

COMMUNITY JOURNAL

IMMIGRANT LIVING: 101 AND BEYOND



MONETTE ADEVA MAGLAYA

Lessons from the Garden

The best way to garden is to put on a wide-brimmed straw hat and some old clothes. And with a hoe in one hand and a cold drink in the other, tell somebody else where to dig.

—Texas Bix Bender,
Don't Throw in the Trowel

(Here's a condensed version of an old favorite, a belated "Ode to Spring," sort of.)

THE delightful tongue-in-cheek quote above is a humorous dig at the tedious nature of gardening. But spring will soon give way to the dog days of summer when a slice of heaven could mean rocking slowly under a tree in a hammock with a book in one hand and a chilled margarita on the other.

I am a reluctant gardener. I was thrust into it by circumstances since I have a thing about not wanting anything dying on my shift. Nothing I did seemed right at the time. I tended to over water not knowing about the dangers of root rot. Very few plants like to have wet feet. Plants died on me the same way Jerry Seinfeld's plants tend to commit suicide on his watch.

My track record at growing things was dismal, yet I have often wondered what it would be like to watch something grow. I marveled at my mother's green thumb. She can stick a seemingly lifeless stump at a clump of earth and grow a new beautiful plant nearly every time. I wasn't one to give up easily though. Tenaciously, doggedly I hung on to an image of me as a confident gardener. My education on the art and science of growing things had begun. I took baby steps and stumbled countless times and still do. I became quieter within as I began to observe and seek to understand the process of growth, the seasons and the cycle of life. I read voraciously volumes upon volumes about plants and watched public television that featured gardening. Nurseries and gardens have become my favorite haunts where I could ask those who knew better. I boned up on my rusty, halting Spanish quizzing the gardener as best I could. Finally, I slammed

on the brakes fearing I had become boringly, compulsively obsessive. But I found that unless I got down on the ground myself, nothing happened.

I have discovered gardening to be a quiet, solitary pursuit somewhat fit for hermits and loners — unglamorous, unexciting, backbreaking, time consuming, manual, icky, down in the dirt labor that was certainly not meant for immediate gratification. So, why do it at all? I don't really know. Must be borderline idiocy. Of course, I speak only for myself. For one thing, it teaches you the patience of Job and the virtue of humility. I have failed more than succeeded and am still working on it. But as time passed, I have been encouraged by modest results. I became synchronized with the seasons and their gentle nuances. I took baby steps and was off and running at one point. At times, I would even become bolder with the temerity to dispense advice a la Martha Stewart and help a few others with their own patch of earth. I must confess however that lately, I have become a slacker and it shows. I squirm at the sight of how neglected the garden looks.

I know I will have to take up gardening 101 once again and devote time and energy to see results. Back to square one, I suppose. It will be easy because I only have a small patch of earth to work with and a bit of paid help to do the grunt work. Did I mention that I have a garden the size of a postage stamp? Oh, all right, maybe a wad of postage stamps. But it is small, really small — just the way I like it. Truth to tell, I don't think my aching back, my diminutive size and what I have available in time, energy and resources, can tackle anything bigger.

Years ago, I bought a discarded ugly duckling — a pot bound are-

ca palm tree with about three pathetic fronds for half a song and a dance. This is one gardening fairy tale you could believe in. Well, it has turned into a tall, graceful swan with luxuriant fronds. I gave it rich soil and placed it in a bigger pot, top dressing it and sticking some time-released fertilizer pellets. That palm tree is like a person that grew because it was given the opportunities and the environment to do so. But it took a bit of work, some imagination, and a dash of patience and considerable time.

I could call most plants by name these days and seem to instinctively know what to do when a problem arises. If things don't work on my own accord, I seek help. I still am a failure with azaleas. Azaleas have been dying on my shift so I am staying away from them. I suspect it has something to do with the amount of light and too much water that has drenched the soil because of an unusually wetter, longer winter season. I said goodbye too to a beautiful sago palm that must have suffered root rot. Farewell too, to a French lavender bush that gave me so much fragrance. The garden gets a lot of shade being in a Northwest orientation so I am quite alright with the fact that I will never have roses which I would love to have but can't. Believe me, I tried. So I just admire them in my neighbors' gardens with a southeast orientation.

My journey to self-discovery has been made easier by understanding the process of nature, the seasons and the nature of things: of why a seed no matter how good cannot grow in a certain type of soil; or how a young tree cannot grow in the shadow of a mighty oak; or of how much light a plant needs to burst with flowers, of the impeccable timing and the cycle of the seasons that

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BARRISTER'S CORNER



ATTY. KENNETH URSUA REYES

DIVORCE can be a bit complicated specially if there are community assets and debts involved. Generally, accumulations and earning after the date of separation is each spouse's separate property. What happens when you use separate funds to pay for community debts after the date of separation such as when one spouse continues to pay the mortgage to the family residence after separation? Does that spouse get credit for all those mortgage payment?

Normally when a spouse uses separate property to pay for community debt prior to the date of separation, there is a presumption that it is a gift to the community unless you can trace the separate property contribution and seek reimbursement under family code §2640. However, there is no presumption of a gift when separate funds are used to pay community debts after the date of separation. That is why the date of separation is very important and commonly litigated in highly contested divorce cases due to the difference in controlling presumptions. Instead, the trial court has discretion to order reimbursement of any separate property used to pay community debts after the date of separation under family code §2626. The reimbursement is commonly called Epstein credits after the case Marriage of Epstein. However in deciding whether to allow reimbursable credits, the Court has to consider the Epstein guidelines. Reimbursement for a particular debt is inappropriate where:

- a) The parties agreed payment would not be reimbursed.
- b) Payment was truly intended as a gift, even though made after separation.
- c) Payment was made on account of a debt for the acquisition or preservation of an asset the payor was using, and the amount paid was not substantially in excess of the value of the

Knowing your rights to reimbursements during divorce

use. d) The payments on account of preexisting community obligations constitute a discharge of the payor's support duties.

How about the situation where one spouse has exclusive use of the community asset between the date of separation and the date the community no longer has an interest in the asset such as use of a car? The Spouse with the exclusive use of the community asset can be charged the reasonable use of that property under the Marriage of Watts. This is called Watts charge. So for example if the wife has exclusive use of the car, the husband may ask that the community be reimbursed by the wife for the value of the use of the car between separation and trial date or set-

tlement date. The same thing can be applied when one spouse alone is staying at the family residence while the other spouse is paying for the house. The rules governing reimbursements can be confusing to lay people. It is best to obtain the representation of competent counsel.

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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U.S. Census Bureau News Los Angeles Regional Census Center 9301 Corbin Avenue, Suite 1000 Northridge, California 91324

Managers Being Recruited for 2010 Census Tagalog-Speaking Managers Sought for 19 counties

Northridge, CA

The Los Angeles Regional Census Center is actively recruiting managers for 27 Local Census Offices. 26 will be located in Southern California, and one in Honolulu, Hawaii. With the exception of the U.S. military, the nationwide recruiting effort for the decennial census is the largest peace time hiring of temporary federal employees.

In the fall of 2009, these 27 Local Census Offices will open to direct Field Operations for the region's population count on Census Day, April 1, 2010. These offices will be located in strategic areas of southern California and on the island of Oahu, Hawaii. Managers' salaries range from \$19.25 to \$29.00 per hour depending on location and position.

The current focus and priority is on recruiting and testing to fill six key management positions for each Local Census Office before the openings in the Fall, 2009. The positions are: Local Census Office Manager, Assistant Manager for Field Operations, Assistant Manager for Administration, Assistant Manager for Recruiting, Assistant Manager for Quality Assurance, and Assistant Manager for Technology.

Testing will be ongoing in Local Census Office cities and their surrounding areas. To reserve a seat for testing, please call (866) 861-2010, enter zero: "0" and your zip code.

New offices will open in the counties of Los Angeles, San Diego, Riverside, San Bernardino, Orange, Fresno, Santa Barbara, and Honolulu, Hawaii.

For more information on Census 2010 jobs in the Los Angeles Region, please visit www.census.gov/losangeles.

Click on the link for "Regional Employment."