



JIMERSON & COBB, P.A.

October News from Jimerson & Cobb



"I know you've taken it in the teeth out there, but you're the first guy through the wall. It always gets bloody, always. It's the threat of not just the way of doing business, but in their minds it's threatening the game. But really what it's threatening is their livelihoods, it's threatening their jobs, it's threatening the way that they do things. And every time that happens, whether it's the

government or a way of doing business or whatever it is, the people who are holding the reins, have their hands on the switch. They go bat crazy. I mean, anybody who's not tearing their team down right now and rebuilding it using your model, they're dinosaurs." - Moneyball (2011)

While this might be a piece of dramatic dialogue in a well-done sports film, it has great applicability to life and business. Those who innovate lead the way. May you always strive to be "first one through the wall."

Regards,
[Christopher M. Cobb, Esq.](mailto:Christopher.M.Cobb@jimersoncobb.com)

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Contact Us

Riverside Center
701 Riverside Park Place
Suite 302
Jacksonville, FL 32204
Telephone 904-389-0053
Facsimile 904-212-1269

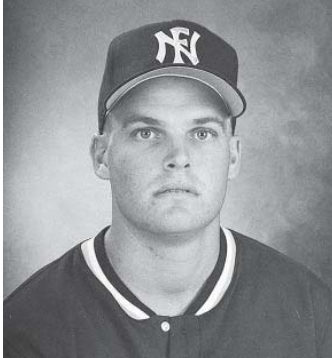
info@jimersoncobb.com
www.jimersoncobb.com



J&C partner inducted into UNF Hall of Fame

J&C partner Joby Birr was inducted into the 2014 class of the University of North Florida Athletic Hall of Fame. Joby played baseball at UNF from 1992-1995.

Joby's tenacity on the baseball field is probably best signified by his standing as the all-time triples leader and as UNF's first NCAA DII All-American honoree in 1995.



Joby has a great competitive desire, has a long history of achievement and has a pronounced reputation for personal and professional success in this community. All of us at J&C are very proud of his accomplishment.



For more information on his UNF baseball career, click [here](#) to visit his page on the UNF Hall of Fame site. Congratulations, Joby!

J&C celebrates 2nd annual mini-golf tournament



The 2nd annual mini-golf tournament was a huge success. We had 14 participants and 14 holes this year! Every hole showed creativity, skilled design and construction and completely followed the theme of Countries Around the World. Just a few of the countries included Mexico, Italy and of course the U.S.A. Every hole was different, some incorporating music, food, lights and even glow in the dark paint. A couple even had snacks to eat while you putted. It was much bigger and better than last year and all agree it is a staple event for every year to come.

Charlie was the individual stroke play winner by 4 strokes and the winning team included Joby, Jessica and Chris. Anyone care to join us next year or set up a course for our office to

challenge yours?



Featured bLAWg Posts

What do banks look at when evaluating the creditworthiness of contractors?

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

As credit begins to loosen, cash begins to flow and the building community starts to recover, we are in a unique position to advise both contractors and banks as to legal issues pertaining to loan origination due to our practice focuses in banking and construction. Contractors often ask us to reveal the secrets of how to be viewed as the best candidate for a loan or credit to further expand their business. This bLAWg post examines key ratios banks look at when evaluating contractors for credit.

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

Condominium and Homeowner Board Member Certification

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

Condominium and homeowner associations are common when living in Florida. All associations are creatures of the Florida Statutes. They are corporations with a governing body typically called a Board of Directors who are elected by the unit owners. Sitting on the association Board gives decision making authority over other members of the community. Sometimes these Board members abuse their power for their own self-benefit or interest. This bLAWg post discusses key laws pertaining to condo board member certification by the State of Florida.

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

Additional bLAWg Posts

Basic Differences Between Arbitration and Mediation

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

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

Changes to the Florida Statutes Concerning Financial Reporting for Condominium Associations

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

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

For Property Owner Actions Against Condo/HOA Associations, the Statute of Limitations Begins to Run Once the Owner Gains Title to the Property

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

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

Collecting Criminal Restitution Orders in Florida

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

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

Treatment of Post-Petition Expenses in Bankruptcy

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

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

Florida's Second DCA: Florida Law Remains That Plaintiffs in Foreclosure Actions Must Have Standing at the Time of Filing Suit

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

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

Trial Tips: A Summary of the Best Litigation-Related Articles of 2013

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

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Collecting Accounts Receivable Part X: Proceedings Supplementary

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

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

Revitalizing Downtown Jacksonville: Fifty Years in the Making

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

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

Indemnity Provisions in Construction Contracts

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

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Results Driven

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

*Drafted opinion letter for condominium association concerning dispute over who is responsible for paying

*Mediated and settled contested case obtaining a consent judgment with monthly payments on

*Drafted opinion letter on termination of common amenities for delinquent unit owners.

landscaping expenses for the property.	judgment balance.	
*Filed summary judgment motion on fraudfeaser based on deceitful credit disclosures in loan underwriting and admissions obtained in depositions.	*Argued Motion for Summary Judgment on secured creditor's claim to possession of construction equipment.	*Filed private prompt payment action against contractor who failed to deliver paid funds from owner.
*Successfully negotiated credit with public entity for overpayment of utility charges.	*Engaged to represent paving contractor in large condominium defect action filed in South Florida.	*Filed Civil Theft action on behalf of regional printer who loaned money to business acquaintance.
*Drafted opinion letter on condominium parking program.	*Represented oppressed shareholder in disputing discretionary redemption.	*Filed lawsuit to foreclose construction lien to protect subcontractor's rights to payment on large private project.
*Represented third party in action to determine rights against IRS for wrongful levy.	*Led Licensing Board committee meeting on additional business entities.	*Assisted small closely-held company in corporate restructure after death of principal.
*Successfully challenged debtor's bankruptcy filing at 341 creditor's meeting.	*Forced restructure of Chapter 13 plan on behalf of largest secured creditor to ensure plan payments would be made.	*Drafted opinion letter on priority of master community association with sub-association declarations.
* Argued and briefed motion to dismiss complaint on res judicata grounds.	*Secured collection of wage garnishment for condominium association.	*Drafted commercial leasing agreements for massage spa with need to rent real estate space.
* Negotiated services agreement between general contractor and national retail chain.	*Negotiated favorable settlement for competing former employee accused of misappropriation of trade secrets.	*Negotiated tolling agreement on Miller Act payment bond claim to allow time for parties to resolve payment issue without litigation.
*Filed declaratory judgment action against insurer and competing claim holder based on cash surrender insurance policy collateral dispute.	*Drafted contract, subcontract and credit documentation for construction materials supplier.	*Completed large scale document review on condominium construction defect class action.
*Drafted broadband services agreement for homeowner's association seeking to retain broadband services while infrastructure from another provider is installed.	*Received full value settlement on behalf of a five star resort and from several of the resort's prior residents who failed to pay for services rendered.	*Drafted in excess of 30 delinquent assessment lien demand letters.
	*Conducted defect investigation for condominium association in order to pursue developer for remediation.	*Served construction defect notice of shoddy landscaping work.

Client Focus: Divers Supply

A monthly feature on one of our valued clients.



Divers Supply is the largest dive shop in Jacksonville, Florida. [Divers Supply](#) carries a wide array of diving equipment and offers the full-range of SCUBA courses from open water through instructor development. They have an onsite classroom with the latest in multimedia presentation to make your diving experience fun. You can even arrange diving trips through Divers Supply. Jimerson & Cobb is proud to represent Divers Supply and wishes it continued prosperity for the future.

Firm News

Curiosities, ruminations and various eccentricities of firm biz.



NEFBA 007 gala

NEFBA will hold its 007-themed gala on Friday, November 15, at the Riverplace Tower on the Southbank. Tickets are \$100 per person and include an open bar, dinner & casino games. Don't miss your chance to win an all-expense paid trip for 2 to fabulous Las Vegas, Nevada. For ticket info, contact [Charlie](#).



Light the Night Walk

J&C is participating in the Leukemia & Lymphoma Society's Light The Night® Walk, which funds therapies and treatment advances for blood cancer patients. The walk will be held November 7 at the Jacksonville Landing. We invite you to visit our team page [here](#) to learn more or contribute to the campaign.



Florida First Coast Chapter

ABC social media seminar

Partner Brent Zimmerman, chair of the Associated Builders and Contractors Education Committee, hosted an event at J&C titled, "Let's Get Social," concentrating on social media marketing. The seminar was taught by Jessica Thomas, owner of Thomas Marketing Consulting and social media expert.



J&C welcomes legal assistant

Please join us in welcoming our new employee, Jessica Campbell. She is a graduate of UNF and is currently studying to become a paralegal. She has joined our firm as a legal secretary and will be supporting Joby and Brent.



J&C hits 200 likes

J&C has hit 200 likes on FB. Have you [liked](#) us yet? If you are feeling particularly social, feel free to click [here](#) to follow us on twitter.



Construction Law Committee Happy Hour

Charlie, chair of the



J&C Learn to Surf Day

Jimerson and Cobb staff learned to surf on October 6. Jaxsurf Training supplied the boards and J&C supplied the

JBA construction law committee, hosted a happy hour at Black Sheep this month. Approximately 40 lawyers attended the event and enjoyed the rooftop bar. To learn more about the committee, contact [Charlie](#).

surfers. Every newbie surfer stood for the first time, and much to nobody's shock, Chris Cobb was the Big Kahuna.



Jimerson & Cobb, P.A.
Riverside Center
701 Riverside Center, Suite 302
Jacksonville, FL 32204
Telephone (904) 389-0050 Facsimile (904) 212-1269
www.JimersonCobb.com

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