

NATIONALLY RECOGNIZED LEGAL SOLUTIONS

# SOUTH DAKOTA LEGAL NOTES

MAR 2018

## “TOP 25 WOMEN IN BUSINESS” RECIPIENT BROOKE SWIER SCHLOSS



Leah Insko Photography

**CONGRATULATIONS** to Brooke Swier Schloss for being named as one of *Prairie Business* magazine’s “Top 25 Women in Business” winners for 2018!!!!

Now in its fifth year, the award honors successful businesswomen in North Dakota, South Dakota, and western Minnesota. The award emphasizes professional achievement, community contributions, and work-life balance.

Nearly 60 people from throughout the Dakotas and western Minnesota were nominated, but Brooke’s credentials and achievements stood out.

“I am so honored that *Prairie Business* magazine recognizes

the accomplishments of professional women in our region,” said Brooke Swier Schloss. “As the mother of two small daughters, I am thrilled to tell them ‘Look at the opportunities you have to chase your dreams.’ I am humbled to be part of such a successful group of businesswomen.”

“We are very proud of Brooke’s achievement in being named one of the ‘Top 25 Women in Business’ for 2018,” said Scott Swier. “She is the epitome of a dedicated professional and selfless volunteer.”

A reception will be held on Thursday, May 17, in the Dakota Ballroom at the Avalon Events Center in Fargo, to celebrate the 2018 Top 25 Women in Business.

## SEVEN RIGHTS YOU HAVE IF CHARGED WITH A CRIME



Amanda Work

When you are charged with a crime, you become a defendant in a criminal case. Before you can be convicted of a crime, the State of South Dakota bears the burden to prove your guilt beyond a reasonable doubt. As a defendant, it is important to remember that you have

certain constitutional and statutory rights. If you decide to plead guilty or no contest, you will waive or give up many of these rights. In her latest article, Amanda Work explains seven rights you have if you are charged with a crime in South Dakota.

### THESE RIGHTS ARE:

1. **Right to be Informed of Pending Charges.** You have the right to know the charges against you and maximum possible penalty for each

alleged crime, including potential fines and jail/prison time. You also have the right to be informed of any potential “collateral consequences” if convicted.

2. **Right to Counsel.** At all stages of your criminal proceeding, you have the right to be represented by an attorney with whom you are able to consult.

To read the entire article, go to [SwierLaw.com/Library](http://SwierLaw.com/Library).



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*"Courage is contagious. When a brave man takes a stand, the spines of others are stiffened."*

*-Rev. Billy Graham (1918-2018)*



# JANUARY NEWSLETTER CONTEST WINNER

*Congratulations to Lindy for winning an Amazon Gift Card in our monthly contest - exclusively for our South Dakota Legal Notes subscribers.*

## MARCH 2018 NEWSLETTER CONTEST



*Yeti Rambler 30 ounce tumbler and coffee from Coffea*

**Drawing to be held April 4, 2018.**

**Winners announced on our website blog and social media.**

## Exclusive to Legal Notes Subscribers **ONLY!**

**You can sign up by:**

1. Visiting our website at: [SwierLaw.com/Contest](http://SwierLaw.com/Contest)
2. Calling: 888-864-9981

## OUR CLIENTS SAY IT BEST! F.G. SAID:

*"Scott Swier and his team were invaluable in helping my husband and I regarding our legal issue. Scott was kind, professional, and engaging. It's very hard to find people like him in the legal field."*

*Thank you for your review! I'm pleased I was able to help you and I enjoyed working with you both. I look forward to continuing to help you. - Scott*

We would love to feature your review in the newsletter next month! It is easy to do - just log onto [SwierLaw.com/Review](http://SwierLaw.com/Review). Thank you for your time!



**Scott Swier**

RKH Photography



# PLANNING FOR A SMOOTH FARM REAL ESTATE TRANSACTION



**Jake  
Fischer**

Whether you are buying or selling, real estate transactions can be a major turning point in any farmer's operation. Although land prices have stabilized a bit recently, these deals still involve significant amounts of money and valuable acres necessary to make a farmer's plan work. With so much at stake, it's important to approach this process with a professional - but still practical - mindset that will enable the

transaction to be a step forward, rather than an obstacle.

## Start Planning Early

Planning early is not always an option. Whether you are buying or selling, sometimes an opportunity arises and you have to move. But for those situations where you have the ability to plan - don't waste time. If you are able to start finalizing details with the other party well in advance of "go time," and if you are able to get those details to your respective attorneys, you will have a much less stressful transaction. By finalizing details early, you give your attorney a chance to put together a fair, but solid, contract. You also allow them to contact all the other professionals involved in this transaction. For example - surveyors, title companies, and assessors - all require time to do their work in a way that is most valuable to you.

## Document Everything

You cannot rely on a handshake deal any more - a lot of people do not like to hear that - but it's true. There is too much at stake to simply do a "handshake deal." You can be neighborly and friendly and still insist on a written document. In fact, a written document outlining all the terms of your agreement, no matter how creative you want to get, can often preserve friendships, as there is less second guessing and "misremembering." To do this right, you need to start early with a draft document. Get a draft document to the other party early so everyone can get comfortable with the agreement that's been put together. Then when it comes to finalizing everything, each party will be familiar with the terms, and will not feel nervous or uninformed when asked to sign the final document.

## Do Not Be Surprised By "Hiccups"

Rest assured that when an unexpected issue pops up in the course of your real estate transaction, you are not in a unique situation. Life is not perfect, and almost nothing in life comes off perfectly. The duty of attorneys, and other professionals involved in the process, is not to simply rubber stamp everything. The duty of these professionals is to handle issues that arise in an effective manner, thinking about the best interests of their clients. A farm real estate transaction is an inherently personal process because we are dealing with the sale of land that has a lot of meaning

and a significant amount of financial commitment. There are a lot of people and a lot of emotions involved with a real estate transaction. These dynamics will inherently create issues, and that is what your attorney is trained to deal with. Expect issues to arise, do not expect perfection, but please remember it is our job is to take care of these issues, so you can reach your goals.

## ST. PATTY'S CHOCOLATE BROWNIES



*Deana Olson told us, "These brownies are one of my family's favorite recipes. They are so good that I make them year-round, not just for St. Patrick's Day."*

### INGREDIENTS:

- 1 cup (240 ml) Guinness Extra Stout
- 10 Tbsp (1 1/4 sticks, 140 g) butter
- 1 1/4 cup (250 g) sugar
- 3/4 cup plus 2 Tbsp (85 g) unsweetened natural cocoa
- 1/4 teaspoon salt
- 1/4 teaspoon cinnamon
- 2 teaspoons vanilla
- 2 large eggs, lightly beaten
- 3/4 cup (96 g) flour
- 2/3 cup (90 g) chopped pecans (optional)

### DIRECTIONS:

1. Preheat oven to 350°.
2. Place the Guinness stout in a medium saucepan (2-quart) and bring to a boil. Boil until the liquid reduces by half.
3. Add the butter to the reduced Guinness until melted. Add the sugar and whisk until dissolved. Stir in the cocoa, salt, and cinnamon and mix until smooth. Remove from heat and let cool until just lightly warm to the touch.
4. Once cooled, add vanilla and eggs and mix until smooth. Add flour and mix until combined. (Optional: add nuts, if desired)
5. Bake at 350° for 30 minutes or when a fork inserted comes out clean.





**Scott Swier**

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**Brooke Schloss**


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**Jake Fischer**



**Mike Henderson**



**Amanda Work**

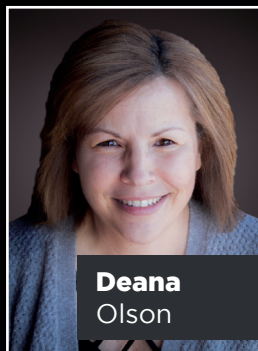


**Rebekkah Steinwand**



**Lindsay Harris**

# STAFF SPOTLIGHT



**Deana Olson**

What do you do for the firm?  
**Certified Paralegal and Firm Intake Specialist.**

Tell us about your family. I have been married to my husband, Royce, for **20 years**. Together, we have a daughter, Amanda, who is a freshman at SDSU majoring in Human Development and Family Studies.

Tell us about your pets, if you have any. A feeble, 11 year old yellow lab named Shelby. She was named by my husband's love for the Shelby Mustang.

Where are you from? I am a farm girl born and raised in Lake Park, Iowa; near Okoboji, Iowa.

Do you like to cook? If so, what's your favorite recipe? I enjoy making homemade lasagna and fettuccine alfredo.

Favorite TV show: I enjoy watching reality TV (Survivor, Big Brother, etc.). I have my DVR set to record Judge Judy every day.

What's your favorite season and why? Summer because I enjoy doing yard work and generally just being outdoors.