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## PRHTIPS FROM THE PROS



# LAW & ORDER

## SKI AT YOUR OWN RISK



by FRANK C. DEPASQUALE JR., ESQUIRE

**Q:** I was walking my Teacup Poodle when a large dog got away from his owner. The dog attacked and killed my dog. Do I have any recourse against the owner?

**A:** Yes. The law places an absolute responsibility on the owner of the large dog to keep his dog on a leash and under control at all times. Unfortunately, you can only recover the monetary replacement value of your beloved pet. The law does not allow you to recover for the real loss you suffered – the emotional loss of losing your dog. If the large dog attacked and injured you, then you would be able to sue the owner's homeowner's insurance coverage for your pain and suffering and other monetary losses.

## LEGAL

**Q:** My family is taking a skiing vacation over the Christmas Holidays. Do the operators of the ski resorts bear any responsibility in the event any of us are injured while skiing?

**A:** The short answer is no. Our legislature has determined that skiing is an inherently dangerous activity that is subject to the Assumption of the Risk Doctrine. In other words, if you participate in this activity, you do so at your own risk.

**Q:** My wife let one of our son's friends drive her SUV and he got into a fender bender. He does not have his own insurance coverage. Will my insurance coverage cover him?

**A:** Yes. Your own insurance covers any individual who has a valid driver's license and your permission to operate your automobile.



Frank DePasquale was recognized once again by his peers as a Pennsylvania Super Lawyer for 2012. He heads DePasquale Law Offices, 2332-34 S. Broad Street, Philadelphia, PA 19145. P: 215.755.4410. Email: frank@depasqualelaw.com or visit www.depasquale-law.com

### LEGAL QUESTIONS

Legal questions for Frank DePasquale? Email him at info@gohomephilly.com or mail to PRH Law & Order, PO Box 54786, Phila., PA 19148. Please include your name, address & phone number for verification purposes. PRH will not publish your last name. →

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PRHTIPS FROM THE PROS

WILL YOU PAY A  
**MEDICARE TAX**  
WHEN YOU SELL  
YOUR HOME?



by **DAVID M. SPITZBERG, CPA**

**A**lthough I realize that you just want a simple answer, the following must be considered. In accordance with the Affordable Care Act, for tax years starting after December 31, 2012, a 3.8% Medicare tax will be applied to the lower of each year's

- » Net investment income or
- » The excess of modified adjusted gross income over
  - a:** \$200,000 for a single taxpayer
  - b:** \$250,000 for joint filers and surviving spouses
  - c:** \$125,000 for a married taxpayer filing separately

Net investment income includes interest, dividends and the taxable portion of annuities. Royalties and net rental income could also be considered. Distributions from IRAs and qualified retirement plans are not included.

*Net gain from the sale of property that goes into the calculation of taxable income could*

*cause a problem.* This includes gains on the sale of securities. *Does this also involve the sale of your home?*

Will you be able to exclude from gross income as much as \$250,000 or \$500,000 of gain from the sale or exchange of your principal residence? *To the extent that this tax break is utilized, the gain is not included in net investment income and modified adjusted gross income.*

As if all of this is not enough to remember, an additional .9% Medicare Tax on wages and self-employment income is also scheduled to begin for taxpayers above applicable \$200,000, \$250,000 or \$125,000 levels. Check with your employer for possible increases in your Medicare Tax withholdings.

Let's not forget that additional Federal tax increases are also being considered. States and localities are also looking for more ways to raise money. Therefore, tax planning with the assistance of competent tax professionals could result in significant tax avoidance. **PRH**

**PECO HELPS YOU PLAN FOR THE WINTER**  
LOW-COST TO NO-COST WAYS TO SAVE MONEY

by **JENNIFER BARKOWITZ**

**C**an we be lucky enough to have ANOTHER mild winter? Or will we feel the wrath of all those spring-like days we enjoyed last January through April?

Just in case Old Man Winter returns with a vengeance, PECO is offering customers a free *Smart Home E-Audit*, an online questionnaire that helps you lower your home energy bills and reduce consumption throughout the winter months.

By logging onto the PECO website ([www.Peco.com](http://www.Peco.com)), customers can enter their account number and get answers to some of the most frequently asked questions including: 'What contributes most to my energy bills?'; 'How can I lower my bills?'; and 'Why does my bill fluctuate each year?'

Once you complete the evaluation, PECO offers customers low-cost to no-cost options that will help keep you toasty this season without blowing your budget.

Recommendations include having your home weatherized by a professional, installing programmable thermostats, removing window air conditioners and keeping blinds, shades and drapes open on sunny days to take advantage of solar heating.

Customers can then set up an energy savings plan and track the progress of your home.

With fingers crossed that you won't need them, RowHome Magazine brings you a few more tips from PECO

- » Have your furnace professionally inspected every two years.
- » Replace the filter for your heat pump or furnace for the new heating season.
- » Inspect the insulation between heated and unheated areas to ensure insulation is at least six inches thick. Insulation is

the single most important energy conservation measure.

- » Inspect the caulking or weather stripping around windows, doors and any openings to the outside such as dryer vents.
- » Install plastic sheeting for windows if homes do not have storm windows or double pane windows.
- » Air ducts can be a major source of heat loss. Keep heating vents clean with a vacuum or broom. Do not cover ducts with drapes or furniture that can block the airflow and possibly cause a fire.
- » Install water-saving showerheads to reduce the amount of hot water that you use.
- » Install programmable thermostats that can better regulate temperatures.
- » If you have a fireplace, keep the fireplace damper closed tightly when not in use. **PRH**

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