



JIMERSON & COBB, P.A.

## February News from Jimerson & Cobb



As if running a law firm and raising two children in diapers wasn't enough of a challenge, I've decided to try to learn how to play the guitar this year. Not content with annoying my family with advanced shower harmonics, I now endeavor to get under their skin in a whole new challenging way. The beautiful thing about learning how to play my first instrument is that it is converting me from a mere listener to a creator. It's a skill that I can strive to refine, for even Keith Richards said, "you're always learning about this thing every time you pick it up." Anecdotally, I presume Keith Richards has learned or caught a lot of things from the various vices he has picked up....but I digress.

Thinking about this in the context of your businesses, I challenge you to ask yourself, "what am I you doing to convert myself from a listener to a creator?" Are you someone who merely consumes the benefits of your company and your industry, or are you on the precipice of production, making the music that your listeners will dance to? Do you understand everything that goes into the product you create and exactly why your customers consume that product? By learning to be a "music maker," you will likely see things in your business that you otherwise would not have saw. If you became a more diverse business musician, I suspect you would be opening the door to your own understanding and greater enjoyment of your business that you spend the majority of your waking hours in every day.

Somewhere along the way, we all start thinking about what we woulda, coulda, shoulda done in our careers and frequently people regret not pushing themselves to learn more skills, cultivate more opportunities and achieve more goals in the quest for professional satisfaction. While I doubt that a thirty-something never-has-been like me will ever get a chance to open up for The Rolling Stones, I will get an opportunity to learn more about the music I enjoy so passionately. Maybe by learning to play guitar in your business you will deepen your understanding of your business and how it produces music. If nothing else, you may realize that your sweaty, three-chord playing band mates can really rock. I expect to see all of you tatted up, dressed in leather and covered in glitter and hairspray by the end of 2013.

Very Truly Yours,  
[Charles B. Jimerson, Esq.](#)

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## J&C participates in Junior Achievement Bowl-A-Thon

For the second year in a row, J&C attorneys and staff participated in the Junior Achievement Lawyers' Challenge Bowl-A-Thon. Even Charlie's two-year-old daughter, Lila, got in on the bowling action at Bowl America in Jacksonville.



As the world's largest organization dedicated to educating students about workforce readiness, entrepreneurship and financial literacy, JA employs a unique approach by inviting volunteers from the community to deliver the curriculum while sharing their own experiences with students in the classroom. Its Bowl-A-Thons raise money for volunteers and learning in the classroom.



For more information on Junior Achievement and its Bowl-A-Thons, visit its website [here](#) or [email](#) Molly Haston, the JA Special Events Coordinator, directly.

## J&C shareholders named to Florida Super Lawyers list

# Super Lawyers

Attorneys Charles Jimerson, Christopher Cobb and Matthew Havice were named 2013 Rising Stars by *Florida Super Lawyers Magazine*, a peer-nominated recognition designating the top attorneys

in the state under the age of 40 who have been in practice for ten years or less. Less than 2.5 percent of attorneys in the state receive this recognition.

Candidates selected as Rising Stars are evaluated based on the following 12 indicators of peer recognition and professional achievement: verdicts and settlements; transactions; representative clients; experience; honors and awards; special licenses and certifications; position within law firm; bar and or other professional activity; pro bono and community service as a lawyer; scholarly lectures and writings; education and employment background; and other outstanding achievements.

Be on the lookout for the July 2013 issue, where Charlie, Chris and Matt will both be featured in the list. For more information on the Super Lawyers Rising Stars list, visit its website [here](#).

## Featured bLAWg Posts

### Do you have a customer entering bankruptcy? Be sure not to violate the automatic stay

By: [Christopher M. Cobb, Esq.](#), and [Hans C. Wahl, Esq.](#)

Section 362 of Title 11 of the United States Code provides for the Automatic Stay in all bankruptcy proceedings, including Chapter 7, 11 and 13 filings. The Automatic Stay is invoked immediately upon a debtor filing for bankruptcy and once invoked it instantly halts all actions by creditors to collect on pre-bankruptcy debts.

### The Treatment of HOA Liens During a Debtor's Bankruptcy Proceedings

By: [Hans C. Wahl, Esq.](#)

Homeowners' Associations (HOAs) have remedies available, under Florida law, when its residents fail to pay their periodic HOA assessments in a timely manner. One such remedy is a statutory lien pursuant to Chapter 720, Florida Statutes. According to Florida law, when a community is subject to mandatory HOA fees, the HOA has the statutory authority to levy assessments and to secure its claim for

Click [here](#) to read the full bLAWg post.

any unpaid assessments by placing a lien on the debtor's property within that community. Fla. Stat. § 720.3085(1).

Click [here](#) to read the full bLAWg post.

## Additional bLAWg Posts

### The Governmental Unit Exemption to the Automatic Bankruptcy Stay Extends to a Final Judgment for Attorneys' Fees as a Sanction

By: [Kelly A. Karstaedt, Esq.](#)

Click [here](#) to read the full bLAWg post.

### Make Sure You Have Addressed All Pending Counterclaims and Affirmative Defenses Prior to Moving for Final Summary Judgment of Foreclosure

By: [Matthew F. Havice, Esq.](#)

Click [here](#) to read the full bLAWg post.



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## Results Driven

Community stewards by night; see what we do for our clients in our day job.

\*Assisted a local banking institution with obtaining first priority status of a lien on real property from the first mortgage holder.

\*Obtained cash collateral payments, assignments of rent and appointments of receivers in commercial foreclosure of multiple hotels.

\*Filed suit against local radio station for failure to pay vendor, supplier and on-air personality for goods and services provided to the station for which payment was not made.

\*Filed summary judgment on counterclaims in contract action asserting economic loss rule and failure to support essential elements defenses.

\*Defended a small business owner against a services provider who continued to charge the small business after its services were terminated.

\*Converted unsecured debt of nine entities into secured transaction on behalf of unsecured creditor seeking pre-judgment workout

\*Obtained a favorable settlement and payment from a property owner and consumer of services while representing out-of-state five-star resort owner and operator.

\*Resolved Nigerian Check Scam case on behalf of bank defrauded by client of customer at mediation.

\*Represented a medical supplies company and obtained a final judgment against a delinquent customer who failed to pay the outstanding invoices.

\*Engaged to represent regional bank in defending action based on priority of lien interests.

\*Negotiated a payment plan for a health services provider to begin collecting on an outstanding debt that its customer owed.

\*Provided counsel to large secured lender in Chapter 7 filing regarding adversarial actions to recover estate assets.

\*Obtained full value pre-

\*Represented foreign company in vacating preference action judgment and setting aside default.

\*Successfully resolved homeowner dispute with contractor resulting from payment for work paid for which contractor alleged was completed but was found to be incomplete or not performed at all.

\*Settled lawsuit brought against commercial contractor over usage of temporary staffing on terms favorable to client.

\*Sought post-judgment charging orders against multiple LLCs owned by debtor seeking to defeat tenancy by the entireties exemptions.

\*Mobilized on short notice to provide emergency contract interpretation and counsel to roofing company terminated from project. Firm ultimately assisted in negotiating reasonable settlement of disputed change order and provided guidance for resolution of future scope issues in ambiguous contract.

comfort.

\*Engaged to defend restaurant and guarantors in contract action pertaining to business operations.

judgment settlement in favor of biotechnical support services company against debtor located in Puerto Rico.

\*Liened multiple units and filed statutory notices against owners for unpaid condominium assessments.

\*Filed civil theft and contract actions on behalf of professional services provider.

## Client Focus: Builders Care

A monthly feature on one of our valued clients.



Builders Care is the charitable arm of the Northeast Florida Builders Association (NEFBA) and represents many of the great builders and trades partners in the area. Its mission is to provide much-needed construction services for senior, disabled and low income individuals in Northeast Florida.

Since beginning operations in 2001, Builders Care has helped more than 1,000 people living in some of the most unimaginable and deplorable conditions. The ultimate goal of Builders Care is to heal substandard housing belonging to those who have no other way of repairing their homes and provide them with independent living again.

As a non-profit 501-c3 organization, Builders Care accepts monetary donations, volunteer labor and donated building materials, weaving them together to provide low-to no-cost construction for the most fragile compelling cases in our community. For more information, visit the Builders Care [website](#).

Jimerson & Cobb is very proud and thankful to represent NEFBA Builders Care and wishes it continued success in the new year.



## Firm News

Curiosities, ruminations and various eccentricities of firm biz.



### Growing a firm

Charlie was invited to be a guest speaker for this month's Jax Lawyers Roundtable. His talk, "Growing a Firm," highlighted the top five things he's done right and the top five things he's done wrong in growing the firm. To learn more about the group, click [here](#).



### J&C attorney quoted in JBJ

Charlie was asked to comment on the decision by MDI Holdings to file for a receivership as opposed to a Chapter 7 bankruptcy in last week's issue of the Jacksonville Business Journal. To read the online preview article, "For MDI Holdings, court appointed receivership was better option than bankruptcy," click



### Welcoming new file clerk

Please join us in welcoming Felicia Flaum to the firm as a full-time file clerk. Felicia is fluent in three languages, set high school records in the discus and earned a volleyball scholarship to college. She graduated summa cum laude from UNF.



### Gearing up for the chili cookoff

To gear up for the JBA Young Lawyers' Section Chili Cook-Off, J&C will hold an internal cook-off at the end of the month to determine the winning entry recipe. Stay tuned to see whose recipe wins! The JBA cook-off is March 2. Other February office events included Cover Song Day and Random Acts of Kindness Day.

[here.](#)



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