board Of Education, District No. 4**
- Steve Zimmer, Teacher/Community Organizer
 - Mike Stryer, Teacher
- Member of the Board Of Education, District No. 6**
- Nury Martinez, Mayor/Environmental Educator
 - Louis Pugliese, Teacher Educator
- Member of the Board Of Trustees, Seat No. 2**
- Steve Finley, Recreation Director
 - Lady Cage-barile, Teacher/Activist/Businesswoman
 - Art Sims, Businessperson/Engineer
 - Tina Park, Teacher/Counselor/Auditor
 - Angela J. Reddock, Member of the Board of Trustees
- Member of the Board Of Trustees, Seat No. 4**
- Roy Burns, Teacher
 - Kelly Candaele, Community College Trustee
- Member of the Board Of Trustees, Seat No. 6**
- Greg Akili, Labor/Community Organizer
 - Robert Nakahiro, Attorney/Nonprofit Boardmember
 - Livi Bakozvich, Director, Marketing Management
- Member of the Board Of Trustees, Seat No. 7**
- Jozef Thomas Essavi, Boardmember, Neighborhood Council
 - Jane Ardigo Scott, Retired Professor/Activist
 - Nancy Pearlman, Community College Trustee
 - Member of the Board Of Trustees, Seat No. 7**
 - Kurt S. Lowry, School Administrator/Businessowner
 - Miguel Santiago, Member of the Board of Trustees
- For further information or assistance, please call the City Clerk - Election Division at (213) 978-0444 or toll-free at (888) 873-1000. Candidate information is also available via the internet at: <http://city-clerk.lacity.org/election/> under "Candidate Information." ■

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