



## ARDITO & ARDITO

We hope that you are all staying healthy and safe during these unprecedented times.

We know that you are all coping with many aspects of this health crisis and can certainly appreciate that each of you has experienced an impact on your personal lives as well as your employment or business.

We understand and we are here to assist you...

Over the last few weeks, we have been assisting our clients in the following areas:

- **Advance Care Directives**
- **Estate Planning Documents**
- **Commercial and Residential Lease Issues**
- **Real Estate Closings & 1031 Like Kind Exchanges**
- **No Fault Insurance Claims**
- **Questions Related to Personal Injury Matters**

As you will see below, we have detailed each of these areas with pertinent information and the steps our firm is taking to provide value to our clients.

### **Advance Care Directives**

The Governor has allowed a temporary measure for remote notarization of legal documents thus facilitating our ability to assist clients in urgent need of preparing Health Care Proxies and Powers of Attorney for the continuity of health care management, decision-making and financial transactions for themselves and their loved ones.

### **Estate Planning Documents**

We continue to serve our clients as their needs arise such as reviewing and updating existing estate planning documents, or creating planning documents for the first time. NYS has temporarily allowed for witnesses and notaries to sign legal documents remotely via video conferencing. This allows for crucial estate planning documents such as Wills, Trusts, and advance care directives, such as Powers of Attorney and Health Care Proxies, to be put in place during this crisis.

You should not delay in taking action with this available option if you want such documents prepared and signed for your peace of mind.

## **Commercial and Residential Lease Issues**

We have also been called upon to assist landlords and tenants affected by the crisis to negotiate revisions to an existing lease in order to hopefully allow for landlords to continue their operations and for tenants' businesses to remain viable during the crisis. Conversations should be had between the parties in an effort to reach a compromise and to avoid the time and expense of litigation. As for tenants seeking a reduction or abatement of rent during the government imposed closures or restricted access and disruption to business activities, we have recommended that notice of a claim should be made under any applicable insurance policy despite the fact that the COVID-19 virus is likely to be excluded as a covered event. It is important to timely preserve your rights under the insurance policy in the event a claim can be pursued.

## **Real Estate Closings & 1031 Like Kind Exchanges**

Real estate closings for refinancing and sales/purchases generally continue to take place by using varied methods while other transactions are being noticeably delayed under the current work conditions or even cancelled for crisis related reasons. Government buildings, where necessary services critical to real estate transactions, are either operating with extremely limited capabilities or are completely non-functional; however in certain counties real estate documents for recording (i.e. deeds and mortgages) are still being recorded by the applicable county clerk offices.

As for 1031 transactions, in response to the Covid-19 pandemic the IRS issued Notice 2020-23 which provides, among other relief, an extension of the deadlines for those taxpayers who have 1031 time deadlines falling between April 1, 2020 and July 15, 2020. For those currently involved in a 1031 Like Kind Transaction, the strict time deadlines for both designating a replacement property or properties and for closing on the purchase of such property(ies) which are set to expire between April 1 and July 14, 2020 have been extended to **July 15, 2020**.

## **No Fault Insurance Claims**

NYS No-Fault Insurance Law requires that within thirty (30) days of an automobile accident the no-fault insurance carrier shall receive a completed no-fault application from the claimant. At present, despite the ongoing COVID-19 crisis there does not seem to be any extension of this strict deadline. Therefore, you must timely file a no-fault application in order to ensure that the insurance coverage for your medical bills, lost wages and/or other benefits covered by no-fault are available to you, relative to your claim. We do recommend that these applications are completed with attorney supervision and that a copy is saved for your records.

## **Accident Related Injury Questions**

If you were injured as a result of an accident and had been receiving treatment for accident-related injuries prior to the “New York On Pause” mandate or the social distancing requirements, it is very likely that you have been unable to continue with your treatment. Please consider asking your healthcare provider to recommend routine exercises, stretching, etc. or other treatment modalities that can be done at home or remotely. It is also recommended that you keep a diary/log of daily complaints, restrictions and/or home exercise routines during this period of quarantine. Some healthcare providers are performing tele-medicine and conducting video treatment sessions through HIPAA compliant apps which can facilitate the continuity of care.

### **Going Forward**

Should you have any questions regarding any of the above issues or any other matter that you may need assistance dealing with during the health crisis, do not hesitate to contact us.

For those of you who are experiencing the physical and emotional pain of this pandemic and who may have unfortunately lost a loved one or know someone who has, our thoughts and prayers are with you.  
Stay safe!

Sincerely,

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