



JIMERSON & COBB, P.A.

August News from Jimerson & Cobb



"When we replace a sense of service and gratitude with a sense of entitlement and expectation, we quickly see the demise of our relationships, society, and economy."

-Dr. Steve Maraboli, [Unapologetically You: Reflections on Life and the Human Experience](#)

Service and gratitude can be small things that make a huge difference. It's skipping your evening television to help your kids do their homework, or doing a task at work that is not part of your job description to help someone meet a deadline. It's telling your spouse who abandoned her career to raise your kids that she is an incredible parent. It's taking out the trash, cleaning the floor and simply helping others. In furtherance of service, you may work long hours or weekends to meet a deadline. Service may mean learning a completely new job when you were confident and comfortable where you were. Sometimes it means we miss holidays, birthdays, or anniversaries. Service is giving to others. Gratitude is giving of yourself. Ask three people what service and/or gratitude means to them, and I imagine you will receive three very different answers. I challenge you to express gratitude to three people in your life that have served you recently. Do not publish your gratitude. Do not boast about it, either. Don't do it on Facebook or Twitter; rather look that person in the eyes - which is the key to their soul - and express gratitude.

Regards,

[Christopher M. Cobb, Esq.](#)

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J&C holds firm outing at Suns game

As one of the *Jacksonville Business Journal's* Best Places to Work in Jacksonville, we pride ourselves on our festive firm culture and our many in-office events (see below in Firm News for all the action this past month).

It is a special treat to step away from the confines of an office building to enjoy some camaraderie among our team, family members and friends. J&C held a firm outing at

the Jacksonville Suns baseball game on July 24 as the Suns played the Birmingham Barons. We all enjoyed the local baseball fanfare, especially with a win for the Suns!





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
(904) 997-6600

Legal Aspects of Condominium and Homeowners' Associations in Florida
Jacksonville, FL — September 25, 2014

Live Seminar
September 25, 2014
Jacksonville, FL
9:00 am - 4:30 pm

Overview Agenda Credits Faculty Membership

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

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Featured bLAWg Posts

Condo Associations' Rights and Remedies Concerning Abandoned and Foreclosed Units

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

Every so often condo associations must deal with one or more abandoned units within their communities. Whether the result of owners unable to secure a tenant or lender foreclosure actions, abandoned units can create serious issues for an association such as the growth of hazardous mold, insect infestation and other forms of unit deterioration. Sometimes a prior owner will leave a unit in an uninhabitable condition or even purposefully destroy parts of the unit, which isn't discovered until after a foreclosure sale. Abandoned units in poor condition can lead to damage to the common elements and limited common elements if not timely addressed. The Florida Condominium Act enables associations to be proactive when these circumstances arise and provides various remedies to associations dealing with these predicaments. This bLAWg post will discuss condo associations' rights and remedies concerning abandoned and foreclosed units in disrepair.

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

Community Association Managers' Duty to the Association

By: [Christopher M. Cobb, Esq.](#)

As per Section 718.111(a), Florida Statutes, the officers and directors of a condominium association owe a fiduciary duty to their unit owners. Fla. Stat. § 718.111(a) (2013). However, the statute does not specify whether the community association managers contracted by the board, owe a fiduciary duty to the association as well.

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

Additional bLAWg Posts

A Condo Associations' Lien Foreclosure Does Not Extinguish the Outstanding Past-Due Assessments Owed by the Previous Owner

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

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

How Are Eminent Domain Damages Calculated in Florida?

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

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

The Remedy of Specific Performance for the Breach of a Real Estate Sales Contract

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

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

Florida's Civil Theft Statute

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.

*Filed eviction action on behalf of condo association where owner/landlord had unpaid assessments and tenants failed to comply with the demand for future rent payments.

*Argued objection to non-party subpoena.

*Advised shareholders of closely held corporation on divesting minority shareholder of shares.

*Retained to pursue construction liens on association common elements.

*Represented small business in post-judgment proceedings supplementary action to impute money judgment onto debtor's LLCs.

*Drafted construction contract in excess of \$500,000.

*Obtained case management order prohibiting ex-parte communications of opposing counsel with foreign judiciary.

*Filed suit against the personal representative of prior unit owner's estate for unpaid assessments to condo association.

*Filed action to evict tenant of condominium for failure to pay rents to association.

*Filed motion to stay and compel arbitration in state court.

*Prosecuted motion compelling turnover of assets against single member LLC whose manager is a judgment debtor.

*Counseled start-up technology company in SBA loan compliance and drafting its operating agreement.

*Obtained dismissal with prejudice of six-figure claim against client.

*Assisted judgment creditor with garnishing accounts and wages and procuring a charging lien against a LLC to satisfy a final judgment.

*Filed lawsuit for temporary injunction on fraudulent transfer.

*Defended bank employees in third party witness interviews and records examination pertaining to fraudulent transfers of bank customers.

*Counseled small business for compliance with state liquor licensing and local zoning ordinances.

*Obtained Show Cause Order of Foreclosure for condominium association.

*Deposed insurance representative in large condominium defect lawsuit.

*Negotiated settlement of multi-million dollar participation agreement dispute.

*Retained to represent concrete subcontractor in large condominium defect lawsuit.

*Defended multiple defendants accused of preferential transfers.

*Obtained charging order on dental company owned by judgment debtor doctor.

*Provided complete damages evaluation for condominium association.

*Advised Texas general contractor on Florida law focused contract provisions and releases.

*Retained to represent regional home builder in subcontractor/supplier disputes.

*Accelerated and defaulted multiple commercial loans cross collateralized by complex and varying collateral sources.

*Deposed third party witnesses in preparation for final evidentiary hearing on stay relief from Chapter 13.

Client Focus: battenfield-cincinnati

A monthly feature on one of our valued clients.

battenfeld-cincinnati



American Maplan Corporation d/b/a [battenfeld-cincinnati](http://battenfeld-cincinnati.com) is a global extrusion systems manufacturer with production facilities in Bad Oeynhausen and Kempen (Germany), Vienna (Austria), Shunde (China) and McPherson (USA). They focus on energy efficiency, conservation of resources and reduction of material consumption. Additionally, they provide "leading solutions" to their customers, both in terms of performance and energy efficiency.

Jimerson & Cobb is proud to represent American Maplan Corporation d/b/a battenfeld-cincinnati and wishes it continued success throughout the year.

Firm News

Curiosities, ruminations and various eccentri of firm biz.

Paper football brings out the best of us

Wikipedia currently says that paper football is a "game widely practiced for fun, mostly by students in primary, middle school and high school age in the United States and by bored employees." We highly dispute the last item, since this event was greatly anticipated by a very active and engaged J&C staff.

In an epic showdown, the J&C crew competed in a paper football tournament this month.

With a demonstrative display of athleticism, Charlie drew upon his high school football playing days to capture the win. Kudos on your prestigious victory!



JacksonvilleHumaneSociety
with us!

Feeding homeless pets

From August 11-15, J&C collected dog/cat food, toys & supplies to donate to the Jacksonville Humane Society. We will be dropping off the items next week so if you have anything you would like to donate, feel free to drop it off

Relaxation time!

A big THANK YOU to Gainesville massage therapist, Somer Maresca, for coming to our office to treat the staff to free 20-minute massages this week.



National Root Beer Float Day

Did you all celebrate the holiday like we did? J&C celebrated this momentous occasion with vanilla ice cream and root beer for an afternoon pick-me-up on Wednesday, August 6. We are already counting down the days until next year's celebration.

Coming up for the J&C crew!

We've already conquered surfing as a group, and now we are on to our next adventure!

On Saturday, August 23, J&C attorneys and staff will take stand-up paddleboard lessons on the Guana River with Jax Surf & Paddle.

Stay tuned for photos from the event in next month's newsletter!



SURF • SUP • YOGA • TRAVEL



The countdown is on!

Are you counting down the days for college football to begin like us? On Friday, August 29, we are celebrating our own College Colors Day to show our spirit as we get back into football season!



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