Probate
The Legal Services Plan Benefit that Survives You

Probate of your will is one Legal Services Plan benefit that you, yourself, will never use, but your surviving family members will be glad is covered by the Plan.

Probate is the court process that is used to transfer property owned by the person who died to the person(s) who are supposed to receive the property. Under Alaska law, probate includes several steps:

- Appointing a personal representative to handle the probate.
- Gathering property owned by the person who died.
- Notifying creditors of the death of the deceased.
- Notifying beneficiaries and heirs that they are named in the Will.
- Handling debts and taxes.
- Wrapping up the final business affairs of the person who died.
- Transferring legal title of property to the persons who are supposed to receive it.
- Filing any documents required by the state or federal government and court.

Probate can be simple or complicated. Either way, legal representation can smooth the way during an emotional time for the family and friends left behind.

ASEA Legal Services Plan Covers Probate Related Expenses
You may use your Plan benefits to (see Plan Booklet, Section E):

1. Have an attorney prepare and write your will.

2. Provide assistance to your executor or personal representative during probate of your estate.

When an ASEA Legal Services Plan participant dies, the Plan provides up to one year of coverage for probate expenses. (See Plan Booklet, Section C) This is the only instance when Plan benefits are extended after the participant’s death.

This benefit is available only for the probate of ASEA Legal Services Plan participant’s Will. You may not use your benefits for legal representation during the probate of any other family member.

Read more about probate in Alaska on the Alaska Court system website.

Plan Change Effective
Jan. 1, 2017
Annual Deductible is Reduced from $100 to $25!

We want to ensure that ASEA Legal Trust Plan benefits are accessible to all Plan participants. Therefore, effective January 1, 2017, the Plan annual deductible is reduced to $25 per plan year. You must meet a $25 deductible each plan year (which begins each July 1) before the plan starts to pay benefits. ASEA Legal Services Trust Plan benefits are then payable at $200.00 per hour with a maximum payment of $1,500 for the Plan year.
Q&A

If the ASEA Legal Services Plan covers “landlord/tenant” issues, why can’t I use my Plan benefits when I, as a landlord, have a dispute with a tenant? It doesn’t seem fair.

Just like we talk about “family” or “criminal” law, “landlord/tenant” is a term used to describe a specific area of the law. Indeed, a lawyer who practices landlord/tenant law is likely to specialize in representing either landlords or tenants.

When you are a landlord, you are engaged in a business venture, earning revenue from the property you rent. The Plan does not cover legal services related to business ventures. (See the Plan Booklet, Part F, Exclusions.)

Nothing prevents you from using a participating attorney in a dispute with your tenant; you just can’t use your ASEA Legal Services Plan benefits to pay for the services.

However, there are other free or low-cost legal resources available to you, including:

- The Landlord/Tenant Helpline and Legal Clinics offered by the Alaska Legal Services Corporation.
- The Consumer Protection Unit of the Alaska Department of Law publishes information describing the rights and regulations of landlords and tenants.
- Nolo Press publishes a guide to landlord legal responsibilities in Alaska that can help you stay on the right side of the law.

Your ASEA Legal Services Plan

Tenants Covered in Disputes with Landlords

In 2014, 8% of all general civil law cases filed in Alaska’s Superior Courts were filed by landlords seeking to evict tenants. As rents climb—the median rent in Alaska now tops $1,190—evictions often climb as well.

And while eviction is the ultimate landlord/tenant dispute, there are plenty of other reasons that a tenant might need legal representation: late or non-payment of rent, noise complaints or adding a roommate without the consent of the property owner, to name just a few.

Some cities, like Anchorage, are revising their landlord/tenant laws to give more protection to tenants and hand out higher fines for landlords when there are rodent or bedbug infestations, for example. This also can prompt more disputes and legal action between landlords and tenants.

ASEA Legal Services Plan Covers Tenants in Disputes

Plan participants who rent can use their Plan benefits to pay a lawyer to represent them in disputes with their landlord. A dozen qualified attorneys who participate in the ASEA Legal Services Plan practice landlord/tenant law. They practice in Anchorage, Douglas, Fairbanks, Houston, Juneau and Sitka. These attorneys have agreed to limit their fees to the rate our plan will pay.

They can help you with anything from reviewing your lease to defending you in an eviction. You also can get help with other disputes with your landlord or with another party related to your tenancy.

Of course, you may choose to work with any qualified U.S. attorney, not just those on this list. However, if the attorney you select charges more per hour than the Plan maximum ($200/hour), you will be responsible for making up the difference.

WARNING: Fraud, attempted fraud, or improper use of the ASEA Legal Plan will terminate your benefits, and the ASEA Legal Plan will not pay accrued charges.

This document is merely a summary. Please refer to the ASEA Legal Plan Book for more details. In the event of a difference between this summary and the Plan Book, the Plan Book prevails, except as it relates to any Summary of Material Modifications enacted after the effective date of the last Plan Book update. Any Plan changes noted in this Newsletter constitute a Summary of Material Modification and amend the Plan accordingly. Please contact us if you need another Plan Book. This summary does not constitute legal advice. If you have legal questions please consult an attorney.

The articles in this newsletter are for informational purposes only. It is not meant to provide legal advice. You should contact your lawyer for legal advice related to any specific problem or issue you may have.