**Will Basics**

Generally speaking, a will is a legal document that coordinates the distribution of your assets after death and can appoint guardians for minor children.

**Dying Without a Will**

Without a will, the state in which you reside decides how to distribute your assets to your beneficiaries according to its laws. This is known as dying intestate, and the resulting settlement process may not produce the results that you would prefer for your survivors. You can prevent this from happening by having documents drafted that reflect your wishes.

**Parts of a Will**

* Designation of an executor, who carries out the provisions of the will.
* Beneficiaries—those who are inheriting the assets.
* Instructions for how and when the beneficiaries will receive the assets.
* Guardians for any minor children.

**Probate**

Probate is a legal process for settling an estate, whether one has a will or not. The probate process varies by state—many states offer a quicker, less expensive option if the assets subject to probate are below a certain value (for example, $25,000 or $50,000).

Probate is also public record, so it decreases the level of privacy of the estate. Generally speaking, an asset that allows the owner to name a beneficiary will not have to go through probate.

**Deeds**

A property deed is what you use to transfer the ownership of real property from one person to another. If you’re buying a home from someone, this is one of the many documents you’ll sign when ownership is transferred. It must be filed with your county clerk or tax assessor collector, must be witnessed by a legal official and its contents must be accurate.

**Homesteads**

In certain states, homeowners can take advantage of what's called a homestead exemption. Basically, a homestead exemption allows a homeowner to protect the value of her principal residence from creditors and property taxes.

A homestead exemption also protects a surviving spouse when the other homeowner spouse dies. State homestead exemptions often have four features, including the well-known property-tax exemption on a portion of a home's assessed value.

**Property Taxes**

A homeowner's understanding when it comes to homesteading her property most often has to do with the property-tax exemption. Generally, this advantage of homesteading pertains to shielding a portion of a home's value from property taxes.

Often, a typical homesteading advantage is that it'll exempt the first $25,000 to $75,000 of a home's assessed value from all property taxes.

With a $50,000 homesteading exemption, you'll only owe property taxes on the home's remaining assessed value.

**Terms of Tenancy**

**Tenancy Based on a Lease**

One kind of tenancy is based on a written lease. When a tenant signs a lease with a landlord, the tenant agrees that the tenancy will last for a certain amount of time, usually one year.

During that time, the monthly rent will stay the same and the landlord cannot end the tenancy (evict) unless the tenant fails to satisfy the conditions agreed upon in the lease. On the other hand, the tenant is committed to paying rent for the term of the lease.

**Tenancy at Will**

The other kind of tenancy is called a tenancy-at-will, which means that the lease agreement lasts for as long as both parties want to do business with each other. Sometimes there is no written agreement at all in a tenancy-at-will, but often the tenant is asked to sign a form that says “Rental Agreement” or “Tenancy-at-Will” at the top. This form should include the amount of the monthly rent and basic rules.

**Eviction**

Generally, a landlord cannot simply take possession of the rental property, physically remove the tenant or their personal property, or change the locks. Depending on the reason for eviction, a landlord must provide either a 14-Day or 30-day Notice to Quit to the Tenant. A landlord must then file a civil action in court, and obtain a judgment from the court that specifies the date that the tenant must leave the rental property with their belongings. If the tenant does not voluntarily leave on the date specified by the court, a landlord must arrange for a Sheriff or Constable to serve an executed Judgment on the tenant ordering them to leave.

**Civil Litigation**

When two or more parties become embroiled in a legal dispute seeking money or another specific performance rather than criminal sanctions, civil litigation is the result. They must instead head to the courtroom for trial so a judge or jury can decide the matter.

**Types of Civil Litigation**

* Environmental law
* Landlord/tenant disputes
* Product liability lawsuits
* Personal injury claims
* Intellectual property disputes
* Construction liability lawsuits
* Medical malpractice claims
* Employment and labor disputes
* Real estate lawsuits
* Divorce lawsuits

**Civil Litigation Attorney**

The attorney is his client's advocate, obligated to fight for him to achieve the best possible outcome on the client's behalf.

Lawyers specializing in this field must be willing to assume oppositional positions, to embrace conflict and controversy, and to effectively act as human pit bulls in defense of their clients.