

MINDING YOUR FINANCES



ATTY. RAYMOND BULAON

Debt settlement scams: More things you need to know

nightmare.

As I mentioned last week, most people who enroll in a debt settlement program usually get sued by one or more creditors before their debts are actually settled. As their accounts go to collections, their credit continues to get trashed with the credit bureaus and they continue to get collection calls from their creditors in spite of the fact that they have hired a debt settlement company. And when they do get sued by a creditor, only then do most people realize that the debt settlement company is actually not able to protect them. This is often in the written agreement that they signed with the debt settlement company but at the time they enrolled in the program, most people didn't even read or understand what they had signed. They were simply desperate for a quick fix so they signed up in a hurry.

Warning: When speaking to a debt settlement company, be very careful as there are a lot of companies out there who just want to make money off your misfortune with no real intention of helping you. They will say anything that pleases you so that they can sign you up. Their usual tactic is to set a monthly payment amount to whatever you want. They set the payment very low but extend the time for you to pay, usually over 3 to 5 years. For most creditors, this extended period is unrealistic and a lot of them will refuse to work with the debt settlement company and sue you instead.

A lot of debt settlement companies also tell you that once you sign up with them, they will stop all collections against you. Usually, they ask you to send a "cease and desist" letter to stop all the letters and harassing phone calls. When this happens, this leaves the collector no other way to contact you to collect the debt. So at that point, they will just serve you with a lawsuit and have you appear in court.

As I said last week, there are some legitimate debt settlement companies out there but you need to do your homework. Check with the Better Business Bureau and find out how long the company has been in business. If the company you are hiring is a law firm, find out from the State Bar if there have been complaints against any of the firm's attorneys.

In my opinion, debt settlement may be a good option in cases where bankruptcy is not advisable but from what I have seen, these cases are rare. Bankruptcy is often a quicker way to get out of debt and rebuild your credit over a much shorter period of time. For a free office consultation, please call Toll-Free 1-866-477-7772. We have offices in Glendale, Cerritos and West Covina.

None of the information herein is intended to give legal advice for any specific situation. Atty. Ray Bulaon has successfully helped over 4,000 clients in getting out of debt. For a free attorney evaluation of your situation, please call Ray Bulaon Law Offices at TOLL FREE 1-866-477-7772.

(Advertising Supplement)

IMMIGRANT LIVING: 101 AND BEYOND



MONETTE ADEVA MAGLAYA

(Part 6 of 7)

EVERY place I have ever been to is made significant by the images and thoughts I have of people, places and experiences that still live on in my memory. For Mindoro, it's memories of my father, this place called Naujan and sizzling hot summer days.

Time can dull memories and I wasn't ready to let go of the past. Not until I've come full circle. I was determined to see this place one more time to rekindle the memories of glorious summers spent as a pint-sized tot gamboling about like a frisky, wet puppy, with my sisters and first cousins in the beaches of Kanipisan and Aplaya - happy, carefree, innocent, idyllic days of sun, sand, sea and simple pleasures of drinking clear coconut juice straight out of its shell and with a teaspoon in one hand, scraping off the sides of the young nut, called *malauhog* by locals, for its young coconut flesh, resembling the consistency of early stage, transparent phlegm. Alright. Ewwwww. But not when you're young, still unpretentious and really hungry.

We visited my father's only surviving sister, *Tia Luz* and only surviving brother, *Tio Oscar*, who now lives in Calapan with his family. *Tio Oscar* was an entrepreneur cum inventor who tried his hand at many things but mostly I remember him for his pure sense of fun. He had an old, rickety open-topped, World War II vintage weapons carrier, heavy-duty truck which he would use to haul blocks of ice coated with *ipa* or rice husks to prevent it from melting for the hot, dusty trip between Calapan and the only restaurant in Naujan, which he and his wife *Tia Celia*, owned and operated at the time. Electricity was miserly meted out from 6 in the evening till 6 in the morning, that is, when the gen-

Mining memories of Mindoro

"Two roads diverged in a wood, and I - I took the one less traveled by, and that has made all the difference."

- Robert Frost

erators were working. The ice would chill *Tio Oscar's* stash of soft drinks in a cooler during the day and he would use the rest for the crushed ice of the best *halo-halo* in town, so scrumptiously delicious, it would entice barefoot hordes of Mangyans to come down from the mountains and give themselves the cool treat. His chores done, he would then haul all of us, a ragtag band of scrawny, eager-beaver kids, off to the beach. If we weren't swimming, mowing down grilled fish, *tulingan*,

"Papa was proud of being a Naujeno even when he lived in the US after retirement. While living in Glendale, California in his mid-eighties, he always looked forward to dressing to the nines in a tuxedo, and tripping the light fantastic whirling about on the dance floor with my mother or his daughters for the Naujeno Annual Ball in some posh Los Angeles hotel, half a world away from the place he loved."

halabos na hipon and steaming rice mixed with raw eggs complemented by chopped-up *pajo*, red eggs and tomatoes, or molding black sand sculptures which killjoy waves promptly crushed and swept back out to sea, we would be kibitzing and swarming about like pesky flies at the abundant haul of fishermen pulling in their nets bursting with their catch of the day from the sea. Life was good.

Those days have ebbed and are gone forever but pure joy flows back with remembrance. I wanted to revisit the former site of my grandparent's old place in the center of town where my father was born in 1912. Grandpa was town treasurer back in the day when it was a position of absolute trust. Papa was proud of being a Naujeno even when

he lived in the US after retirement. While living in Glendale, California in his mid-eighties, he always looked forward to dressing to the nines in a tuxedo, and tripping the light fantastic whirling about on the dance floor with my mother or his daughters for the Naujeno Annual Ball in some posh Los Angeles hotel, half a world away from the place he loved. He may have wanted to reconnect with a few remaining old timers, people he had common ties with while growing up. But mostly during his last years, he was simply happy and content being home. If he had the chance however, he would have wanted to visit the place where he grew up - just one more time - before sudden death on a dreary and cold winter's day overtook him.

I went in his stead, something I had planned on doing for some time, as a quiet tribute. For my part, I wanted to understand how such a place shaped who he is and what moved him to sail the seven seas for 40 years as a ship captain, hauling logs and cars and tons of containers from port to port - from Siberia to South Africa, from Pusan to Peru - bringing with him my mother's keepsake, a small image of the Nuestra Senora de Penafraancia, before the wanderlust gave out and he finally found home. He would have been surprised with the changes in his old hometown.

(To be continued)

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ATTY. JOEL R. BANDER

When moral character is an issue in naturalization

mean that your behavior meets the moral standard of the average citizen in your community. Therefore, customs and expectations relating to good moral character differ according to area.

An immigration officer has the authority to examine the applicant's entire life and to closely scrutinize the 5 years preceding his/her naturalization application. Past actions relating to applicant's current behavior may be discussed, although they cannot be the basis for the denial of his/her application.

The following have been given as examples by the USCIS that might demonstrate a lack of good moral character:

Any crime against a person with intent to harm.

Any crime against property or the Government that involves "fraud" or evil intent.

Two or more crimes for which the aggravated sentence was 5 years or more.

Violating any controlled substance law of the United States, any State, or any foreign country.

Habitual drunkenness.

Illegal gambling.

Prostitution.

Polygamy (marriage to more than one person at the same time).

Lying to gain immigration benefits.

Failing to pay court-ordered child support or alimony payments.

Confinement in jail, prison, or similar institution for which the total confinement was 180 days or more during the past 5 years

(or 3 years if you are applying based on your marriage to a US citizen).

Failing to complete any probation, parole, or suspended sentence before applying for naturalization.

Terrorist acts.

Persecution of anyone because of race, religion, national origin, political opinion, or social group.

A person who has been convicted of murder at any time, or convicted of any other aggravated felony on or after November 29, 1990 cannot establish good moral character and therefore, is barred from applying for naturalization.

The applicant must not lie. All arrests, convictions and crimes should be disclosed in the application. Even those conviction records that have been expunged must be reported. Failure to tell the truth about the applicant's involvement in any crime could lead to the denial of his application for lacking good moral character.

Bander Law Firm, LLP has been providing immigration services for over 15 years and has multilingual staff. Feel free to call Bander Law Firm, LLP at (213) 873-4333 to schedule your consultation regarding your legal concerns. Bander Law Firm provides a full range of legal services in the fields of Immigration, Mortgage Litigation, Personal Injury, Bankruptcy, Criminal and Removal Defense, Civil and Business Litigation, Wage and Hour Litigation and Class Action lawsuits.

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BARRISTER'S CORNER



ATTY. KENNETH URSUA REYES

Why is the date of separation significant in divorce cases?

the marriage with no intent to return to their spouse. The burden of proof required to prove this is a preponderance of the evidence. A spouse must show that 1) the spouse entertains the subjective intent to end the marriage, and 2) there is objective evidence of that intent. A party's intent may be evaluated in terms of the spouse's words and conduct evidencing this intent and this should occur simultaneously.

Moving out of the house from where your spouse resides may not be sufficient to signify a separation. The party's conduct toward each other evidences ongoing economic, emotional, sexual and social ties (such as joint checking accounts, credit cards, tax returns; joint acquisitions; joint vacations; exchange of gifts and cards; continuing financial contributions to the marital community; attempted reconciliations,) may show conduct inconsistent with a complete and final breakdown in the marriage. Discontinuing sexual relationship with your spouse and commencing extramarital

cohabitation may not suffice to signify a separation date either.

The parties must be living apart physically. The Court usually looks at all objective facts and circumstances in determining whether the parties are living apart physically. Living in separate dwellings alone may not meet this requirement. Some couples have successive series of separation then reconciliation. The act of reconciling in essence vitiates any evidence of a complete and final breakdown of the marriage. Due to the heavy factual showing required in litigating this issue, the date of separation is susceptible to trial bifurcation.

Attorney 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. Website kenreyeslaw.com

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