



JIMERSON & COBB, P.A.

November News from Jimerson & Cobb



The month of November often finds people thinking thoughts about what they are truly thankful for in their life. Many of us know through the history lessons we are taught from an early age the story of the Thanksgiving holiday. At the first Thanksgiving, only 53 of the original 152 who made the trip to the new world remained. Those survivors that remained endured brutal weather, contagious disease, and malnutrition. Instead of lamenting their circumstances, the small but mighty band gathered together to give thanks. Each was thankful to have family, good health, and most of all freedom. They made a choice. A choice to be thankful. If you make the choice to be angry, pessimistic, and ungrateful, everyone around you is affected by this decision. One of my new law partners often says the following phrase: "You have to make a choice to take a chance or your life will never change." This Thanksgiving, I encourage all of us to make the choice to be thankful. So think long and hard about the good things in your life and make a choice.

I recently made a choice to take a chance and join the law firm of Jimerson & Cobb, PA as its newest partner in charge of the estate planning and tax practice. As I sit here writing this entry into our firm's newsletter I am filled with thoughts of thanks for so many things in my life: my family and friends, my health, my career. I am also thankful for the opportunity to practice law with a firm that cares about the future of its clients. We are truly thankful for the trust and confidence our clients place in us each and every day as their lawyers. On behalf of the law firm of Jimerson & Cobb, a heartfelt thank you to all of our clients, colleagues, family and friends.

Best Regards,

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J&C Partner Elected Vice-Chair of CILB



License efficiently. Regulate fairly.

Jimerson & Cobb shareholder Christopher Cobb has been elected to serve as vice-chair for the Construction Industry Licensing Board (CILB) beginning in 2016. This approval means that Chris will serve as chair of the CILB in 2017.

As a division of the Department of Business and Professional Regulation, the Construction Industry Licensing Board is responsible for licensing and regulating the construction industry. The board meets regularly to consider applications for

licensure, review disciplinary cases and conduct informal hearings relating to licensure and discipline. Among other business, the board engages in rulemaking to implement the provisions set forth in its statutes.

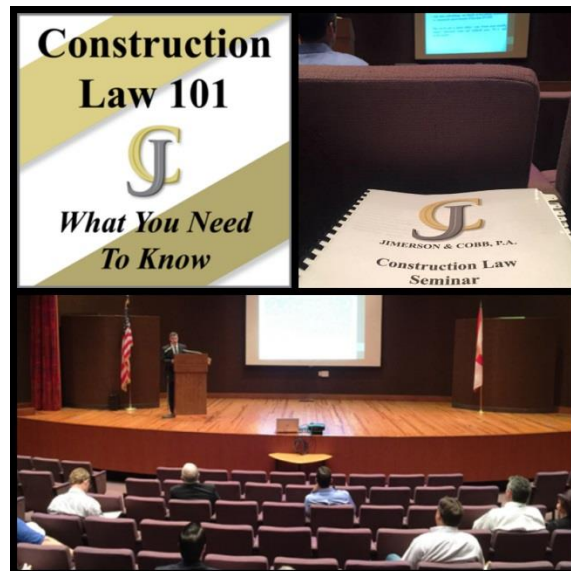
To learn more about the CILB, click [here](#) to visit their website.

Congratulations Chris!

J&C Construction Law Seminar

We are happy to report that our first J&C Construction Law Seminar was a roaring success! Our partners, Charles Jimerson, Christopher Cobb, James Birr and Brent Zimmerman presented a specialized course designed for contractors that covered the construction licensing process, construction liens/bond law, construction defects as well as detailed provisions in construction contracts. Attendees also received 4 hours of CE credits.

We thank and appreciate all those who took the time to attend and look forward to seeing more of you at our future seminars.



J&C Blogs

Are you signed up to receive any or all of our blogs? If not, please click [here](#) to sign up.

- [Florida Construction Law](#)
- [Florida Condominium Law](#)
- [Florida Business Litigation](#)

Sign up to receive one or all three via RSS feed or email through each site! Following are some of the highlights from recent postings.

Florida Construction Law Blog

Florida Residential Swimming Pool Safety Act

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

In Florida, drowning is the leading cause of death of young children and is also a significant cause of death for medically frail elderly persons. Adult supervision is the key to accomplishing the objective of reducing the number of submersion incidents, and when lapses in supervision occur a pool safety feature designed to deny, delay, or detect unsupervised entry to the swimming pool, spa, or hot tub will reduce drowning and near-drowning incidents.

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

Penalties for Unlicensed Contracting in Florida

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

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

Florida Construction Liens and Bonds: Beware of the Notice to Owner/Notice to Contractor Requirement

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

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

Florida Condominium Law Blog

Condominium Special Assessments in Florida: Understanding the Business Judgment Rule

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

Special assessments, under the Florida Condominium Act, are those assessments imposed against condominium unit owners, other than those assessments required by the association's annual budget. See 718.103 (24) of the Florida Statutes. Regular assessments, on the other hand, are fees collected from condominium unit owners for the payment of common expenses of the association. See 718.103 (1) of the Florida Statutes. If a condominium board votes to pass a special assessment, such a decision will be subject to the business judgment rule. See *Cedar Cove Efficiency Condominium Association, Inc. v. Cedar Cove Properties, Inc.*, 558 So. 2d 475 (Fla 1st DCA 1990). If that judgment is properly exercised, a Florida court will not supplement its judgment for that of the board.

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

Florida Condominium Association Obligation to Repair Windows

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

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

Florida Business Litigation Blog

Recovery of Attorneys' Fees - Part I: Key Considerations in Attorneys' Fee Provisions of Contracts

By: [Charles B. Jimerson, Esq.](#) & [Brittany N. Snell, Esq.](#)

For both client and attorney, there is nothing better than a sweet victory in litigation. However, this victory may be bittersweet if there is no recovery of attorneys' fees. This blog post is one out of a series of blog posts that will discuss the recovery of attorneys' fees and issues related to recovery. Specifically, this blog post will discuss contractual entitlement to attorneys' fees.

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



Interested in reading more blog posts? Subscribe via [RSS Feed](#) or via [email](#) for one or all of our blog feeds. You can also peruse our archives [here](#).

Results Driven

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

*Drafted opinion letter for HOA concerning Florida law and association rules on conducting annual election of directors.

*Filed motions for summary judgment involving building code violation claims.

*Representing multiple generations of family in estate planning.

*Retained to review and produce documents responsive to subpoena and defend deposition of client representative pertaining to industrial workplace accident with serious injuries.

*Filed memorandum of law in

*Negotiated construction contract for repairs to condominium project.

*Formation of family limited partnership to implement estate planning for high net worth client.

*Defended real estate developer in involuntary bankruptcy petition including complex allegations of fraudulent and preferential transfers with potential impact of hundreds of millions of dollars and loss of up to 1,300 employee jobs.

*Engaged to domesticate Florida judgment in Georgia and pursue post-judgment

*Engaged to represent seller in asset sale.

*Settled claim of lien recorded against home on behalf of residential owner for less than 70% of the claimed amount due.

*Resolved lien claim involving owner and subcontractor.

*Successfully resolved inverse condemnation claim involving road way improvements.

*Retained as replacement counsel by former owner of home sued for alleged failure to disclose latent defects in the construction of the home to subsequent purchaser.

arbitration action contesting
election results for
condominium association.

collections against Georgia
resident.

*Engaged to represent buyer in
stock purchase.

Client Focus: Legendary, Inc.

A monthly feature on one of our valued clients.



Legendary, Inc. develops resort, residential, retail, and office real estate projects in the Southeast. As the developer of some of the largest and most prestigious resorts in Florida, the Legendary name is synonymous with full-service hospitality and outstanding real estate developments, including residential, retail, resort hotel and office projects along the Emerald Coast. Legendary, Inc. was founded in 1972 and is based in Destin, Florida. The company has locations in Destin, Fort Walton Beach, Panama City, Florida and Gulf Shores, Alabama.

Jimerson & Cobb is proud to represent [Legendary, Inc.](#) and wishes it continued success throughout the year.

Firm News

Curiosities, ruminations and various eccentricities of firm biz.

CBJ Rotary Speaker

Charlie Jimerson was the featured speaker at a recent Rotary Club of Mandarin meeting. Charlie has been actively involved in Rotary and currently serves as Membership Development co-champion.

Rotary is an organization of business and professional leaders united worldwide who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Rotary club membership represents a cross-section of the community's business and professional men and women. The world's Rotary clubs meet weekly and are nonpolitical, nonreligious, and open to all cultures, races, and creeds.

To learn more about Rotary, click [here](#).



J&C Legal Assistant Is Now a Certified Paralegal

Legal Assistant, Jessica Campbell, has qualified to become a certified paralegal by the National Association of Legal Assistants (NALA). Passing the certified paralegal exam is no easy feat. This comprehensive 8 hour examination covers 5 sections including communications, ethics, judgement and analytical ability, legal research and substantive law. This test is so difficult that only 30% of all takers pass on their first attempt.

Jessica first joined Jimerson & Cobb in 2013 and earned her Associate in Science in Paralegal Studies back in May 2014. Next, Jessica will apply to The Florida Bar to become a Florida Registered Paralegal.

Congratulations Jessica!



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