Special Solari Report: Investing in Your Archives

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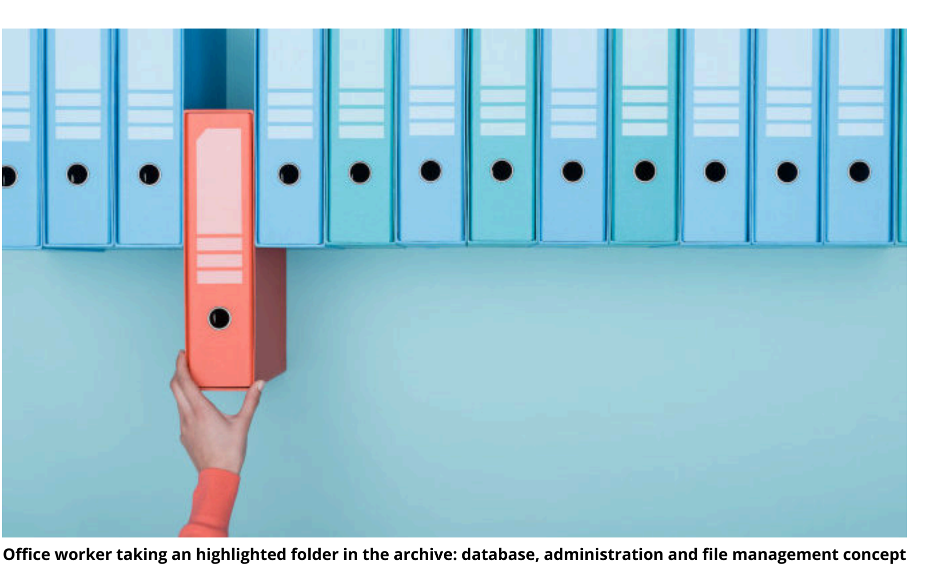

Office worker taking an highlighted folder in the archive: database, administration and file management concept

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"He who archives, writes history." ~ Attributed to G.H.W. Bush

I. *Why Archiving Is Important*

Over the years, our memories fail us. We think we will always remember so many things, and then we do not. Any mother of a twenty-or-thirty-something knows that when she was younger, she was certain she would always remember her child's first words, how old he was when he took his first steps and walked, the name of his kindergarten teacher…. But now, so many of the details are gone, and she wishes she had written down more.

We need access to original source documents to prove our own truth and to protect us from fraud or mistakes by others. While there are many aids to recreating history – like Social Security Administration records of our past jobs, bank records going back perhaps three years, and pay stubs buried in a tax records box somewhere deep in the basement – with so many records now kept online, fewer records are communicated on paper and more companies are destroying or declaring themselves not liable to produce records for extended periods of time. Can you believe that a client of one of us reported that the Internal Revenue Service (IRS) had no copies of his past tax returns or even tax transcripts available for the entirety of his failing marriage because the IRS does not keep returns when they indicate that the taxpayer owes nothing? That is a true story of a man who needed copies of the tax returns his wife destroyed for his divorce.

There are many unforeseeable future circumstances when we may need information that could have been archived. We never know when we might have a legal claim to file against another person or company, be sued by our neighbors over property rights, or become the subject of a governmental enforcement action or civil lawsuit for which financial information about our homes, incomes, and activities will be key to prevailing in court.

Statisticians and record keepers tell us that almost half of marriages end in divorce. The spouse with control over financial information has a leg up in the division of marital property and determination of spousal and child support as well as child custody determinations. Maybe we will never divorce, but our children may need information about inherited or gifted property in their own divorces. Outside of marriage, income information is also important in child custody hearings of unmarried parents, and for couples who live together for an extended period and share living expenses; particularly when they have purchased a home together, if they break up and end up in court – unable to agree on a fair division of property – that income information will be crucial. It is wonderful to believe that we can always trust those we love, but experience shows this not to be the case in so many divorces, probates of wills, and break-ups.

Regarding investments in homes and securities, unexpected developments have caught many without recourse due to the absence of records. If one purchases a new home, there are warranties to be considered and with any home, insurance claims must be supported with documentation. Without key dates and receipts for expenses and replacement property, one is left to do searches on eBay and online estate auctions for comparable property, or searching cell phones for photographs and dates of texts (which may have been lost when the cell phone was replaced), or making calls to family members and friends for information they may have in their own cell phones, computers, and archives. Receipts, drawings, owners' manuals, and similar documentation and information pertaining to improvements to one's home can become important in the future for both warranty claims and for reference by service providers of replacement systems (e.g., geothermal, sewer, plumbing, and electrical systems). Would you know how old your roof is and what company manufactured the shingles if a tree falls on your house and pokes a hole in the roof?

If one holds shares in a private company, the company may go bankrupt, or the majority owners in control of corporate, partnership, or limited liability company records may fraudulently disclaim the ownership interests of minority shareholders or partners. An investor also may find himself or herself the victim of an investment scam. Many if not most securities of publicly held companies are now held in street name or in the digital records of the stockholder's broker, particularly when the stockholder holds the securities in a margin account. When Lehman Brothers collapsed in 2008 and during subsequent mergers of most of the major Wall Street investment houses, clients found out the hard way that their "safe" investments in the digital files of their brokers were not fully recoverable, and that independently held records were of great use in proving their ownership interests. The same holds true for tracking holdings of mortgages, CDs, and other assets by banks (and their servicers) that have experienced multiple mergers into bigger and far-away bank holding companies.

On the small business and professional business side of things, the risks of claims of malpractice for attorneys, accountants, architects, doctors, dentists, and other professionals make availability of information important in developing a legal defense. Other small business owners can be sued, rightly or wrongly, for wrongful termination, discrimination in violation of civil rights laws, consumer fraud, defamation, trademark infringement, and in a host of other causes of action that no amount of caution can necessarily prevent.

We may need to prove what assets we own, their dates of purchase, their value, and the sources from which they were acquired in cases of theft, fire, flood, other adverse weather events, and claims of ownership of the same assets by third parties (e.g., gifts in divorce, tax audit, or estate probate). Aside from their value as support for insurance claims, photographs – particularly old photographs that have not been digitized – are of great sentimental value; their loss is often the source of great grief. We see so many victims of floods and fires who either grieve most the loss of their photographs or express gratitude that at least they saved their pictures. Let us take a lesson from those who have experienced the worst of circumstances.

School records can be important many years later for various purposes, for example, in applying for government jobs, applying for admission to higher education programs, documenting experience for presentations and lectures, running for public or organizational offices, creating curricula vitae for published articles, and even finding long-forgotten childhood physical, psychological, or mental conditions of interest in later life (e.g., diagnosis of ADHD, learning disabilities, early developmental delays or problems, and medical conditions). Similarly, medical records from long-closed doctors' offices may become important to establish the existence and duration of medical conditions or disabilities from youth or childhood that become more troublesome later in life or that give rise to claims for damages at a later date (e.g., school built on toxic waste site).

Carolyn had a client who was terminated from a job for the suspect claim by his employer that he "failed to work well with others." The client had had Tourette syndrome since he was a child, a disability for which the civil rights laws require accommodations, but he was able to perform his job well with a little patience and tolerance from his co-workers. His co-workers, other than his direct supervisor, adapted well to his occasional tics and his need for a quiet space for a break in periods of high stress. The employer claimed, falsely, that the employer did not know the employee had Tourette syndrome. The employee was unable to recover either school records or medical records to support his claim of disability. It turns out that his high school kept only grade and attendance records, and his family practice doctor's office had closed when the doctor retired without saving patient records from ten to twenty years before.

Records of services provided to others (according to hours and descriptions of the services provided) can be important for a number of reasons, not least of which is claims for reimbursement for services provided to elderly and disabled friends and relatives. Sometimes, caregivers offer their services out of affection and a desire to help without knowing the ultimate extent of their future involvement and the number of hours that will be devoted to caregiving. Not infrequently, the caregiver can be compensated for such services either from public medical and disability programs or from the estates of the recipients of care, either through guardianship proceedings or from their probate estates after death. Detailed documentation that is virtually impossible to create after the fact must be provided in order to justify claims for reimbursement. The time and out-of-pocket expenses and in-kind contributions dedicated to the task of settling an estate likewise must be provided in order to support reimbursement. Filing claims for reimbursement for one's services is no cause for shame: everyone's services, whether out of kindness or necessity, have value – the providers should, when funds are available, be compensated.

One might expect Carolyn, an attorney by profession, to counsel others to put verbal agreements in writing, but she herself has been guilty of relying on memory instead of documentation. The temptation not to "challenge" another with whom we have a good relationship by requesting written documentation is great. We suggest committing some self-effacing or humorous excuses to writing or memory for future use when this temptation arises: excuses like "you know, my memory sometimes fails me and I don't want to be in the position of losing a friend because I have misremembered our agreement" or "my tax return preparer insists that I get all of my loans in writing" or even "if anything should happen to either one of us, God forbid, we don't want the wicked stepmother to prevent repayment by the estate."

Agreements in this category include family and other room or apartment rental agreements, promissory notes (which should include at least an interest rate, maturity date, and periodic installment payments due, even if only documented with an "IOU" notation and signature), and auto loan agreements (e.g., between friends and lovers who might "confuse" loans and gifts).

Some dates that are important to record for future use include dates of verbal agreements, employment dates (including names and contact information for sources of references), dates of first use of trademarks, and dates of professional licensure and/or admission to practice in various jurisdictions. Keeping calendar notes is important for proof of dates and reconstruction of timelines in order to resolve or prevent court battles and wasted time over later disagreements, misunderstandings, mistakes, audits, and the like.

II. *What Should Be Archived (scan and save on a regular basis, then back up regularly)*

The following is a checklist of documents that should be archived (and, in some cases, created with the assistance of a professional):

- Financial statements and other financial documents (including ownership interests in private LLCs, partnerships, and corporations)
- Promissory notes and other proofs of debt and terms (as lender, borrower, or guarantor)
- Birth, marriage, divorce, death, and adoption records
- Wills, powers of attorney, living wills/health care powers of attorney, trust documents, and contracts (one's own and those of family members)
- Closing documents from the sale or purchase of a home, investment real estate, or business
- Contracts of all types (esp. recurring service contracts)
- House plans
- Loan agreements (e.g., for works of art, antiques, vehicles)
- Tax returns and supporting documents (from first year of significant earnings)
- School transcripts
- Employment records, including employment contracts, non-competition and confidentiality agreements, and liability releases
- Receipts
- Emails
- Hard drives
- Photographs (sentimental) and photographs of assets of value and damage thereto
- Health, life, auto, errors and omissions, malpractice, and other insurance policies
- Calendars and appointment books
- Professional records and research
- Important articles, diagrams, etc. (written by you and others)
- Documents from litigation and mediation
- Correspondence and cards
- Hobby records (e.g., recipes, patterns, directions, photos, and sources and costs of raw materials)
- Warranties and user manuals
- Records of services provided for personal and business properties (e.g., installation of gas lines, sewer lines, geothermal, etc.)
- Medical documents (x-rays, MRIs, operations, tests, etc.) – download and save if on health care provider "My Chart" website
- Personal and family history, including personal and professional research, articles you have written, and family anecdotes
- Instructions to executor (e.g., who gets what personal property, cremation or funeral instructions, funeral arrangements)
- Burial plot and prepaid funeral records
- Cryptocurrency records
- Passwords, combinations, and account numbers
- Passports, birth records, and driver's licenses
- Resumes and curricula vitae
- Board of directors, council, school board, and other organization meeting agendas and meeting minutes as well as regulatory filings, contracts, and unanimous consent resolutions and other key documents provided to directors
- Liability releases
- Any document signed and submitted to a third party
- Professional opinions

III. *What Not to Do and What to Watch Out for*

What You Should Not Do

Do not allow yourself to be isolated (whited out). Document anything suspicious and/or "secret" by means of an email to at least one trusted individual. This will protect your safety.

Do not allow manipulation of your data or intellectual capital. If anyone attempts to do so, notify interested parties of the manipulation or untruth and archive a copy of the notice. Do not permit theft or diminution of your assets.

Do not permit false witness against you or your project. Your reputation is important. Refute public false statements formally in writing and give a copy to your attorney.

Do not depend upon financial institutions, government agencies, professional associations, licensing agencies, medical service providers, or educational institutions for records, especially if there is no secondary source for information about you. A client allowed his professional license to lapse when he retired from practice. When he fell on hard times and tried to become relicensed, he found that the state licensing board had not digitized records for licensees who allowed their licenses to lapse. Having lost the credentials showing the educational and work records needed for licensure, he was unable to become relicensed, even though the state licensing authorities had records that he had been licensed previously.

Do not believe information that foreign financial assets cannot be obtained by taxing and other authorities. Always report your income and assets legally.

Do not put in a workplace email or on social media anything you would not want to see on the front page of the *New York Times*.

Do not pay more than $500/year to regular household help (e.g., nanny, housekeeper, regular babysitter, gardener) without reporting to the Social Security Administration and withholding or paying the tax, particularly if you ever hope to hold public office or could be subject to government SWAT (e.g., you publicly hold controversial views, engage in boycotts or protests, could be a whistleblower, or are associated with or married to any such individual).

Do not ever go on the dark web or pornographic sites, particularly on workplace network computers.

Don't get isolated and don't contribute to isolating others (particularly aging parents). Don't assume paid caregivers will provide regular care to a loved one as they are contractually obligated to do.

What You Should Do

Obtain regular credit reports and review for accuracy. If anything is reported incorrectly, submit a signed letter to the credit bureau reporting the mistake with any available documentation.

Maintain personal access to and copies of your personal and professional/research records for your use.

Be aware of availability of your online search history – use DuckDuckGo or a similar protected search engine and erase your search history when you can. Search for your own name on a search engine and correct any misinformation, if possible. If you have an attorney or friend with access to a site like Instant Checkmate or Nexis, obtain the records associated with your name and correct any errors in writing to the operator of the site.

Use a third-party tax return preparer.

Remember that deleting messages and documents from your computer may not eliminate them forever – forensic professionals can recover much "erased" information.

Execute a will and select an executor with care to honesty, reliability, and competency. Execute a durable power of attorney (POA) in favor of someone you trust, and only someone you trust, even if you don't deliver it currently. In case of a divorce or other disassociation with the agent, send a rescission to anyone a POA was delivered to and to the agent. Execute a health care power of attorney in favor of someone who will fight for your life and health if you are hospitalized. If you are unmarried, consider executing and filing transfers of property on death for bank accounts, cars, and real estate.

Have faith – the law works, it just requires hard work, patience, and good documentation.

IV. *Risk Issues*

Remember: You may be accused of being paranoid, but that doesn't mean you are not being followed.

In today's increasingly dangerous social environment in which rapidly changing technology enables the centralization team to move our society toward globalization, media suppression and control, trade agreements and laws and policies that decrease national and state sovereignty, and the assertion of central bank control on behalf of a "silent" oligarchy, the following are risks that each of us needs to be aware of in our daily lives as we make decisions and take actions to protect our families and loved ones.

Surveillance and covert operations – It is best to assume at all times that you are potentially under surveillance by intelligence agencies and others who have access to the same powerful tools and spyware. Use discretion and protect yourself.

The potential for litigation and enforcement actions against you and your family members and loved ones – Do not believe that you "have nothing to hide" and therefore are protected from false accusations.

Cyber theft, ransomware claims, viruses, and accidental or intentional deletion of key information – Anyone who has experienced a computer crash or the compromise of personal information by a vendor or bank knows what an expensive and time-consuming nightmare it is to recover lost information and fight efforts by unknown aggressors to impersonate us and steal our identities. Perhaps worse are blackmail and ransom claims. These risks are ubiquitous and inevitable and do not discriminate based upon income level, social status, or intelligence.

Fire – Whether natural or manmade, the risk of the spread of fires over many acres and miles of suburban and even urban living spaces places many of us at risk of loss of all of our personal property and residences. Trust in God to protect us is not a sufficient plan, even though that may allay our fears.

Theft – The risk of theft encompasses more than potential loss of tangible valuables. Anything of value can be stolen from us, including our intellectual property, our reputations, title to our real estate, and our autonomy. Fear porn tells us to be most afraid of riots, burglaries, kidnapping of children, and muggings. In fact, these occurrences have been with us for many years and are not, as a general matter, increasing in frequency. We just hear about crimes more through media coverage. This is not to say there is no risk of traditional burglaries and muggings, but rather to emphasize that caution and preventive measures are in order in all aspects of our lives, not just in protecting our belongings. It is also good to remember that in living lives filled with fear, we are being robbed of spiritual fulfillment, freedom afforded by individual autonomy, and the serenity that attends faithful dedication to acceptance of life on life's terms. No one is entitled to rent-free space in our consciousnesses.

Weather and other disasters – Whether due to natural or manmade "climate change" or the intervention by nefarious means of weather control that we know exists, the reality is that natural disasters have become a common part of life, particularly in vulnerable geographical areas. The interests of land developers in profits from such disasters cannot be overstated. Our most potent weapon is close relationships with our neighbors and local political allies combined with excellent records of assets and insurance in multiple locations.

Power outages from natural disasters due to hacking and other sources – This risk is similar to and has many of the same ramifications as fire, natural disasters, and adverse weather events. The purchase of a generator may alleviate some of the problems posed by lack of power, particularly if family members are dependent upon medical devices that are powered by electricity. The extended and widespread power outages in Louisiana and other states from 2021's Hurricane Ida have brought to light our dependency upon electricity and in some cases, the disastrous results from lack of power. Other risks (e.g., of theft, fire, heat stroke, freezing, and flooding) also increase during power outages.

Internet outages – It is surprising to some of us that more Internet outages have not occurred, but the instances of massive communication difficulties due to Internet outages are on the increase. Related to this are the effects of relatively normal weather events on satellite transmissions that we depend on more than most of us realize. The maintenance of alternative forms of communication (e.g., wired Internet, land lines, and old-fashioned ham radios) accessible to individual families or networks of Solari Circles or other groups of like-minded families can alleviate some of the inconvenience and even danger posed by lack of access to Internet-based amenities and necessities.

Closing of former employers and death of former supervisors and co-workers – As we age, this risk increases. Simple and purposeful dedication to the retention of records and maintenance of personal contacts can serve to alleviate some of the adverse effects that might otherwise result from losing touch with our pasts.

Surveillance – Roving enforcement teams can "see" your computer and hear your cell phone conversations through Wi-Fi and sophisticated spyware equipment when driving past your house or office, even without your passwords.

"Intelligent" appliances – We have all heard anecdotes and seen TV show plots about families that are spied on through baby monitors. The temptation to save time and enjoy the convenience provided by smart appliances may be great, but the retention of privacy afforded by a "dumb" life may be worth it. If nothing else, learn how to turn off such appliances so that they are in use only when you intend it. For tips on how to loosen technology's grip on your life, see the article by Corey Lynn in the Solari Report ***First Quarter 2021 Wrap Up***.

"Gossip" by "friends" who do not have your best interests at heart – This is a risk going back to antiquity but more lethal in light of our faster methods of communication and social media. It is more important than ever to know who you can trust. Trust your gut in dealing with those who pump you for information about your personal life and difficulties you experience with others. Perhaps the conventional cautionary advice "trust but verify" is more appropriately changed to "verify and then trust." This is particularly important in jurisdictions where people are paid by enforcement and private security to snitch on their neighbors.

V. *Storage of Archived Information*

We think it is important to determine how much time, energy, and expense you want to dedicate to archiving after considering the risks and circumstances of your own personal situation. If you are, for example, a public official, a literal or *de facto* whistleblower, a reporter of controversial matters that offend powerful interests, or otherwise are vulnerable to hostile actions by powerful or covert interests, you probably need to go to considerable lengths to keep and protect your archived information. At the extreme end of the spectrum, keeping multiple servers offshore in jurisdictions that are not likely to bend to pressure to compromise your private data may be in order. Others, who have limited time and funding resources and live relatively simple and uncontroversial lives may justify the assumption of a greater degree of risk as part of a thoughtful strategy to gain the most benefit from limited resources, perhaps depending upon trusted others to some extent to protect themselves.

Generally, it is a good practice to make back-up copies of computer drives and regularly prepare copies on a separate drive for delivery to individuals with whom you enjoy legally "privileged" relationships. This includes an attorney, if you have reason to suspect danger, a member of the clergy, or a medical doctor, psychiatrist, or other health care provider who is subject to doctor/patient privilege. Other trusted individuals can be used for this purpose, but those subject to privilege can refuse a copy to government or enforcers as a legal matter.

Always password-protect data that are confidential (e.g., patient information for a doctor and client information for an attorney).

Keep at least one copy of your drive at your office (assuming you have a secure place to store it) and/or at a nearby location other than your office or home that is accessible during weekends and evenings, perhaps with a trusted friend or family member. Switch out your drives with updated copies on a regular basis. It is a good idea to remind yourself of this mundane but important task with notations in your calendar.

Depending upon your level of vulnerability, the confidentiality and secrecy of information you hold, and the importance of the information to third parties, you may want to keep copies of your drive in multiple jurisdictions (i.e., states and countries). A safe deposit box or offsite storage unit may be used to protect data from disasters but beware that banks and storage companies are subject to subpoena by government. Involving multiple "bailees" (i.e., holders of property of others) decreases the risk that an individual holder of your drive can subject you to the loss all of your important data through subpoena, natural or other disaster, or theft or death.

VI. *Tips*

Keep a diary. Timelines are invaluable for many purposes not currently known.

Keep your laptop and cell phone with you but label them with your "if found" phone number (for laptop) or email address (for cell phone). Do not leave in car, hotel room, or checked luggage.

Keep any essential presentations on a stick drive as well as on your computer or cell phone. However, don't ever keep irreplaceable information on a stick drive because a stick drive can be corrupted. Back up your computer regularly on at least one separate hard drive.

Beware of public Wi-Fi, on which hackers can access your private information. Store passwords only in hard copy and password-protected or encrypted media. Do not have your computer "remember" your password on sites like bank sites, where private financial information is stored.

Assume you are under 24/7 surveillance – everyone is. Be aware that law enforcement officers (and others who can obtain similar equipment) can listen to cell phone conversations as they drive by your home and that smart televisions and other smart equipment can be used to spy on you when on and sometimes when turned off.

Turn off Wi-Fi when not in use and use hard-wired Internet access if possible. Turn off location data on your cell phone when not using GPS.

Do not send credit card information in a single email- break up into multiple messages if you have to send by email. Avoid sending your Social Security number by email or text and never give your Social Security number (or other personal information) to someone who calls you unless you recognize the originating phone number.

Do not accept social media invitations from individuals you do not know personally; look up the account of anyone suspicious. Never fill out social media quizzes that may reveal sources of passwords or security information (e.g., first car you learned to drive stick shift, month you were born, family member and pet names, where you were born).

VII. *Good Things to Have*

Get a a fireproof safe. See https://library.solari.com/how-to-buy-and-install-a-safe-with-dan-perkins/

Have reliable home and car insurance, both in their terms and the identity of the insurers. Don't buy purely on basis of cost (it's no good if insurer won't pay). Consider replacement cost coverage.

Keep cash, coin, and asset reserves with family or friends or in depositories unless you have a safe, secure, accessible, and secret location available on property you own. If you hide anything valuable, tell a trusted friend or family member or note in hard-copy directions to your executor or in encrypted form where someone will find it.

Establish a safe and convenient hiding place for valuable jewelry and precious metals you need to use on a regular basis (e.g., install an under-the-counter drawer for silver or hollowed-out book for jewelry).

Form or join a Solari Circle – people who have each other's backs and have worked out disaster recovery plans. See the ***First Quarter 2021 Wrap Up*** Part II: "Solari Circles – Take Action Together"

Identify an attorney who you know and trust and who will represent you in an emergency. While we have nothing against "big firm" lawyers in general, the selection of a trustworthy attorney who can save us in hard times has more to do with an individual's loyalty, integrity, professional and personal experiences, emotional IQ, network of contacts, and humility than with formal training at a prestigious university or association with socially prominent firms and clients.

VIII. *Final Words*

Be useful to others and establish trusting relationships. Resist the temptation to give too much information to those who are not trustworthy. Many well-meaning enforcement employees do not understand what is happening and are not on-board for criminality. It therefore helps for us to understand the legal process we may find ourselves a part of, the responsibilities enforcement personnel face, and how to earn their trust and respect. Investing in your archives will help you support trusting relationships, protect assets, reduce your risks, and navigate uncertain times.

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How to Buy and Install a Safe with Dan Perkins

Identity Theft: Avoiding It If You Can, Surviving It When You Don't

Your Mortgage: Financing Your Home Without Falling for Fraud with Marie McDonnell

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