



JIMERSON & COBB, P.A.

## July News from Jimerson & Cobb



As you may have read, our firm was recently honored with two great awards, the *Jacksonville Business Journal's* Best Places to Work and 50 Fastest Growing Companies. This is the second year in a row we've won these highly coveted awards and we are so thankful to have earned the recognition. No other law firm was named to both lists this year or last year. Being on both of these lists is a true compliment to the firm, for we

seek to perform our professional services with a positive attitude that gives us pleasure in a personal way that transcends legal engagements.

Many companies can say that they've grown and achieved business success, but at what cost? Did they lose their identity along the way? Did they sacrifice the quality of life for those who were instrumental to building that success? Conversely, many companies can say they have created a fun work environment, but are they doing it in a way that will establish long term security for those employees who invest? When the time comes, can they put in the necessary "sweat equity" to make the business grow in a sustainable way?

As the managing partner of our firm, I don't see why there should be a chasm between firm culture and firm growth. In fact, they are fused objectives - corporate growth requiring fulfilled personnel. For those of you who run companies, I encourage you to make sure your employees are happy. Corporate happiness is not something that is bottled and ready-made. It has to come from actions. Employee happiness often sneaks in through the door to your office that you leave open. Leaders who are happy with what they have, what they are, and are generous with both do not have to hunt for an empowered, faithful and cheerful corporate culture. The key to getting your folks to enjoy their work and be happy doing it is to get them to make up their minds to be happy. As individuals, we all need to recognize that happiness depends on ourselves. As legal professionals, our true happiness comes from the joy of deeds well done, the zest of creating things new and improving things old. As Ben Franklin said, "The Constitution only gives people the right to pursue

## In This Issue



[J&C partners to present at condominium law seminar in September](#)

[J&C honored at JBJ awards lunch for 50 Fastest Growing Companies](#)

[J&C celebrates 5 years in business](#)

[Featured bLAWg Posts](#)

[Additional bLAWg Posts](#)

[Results Driven](#)

[Client Focus: American Enterprise Bank of Florida](#)

[Firm News](#)



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happiness. You have to catch it yourself."



Our clients and employees hold fidelity, empowerment, achievement and happiness as first principles. This shared belief system between our team and our clients extends to the way we think, the way we interact and the means which we accomplish mutual goals. Our employees are happy employees because they take great pride in a job well done and our clients have peace of mind in entrusting complicated business and personal issues to their trusted advisors. Through employee buy-in and the confidence of our clients, we've been able to accomplish a thing or two these last five years. I'm thankful for that and wish to express to all of you my gratitude in being a part of something that has become special.

Enjoy the rest of your summer. Don't forget to take some time in your personal and professional pursuit of happiness to pause and just be happy.

Very Truly Yours,

[Charles B. Jimerson, Esq.](#)

## J&C partners to present at condominium law seminar in September

Partners Charles Jimerson and Christopher Cobb will present at the Lorman seminar: Legal Aspects of Condominium and Homeowners' Associations in Florida on September 25 in Jacksonville.

What you don't know can hurt you - stay updated on condominium and homeowners' association law.

The Florida housing market is bouncing back and causing new and challenging legal issues to arise almost daily for condominium and homeowners' associations. Are you prepared to confidently address the questions and concerns associated with developing and operating these entities?

Attend this seminar and develop an in-depth understanding of the documents involved and techniques for enforcing covenants. Don't miss this opportunity to get solid advice on how to streamline the association management process and consequently encourage higher property values.

Hilton Garden Inn Jacksonville JTB/Deerwood Park  
9745 Gate Parkway North  
Jacksonville, FL 32246

The screenshot shows a seminar registration page. The title is "Legal Aspects of Condominium and Homeowners' Associations in Florida". The location and date are "Jacksonville, FL — September 25, 2014". There is a "Live Seminar" badge. A navigation bar includes "Overview", "Agenda", "Credits", "Faculty", and "Membership". A yellow button says "Purchase Options". Below the title, there is a paragraph: "What you don't know can hurt you - stay updated on condominium and homeowners' association law." Another paragraph states: "The Florida housing market is bouncing back and causing new and challenging legal issues to arise almost daily for condominium and homeowners' associations. Are you prepared to confidently address the questions and concerns associated with developing and operating these entities?" There is a "Credit" section with a "CLE" button. At the bottom right, there is a "Leave a message" button.

(904) 997-6600

Click [here](#) to learn more information and even register with a 50 percent savings. We look forward to seeing you there!

## J&C honored at JBJ awards lunch for 50 Fastest Growing Companies



J&C was honored at the July 17 awards luncheon for the 50 Fastest Growing Companies in Northeast Florida by the *Jacksonville Business Journal*. J&C came in at #27 on the list, with a 38.45% revenue growth. Last year, J&C came in at #37 on the list.

Click [here](#) to read the article in the *JBj*, "Business Journal 50: Jimerson and Cobb PA relies on attitude and accountability."

## J&C celebrates 5 years in business



On June 24, Jimerson & Cobb celebrated five years in business. It's been a long road to get here, but we sure have enjoyed the ride.

We commemorated the momentous occasion with a little cake and a happy hour and shared some of our favorite moments over the years. Below are just a few:

- Favorite Event: March Madness - Food trucks, booze and sports = pure bliss
- I really enjoyed the Sun-Ray movie day (where the firm and families were treated to The Lego Movie). Everything is awesome, everything is cool when you're part of a team!
- I would have to say that my favorite JimCobb moment was the Learn to Surf day.
- I really enjoyed the Bob Ross painting day. Bowling with the gang was fun too.
- I don't know if anything will top Christmas Party 2012.

## Featured bLAWg Posts

### **Legal Actions the Seller of a Real Property Can Bring When a Buyer Breaches a Real Estate Sales Contract**

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

It is not a situation that sellers of real property want to find themselves in, but it is a situation that could easily happen to anyone. After months of hard work getting a property in pristine condition to lure prospective purchasers, and then finally procuring a buyer, the entire transaction suddenly unravels. Despite signing the real estate sales contract, the buyer decides to walk away or, worse yet, fails to show at closing. What is the seller to do? This bLAWg post will discuss that very scenario and describe the legal actions that sellers of real estate can bring against a buyer when the buyer breaches the real estate sales contract.

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

### **Construction Design Malpractice Actions in Florida: What Limitation Period Applies?**

By: [Brent T. Zimmerman, Esq.](#), and Brandon Meadows

Design professionals, such as architects and engineers, may be subject to malpractice actions arising from their performance of professional services. The Florida statute of limitations for professional malpractice claims is two years. Unlike other professionals in Florida, design professionals may also be subject to causes of action arising from services rendered in the design or planning of construction projects. The limitations period for actions arising out of the design, planning or construction of an improvement to real property is four years. Due to the nature of their profession, design professionals will inevitably face the apparent conflict between the two limitations periods. Whether you are pursuing or defending an action against a design professional arising from a construction project in Florida, understanding which limitation

period applies is critical.

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

## Additional bLAWg Posts

### **A Seller's Disclosure Obligations When Entering Into a Real Estate Sales Contract**

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

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

### **Good News for Design-Build Contractors: Design-Build Contracts Do Not Have to Identify a Licensed Architect**

By: [Austin Calhoun](#)

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

### **Measuring Delay Damages: Federal Construction Contracts**

By: [Brent T. Zimmerman, Esq.](#) and Mark F. Moss

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

### **Condo Associations Must Thoroughly Review Lenders' Documents Before Conceding that Lender is Entitled to First Mortgagee Protection Under § 718.116(1)(b), Florida Statutes**

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

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

### **Measuring Delay Damages: Inefficiency or Loss of Productivity and Measured Mile**

By: [Brent T. Zimmerman, Esq.](#)

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

### **Pay When Paid Provisions: Are You Actually Shifting the Risk?**

By: [James O. Birr, III, Esq.](#)

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



Interested in reading more bLAWg posts? Subscribe via [RSS Feed](#) or via [email](#). You can also peruse our archives [here](#).

## Results Driven

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

\*Issued cease and desist letter to protect client from the unauthorized use of client's image and likeness by a third party.

\*Negotiated complex commercial lease agreement involving entertainment client.

\*Filed civil remedy notices

\*Represented largest secured lender in obtaining debtor compromise for the sale of secured and non-secured lands in order to pay down secured

\*Drafted opinion letter for board of directors of condominium association concerning enforcement of association's architectural standards and controls.

\*Achieved favorable repayment plan for creditor in bankruptcy matter.

\*Drafted purchase and sale and construction agreements for residential home builder selling speculation housing.

\*Assisted condominium association with drafting, passing and recording multiple amendments to its declaration and bylaws.

\*Filed motion for order to show cause along with verified complaint to fast-track commercial foreclosure.

\*Retained to pursue assignment of benefits claims for roof damage.

\*Chaired Application Review section for CILB.

\*Submitted revisions to Owner Builder Permit statute.

\*Retained to defend home designer against Board of Architecture.

\*Successfully pursued 100% of contract balance owed to subcontractor on a large federal project where the last portion of the balance was resolved and eventually paid through a liquidating agreement in which the general contractor pursued the subcontractor's claims against the government.

with Florida Department of Insurance against insurer for denying insurance coverage in bad faith.

\*Prepared documents necessary for a loan modification closing.

\*Assisted in successful resolution of claims involving general contractor and design professional.

\*Obtained final judgment against guarantor.

\*Made claim to FBI for federally seized assets in RICO case.

\*Litigated motion for temporary injunction seeking to enjoin defendant from engaging in litigation in multiple venues and jurisdictions.

\*Retained to defend appeal on post judgment orders.

\*Effectuated turnover of homeowners association from developer.

\*Attended pretrial conference on construction contract matter.

\*Successfully removed client from federal court copyright infringement case.

\*Negotiated substantial changes to cost plus contract for construction of custom home in Ponte Vedra Beach.

debt in Chapter 11 restructure.

\*Propounded extensive, targeted discovery requests in support of a motion for relief from the automatic stay and in preparation for final evidentiary hearing.

\*Represented franchisor in summary judgment action pertaining to unpaid royalty fees by terminated franchisee acquired in bankruptcy asset sale.

\*Negotiated with the General Counsel's Office of the DBPR on behalf of general contractor in regards to a licensure dispute.

\*Argued Motion to Dismiss on behalf of lender sued for breaching loan participation agreement.

\*Filed Motion for Proceedings Supplementary, Continuing Wage Garnishments and Charging Order against guarantor debtor and debtor's medical practice.

\*Mediated business dispute over corn silage.

\*Defeated temporary injunction regarding association meetings.

\*Drafted opinion letter on defamation.

\*Drafted opinion letter of rights of Architectural Review Board.

\*Protested award of a public contract, resulting in procurement authority rejection of all bids and re-bidding the project. Upon re-bid, facilitated winning low bid for the client.



A monthly feature on one of our valued clients.



American Enterprise Bank of Florida is a new community bank, but not really. While it opened its doors in February 2004, its staff has been a part of the local community for years. They have lived and worked in the community and enjoyed its many resources. This is their hometown. They know it. They serve it. They love it.

American Enterprise Bank's president, Bennett Brown, deliberated and contemplated many hours before making the decision to open American Enterprise Bank of Florida. Bennett comes from a family immersed in banking and family-owned businesses. He knows firsthand the difference people make.

Bennett carefully selected individuals who represent the very best in community banking, people who love the work they do and recognize that a customer has many choices available when choosing a bank. The fact that a customer chooses a bank with American Enterprise Bank of Florida is an honor.

Jimerson & Cobb is proud to represent [AEB](#) and wishes it continued success in 2014.

## Firm News

Curiosities, ruminations and various eccentricities of firm biz.

### **J&C celebrates baby Meadows**

Attorney Brandon Meadows and his lovely wife, Jenna, were showered with all things baby boy last week when the firm threw them a baby shower.

Brandon and Jenna are pictured here showing off two prized possessions: Jenna's baby bump and the firm salt rock, which has become a running joke around the office...

All of us at J&C are looking forward to welcoming baby Noah into the world!





### **J&C Poker Tournament**

Newly minted attorney Austin Calhoun must not have spent too much time in the library in law school, for the kid sure knows when to hold 'em and when to fold 'em. Channeling his inner Doyle Brunson, Calhoun methodically took down firm member after firm member in route to his victory. "It was a crazy game of poker" sang Calhoun as he rubbed all of our noses in his conquest. We're happy he is building up his confidence now, because we've got a brief we need him to write when he is done bragging. Enjoy the small victories while they last Austin. The rest of the firm is gunning for your title.

### **Courthouse event**

The Jax Bar Association Litigation Section, in conjunction with the Clerk of Court, will offer a FREE 60-minute interactive demonstration of the technology tools available to trial lawyers in the new courthouse. Register for the event [here](#). Space is limited to the first 40 guests. Contact [Charlie](#) (Chair of the Litigation section) with any questions.







### **L&L on debt collections**

Law clerk Sterling Spencer presented to attorneys and staff this week during our regular Lunch and Learn session on the Fair Debt Collection Practices Act. Her informative presentation covered relevant issues from both the Federal and Florida Fair Debt Collections Act. Please contact us if you'd like a complimentary copy of our internal professional development materials.



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