

# THE ALERT

THE ALERT is the newsletter of  
The Older Persons Law Office of The Legal Aid Society of Cleveland  
1223 West Sixth Street, Cleveland, OH 44113  
Phone: 216-687-1900, Extension 479—Fax: 216-687-0779  
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## **Transfer on Death Deed Is a Great Idea for Some; But Sometimes It May Not Be the Best Choice**

A few issues ago, we told you about the new Transfer on Death Deed (TOD Deed) law enacted by the Ohio Legislature.

We have had many calls since that article appeared—some from seniors for whom the TOD Deed is not advisable.

First we will review what the TOD Deed is and then we'll tell you of some situations when it may not be the wisest choice.

The TOD Deed allows you to keep title to your home during your lifetime and to name the person or persons you want to get it after your death. You name your beneficiary or beneficiaries in the deed itself.

**The transfer of the property becomes effective only after you die.**

With the new deed, the person or persons named to get the property after your death need only file an affidavit with the county recorder and produce a death certificate to have the property put in their name or names.

If you change your mind about who should get the property, you can simply have another deed written to name another person to get it.

If you name two people and one dies, the property goes to the one still living. Or, if you like, you can name a

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contingent beneficiary who gets the property if the original beneficiary dies.

The TOD Deed is an easy way to get property transferred after death and to avoid probate.

However, it may NOT be advisable in some situations.

For instance, if you already have a deed with your spouse that says “deed by the entireties” or “joint and survivorship deed,” it may be best to do nothing. Generally, we believe the best way for a couple to hold property is with a “joint and survivorship” deed.

After one spouse dies, the survivor may want to consider whether to do a TOD deed.

A situation in which we would recommend **against** the new type deed, for example, is if you are a widow with four children who are named as your TOD beneficiaries. If one child dies before you do and you have not changed your TOD Deed, the result may not be what you intend. The property will go to the three living children, but the children of your deceased child will get no share of the property if you did not name them as contingent beneficiaries.

Of course, you can name all of your grandchildren as contingent beneficiaries, but you would have to do a new deed each time a grandchild is born.

We generally do not recommend a TOD Deed if you have more than two children unless there are NO grandchildren and there won't be any—a difficult thing to predict. The more names you add to the TOD Deed, the more complicated the situation could become.

Unless a TOD Deed is carefully prepared, it could end up not reflecting your wishes. **It may be best to handle some matters in your Will.**

There are many ways to transfer property and many considerations. Each way has its good points and drawbacks. You need to clearly understand your options and determine your goals before you make such an important decision.

You should consult an attorney if you are considering a deed change.

If you can't afford an attorney or for more information about TOD Deeds or other deeds, phone The Legal Aid Society's Senior Helpline at 216-687-1900, Extension 479, between the hours of 1 and 4:30 p.m. on Tuesdays, Wednesdays or Thursdays.

## **Don't Forget to Apply for Real Estate Tax Reduction**

You have until June 4, 2001 to apply for a homestead exemption to get a reduction in your real estate taxes.

To qualify you must be at least 65 years of age or totally and permanently disabled. You must have owned and occupied your home as of January 1, 1001. The combined income of you and your spouse must be \$23,700 or less.

If you have qualified in the past, you should have received a renewal form by mail. For renewals, you don't include Social Security cost of living increases in your income. For information, phone the county auditor's office at 216-443-7050.

## Spring Brings out Fly-by-Night Lenders; Here's How to Avoid Doing Business with Them

It will soon be Spring. Just as the season brings back the birds, it inspires shady businessmen to take advantage of seniors looking to improve their homes.

We have advised you to beware of predatory lenders. The best way to do that is to take advantage of assistance programs offered by your community. The advantage is a grant or no or low cost loans to finance repairs.

Here we outline a few of the City of Cleveland and Cuyahoga County programs.

Senior Housing Assistance Program (SHAP) provides grants to low-income Cleveland residents who are 60 years of age or older or are disabled and who live in and own single or two family homes which are in need of critical, health, safety and emergency maintenance repairs.

To apply, call the Department of Aging at 216-664-2833. An application will be brought to your home and you can get help to complete it.

The Repair-A-Home (RAH) program offers loans with zero to three per cent interest to owner-occupants of one-to-four family dwellings who meet income guidelines. The loans are for repair of homes to bring them up to code and housing quality standards.

For RAH help, phone 216-664-2045.

Cleveland Action to Support Housing (CASH) allows credit-worthy homeowners to get low-interest rehabilitation loans. There are no income limits. Phone 216-621-7350 for information.



Neighborhood Housing Services (NHS) offers low-interest repair loans in certain neighborhoods to homeowners and landlords. There are income limits. Call 216-348-8325 for information.

Home Weatherization Assistance Program (HWAP), a state of Ohio program, provides free weatherization to persons meeting low-income guidelines. For information in

Cleveland, phone 216-664-4116; in Cuyahoga County call 216-443-7533.

Refunds of up to \$300 to cover the cost of paint and materials are available to qualifying homeowners and tenants to paint the outside of their homes. Call 216-664-4053 or 216-664-2045 for information.

Cuyahoga County has a variety of low-interest home improvement loan programs for repair or remodeling. There may be income or home valuation limits. Phone 216-443-7260 and 216-443-2149 for information.

In other areas, check with your city hall or the offices of your county commissioners to find out what housing rehabilitation help is available in your area.

*.... beware of  
predatory lenders.*

## Legal Aid Opens Low Income Taxpayer Clinic to Help Resolve Disputes with Internal Revenue Service

The Legal Aid Society of Cleveland has opened a Low Income Taxpayer Clinic with a grant from the Internal Revenue Service.

The Clinic will provide legal help to persons with low incomes who have disputes with the IRS. It will not be involved in filing of tax returns. The service is free.

Filing help for low-income taxpayers for whom English is a second language is available through the Friendship Foundation of American Vietnamese, Inc. Call 216-634-2014 or 216-634-2006 for information.

Free help is available through the Volunteer Income Tax Assistance/Tax Counseling for the Elderly (VITA/TCE) program. Vol-

unteers help seniors prepare tax returns at no cost.

For the VITA/TCE site nearest you, phone IRS at 1-800-829-1040 and ask for VITA information. Or contact the American Association of Retired Persons (AARP) for information about the nearest TCE/Tax-Aide site by calling 1-888-227-7669.

## You Can Get Help with Home Heating Gas Bills

If you are having trouble paying those gas bills that have increased so much, you can get help through the Home Energy Assistance Program (HEAP) and the Emergency Home Energy Assistance Program (E-HEAP) or Project THAW.

For information about whether you qualify for HEAP or E-Heap, phone:

**Cuyahoga County** 216-263-6275  
or 216-589-9292

**Geauga County** 440-285-9141

**Lake County** 440-354-2897

**Ashtabula County** 440-997-5957

**Lorain County** 440-245-2009

A home heating credit is available for families or individuals whose family incomes are at or below 200 per cent of the poverty level under Project WARM (or Project THAW as it is called in some counties).

This is a new credit and a one-time only benefit. You should apply immediately. The program is scheduled to operate until March 31, 2001, but if money runs out it will end sooner

You can get 50 per cent of your current heating bill and 50 per cent of any unpaid heating bills back to December 1, 2000 for a total credit of up to \$250.

You can get the credit even if you get help under another program. In Cuyahoga County, phone 216-987-7000. In other counties, phone the county Department of Jobs and Family Services. Or call toll free 1-866-901-6446.

### Uncle Sam May Be Writing To You

If you owe money to the Federal Government, be aware that you could get a notice in March advising you that Uncle Sam plans to start deducting up to 15 per cent from your Social Security check. You will get only two months to respond to the notice.

Only people getting \$750 a month or more in Social Security benefits will be affected.

**SENIOR CITIZEN CENTERS AND LEGAL AID OFFICES****CUYAHOGA COUNTY**

For information or to make an appointment in Cuyahoga County  
 phone the Senior Helpline  
 at 216-687-1900, Extension 479  
 on Tuesday, Wednesday or Thursday between 1 p.m. and 4:30 p.m.

**EAST SIDE****WEST SIDE**

Buckeye Senior Center  
 11802 Buckeye Road  
 491-8450

Hough Opportunity Center  
 8555 Hough Avenue  
 421-5400

Lakewood Office on Aging  
 16024 Madison Avenue  
 521-1515

Collinwood Community  
 Center  
 813 East 152 Street  
 541-4400

Maple Heights Senior Center  
 15901 Libby Road  
 587-5481

Metro Health Hospital  
 2500 Metro Health Drive  
 459-5551

Emeritus House Senior  
 Center  
 (at Indian Hills)  
 1554 East 193 Street  
 289-8586

Martin DePorres Center  
 1264 East 123 Street  
 268-3909

Parma Senior Resource Center  
 7001 West Ridgewood  
 440-885-8155

Fairhill Institute  
 12200 Fairhill Road  
 421-1350

Murtis H. Taylor Center  
 13422 Kinsman Avenue  
 283-4400

West Side Legal Aid Office  
 3408 Lorain Avenue  
 961-6630

Goodrich-Gannett Center  
 1368 East 55 Street  
 432-1717

Stella Walsh Recreational  
 Center  
 7345 Broadway Avenue  
 441-0111

**DOWNTOWN**

Downtown Legal Aid Office  
 1223 West Sixth Street  
 687-1900, Extension 479

Helen S. Brown Senior  
 Center  
 16100 Euclid Avenue  
 761-8410

Woodland Branch  
 Cleveland Public Library  
 5806 Woodland Avenue  
 623-7109

For information or to make appointments outside Cuyahoga County  
 phone the offices listed below

**LAKE COUNTY**

Lake-Geauga Legal Aid Office, 8 North State Street, Painesville  
 440-951-7240 from Cuyahoga County and western Lake County  
 440-352-6200 from other parts of Lake County or 1-888-808-2800

**LORAIN COUNTY**

Lorain County Legal Aid Office, 382 West Broad Street, Elyria  
 440-323-8240

**ASHTABULA COUNTY**

Ashtabula County Legal Aid Office, 121 East Walnut, Jefferson  
 440-576-8120

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of Cleveland  
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