



JIMERSON & COBB, P.A.

October/November news from Jimerson & Cobb



I was recently involved in a public hearing where something occurred that I will never forget. In the spirit of the late great golfer Robert Trye Jones, Jr., a young man called a foul against himself and reported his own conduct to the authorities. Facing serious penalties and licensure revocation, it took the public board by complete surprise, ultimately resulting in a light slap on the wrist. This situation had a profound effect on me, and I began considering the level of integrity, honesty and decency to self-report the transgression. I have often lived my life by the guiding principle that, "character is what you do when no one else is looking." No matter your value system, the personal accountability displayed by that young man is a true lesson to us all. The only thing you have in this world is your word. Without it, you are nothing. I encourage you all to remember that when dealing with your co-workers, customers and clients. More importantly, remember it when you are dealing with yourself.

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

In This Issue



[J&C Shareholders Named Top Attorneys by 904 Magazine](#)

[Featured bLAWg Posts](#)

[Additional bLAWg Posts](#)

[Results Driven](#)

[Client Focus: Sea Island Company](#)

[Firm News](#)

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J&C shareholders named top attorneys by 904 Magazine

Charles Jimerson and Christopher Cobb were both named Top Lawyers by *904 Magazine* in its October issue. To be named to the list, the magazine partnered with Martindale-Hubbell, the esteemed company that sets the industry standard for peer review ratings, to identify those attorneys in North Florida who meet the highest level of professionalism and ethics, as designated by their legal peers.

Click [here](#) to view the complete October 2012 issue.



Featured bLAWg Posts

When does a party's partial or full performance validate an oral agreement?

By: [Charles B. Jimerson, Esq.](#), and [Hans C. Wahl, Esq.](#)

The purpose of the Statute of Frauds is to prevent one party from committing perjury in regards to an agreement and to also prevent the enforcement of agreements "based on memories made faulty by the lapse of time or loose verbal statements." Rowland v. Ewell, 174 So.2d 78, 80 (Fla. 2d DCA 1965). The Statute of Frauds, however, is a peculiar doctrine of contract law as there are a few exceptions that make an otherwise unenforceable oral agreement enforceable. This bLAWg focuses on two such exceptions: part performance (or partial performance) and full performance of an oral agreement.

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

The Availability of Civil Theft as a Recovery Tool for Professional Service Providers in Florida

By: [Charles B. Jimerson, Esq.](#), and [Kristen T. Eshelman, Esq.](#)

Just as we can't see the air we breathe or radio waves transmitting data around the world, neither can we see thoughts and ideas. For those Professionals whose work product may not be a tangible, fungible item, it nonetheless exists. This is a crucial point when the intangible labor of a Professional is stolen. Florida Statute §772.11 provides a civil remedy as theft of Professional Services by defining such as "property."

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

Additional bLAWg Posts

Available Remedies in Addition to an Action for Foreclosure, Part One: Receivorships and Sequestration of Rents

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

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

The Attorney-Client Privilege: Disclosure of Confidential Information to Property Management Companies in Furtherance of Representation of Condominium or Homeowner's Associations

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

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

For Associations Concerned with Owner Bankruptcies, Quarterly Assessments are Preferred Over Annual Assessments as Post-Petition Assessments are not Dischargeable

By: [Charles B. Jimerson, Esq.](#), and [Hans C. Wahl, Esq.](#)

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

Defaults and Damages: Where Do Attorney's Fees Fit In?

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

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

Beware of Termination for Convenience Clauses

By: [Matthew F. Havice, 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.

*Conducted two-day arbitration on business valuation dispute. *Defeated Motion to Strike Expert Witness in arbitration. *Presented on construction defects to Northeast Florida Builders Association. *Mobilized quickly to reschedule commercial foreclosure to avoid sale. *Opposed appointment of receiver for client income producing property. *Conducted depositions in construction defect matter. *Favorably settled trademark infringement and contract claims against concert promoter and talent procurement agent pertaining to failed electronic music concert in Europe. *Obtained Final Judgment in excess of \$50,000 against an individual on a defaulted note for banking client. *Negotiated and drafted lease and several contracts for Tim Tebow Foundation. *Successfully obtained a final judgment of foreclosure after relief from an automatic bankruptcy stay to proceed with the sale of residential property in Baker County. *Mediated and settled case involving claims of negligence based on actions of agent employee contracting with apparent authority. *Provided counsel to clients regarding preservation of intellectual property rights and available remedies to pursue infringing parties. *Counseled lender clients in the purchase of superior lien interests.	*Obtained a pre-suit balance in full payment on an indebtedness owed to a logistics company. *Received consent judgment on business dispute surrounding insurance commissions. *Retained to pursue seller of business for breach of sale agreement and fraud. *Provided legal seminars to condominium and homeowners associations regarding collections and implication of bankruptcy and foreclosures upon unpaid assessment liens. *Obtained Final Judgment in excess of \$160,000 against a business and its guarantors following default on an SBA loan. *Successfully garnished a national bank to recover more than 75 percent of the outstanding balance of a money judgment on behalf of a North Florida building supply company. *Researched and located the whereabouts of an evasive defendant in order to continue post judgment collection efforts. *Defended motions to vacate summary judgment on note breach claims. *Advised block of timeshare holders on rights under Florida law to enforce board of directors accountability in financial operations. *Counseled condominium association in all issues pertinent to developer turnover. *Mobilized on short notice and filed answer and affirmative defenses for television cable company accused of FCCPA violations. *Obtained Final Judgment in	*Filed commercial foreclosure action and appropriate motions to appoint receiver and attach secured assets. *Coordinated formal demand for inspection of corporate books and accounting in disgruntled shareholder dispute. *Successfully forced a stalling foreclosing bank to take possession of a property through judicial sale while representing a condominium association. *Prepared for and conducted complex arbitration of claims associated with dissociation of minority shareholder of limited liability company which operates mutual fund. *Conducted several commercial real estate closings on parcels valued at nearly \$1MM. *Filed proceedings supplementary motion and motion to partition homestead on debtor who committed fraud in avoidance of creditor. *Concluded four-day arbitration on business litigation matter on value of closely held limited liability company. *Obtained reduction in property tax assessment upon appeal. *Counseled client through obtaining SBA approval on offer in compromise for deed in lieu transaction. *Engaged to defend lawsuit by staffing company for breached contract where temporary employees were untrained and unqualified. *Engaged to defend majority shareholder accused of violating fiduciary duties and breaching operating agreement of LLC. *Recorded claim of lien for contractor which was paid in
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excess of \$30,000 against a corporation for failure to pay for goods and service provided by medical equipment supply client. full within one week of recording lien and demand.

Client Focus: Sea Island Company

A monthly feature on one of our valued clients.

[Sea Island Company](#) operates as a resort and real estate development company in the Golden Isles of South Georgia. The company owns and operates resorts that feature lodges, cottages, a golf learning center, golf courses, restaurants, a beach club, a tennis and squash club, a yacht club, a cloister spa and fitness center. It also provides dining venues for various occasions, facilities for weddings, and meeting space for various events ranging from small retreats to large private conferences. The resort hosts the McGladrey Classic PGA Tour event. Sea Island Company was founded in 1926 and is headquartered in St. Simons Island, Georgia.



Jimerson & Cobb is very proud and thankful to represent Sea Island Company and wishes it continued success and growth.

Firm News

Curiosities, ruminations and various eccentri of firm biz.



Raising the Bar

Kristen Eshelman joins new attorney Hans Wahl in passing the Florida Bar exam. Kudos on a job well done and



Fore!

The J&C Event Planning Committee, fearlessly led by attorney Kelly Karstaedt, put on yet another month of fun firm events. The mini golf event has quickly become an office



17th Hole: CBJ

Charlie and Chris played in the Signet Enterprises Tournament held at



17th Hole: CMC

Watch Chris take his turn on the 17th hole at TPC Sawgrass while playing in the Signet Enterprises Tournament. An avid golfer, it's no surprise that he can add his name to the list of successful golfers on the illustrious hole.

congratulations on officially embarking on your legal career. We're glad to be a part of that journey.



As the new president of the local chapter of the Risk Management Association, Charlie kicked off his tenure with the group's lunch meeting last week. The event's guest speaker, Howard Kelley, shared little-known and compelling information on our community's banking history. Click [here](#) to read a *Jacksonville Business Journal* article on the history that Kelley shared at the event.

favorite and will surely become an annual event. In its creation and design, the event brought out the best originality and thought in our staff. Here's a shot of a particularly clever use of office materials to create a tricky shot. Chris Cobb wins the event with a score of 35.



Supporting our client industries

J&C sponsored a lunch for the NEFBA board of directors and gave a presentation as to how the firm supports the construction industry.

TPC Sawgrass. Both got the opportunity to fulfill a lifelong dream of playing the famed 17th hole--and successfully making it onto the green. Charlie is quick to point out that he hit a 15-foot put following this shot to make birdie.



Website Refresh

We redesigned our website, too! Did you notice? Check out our new look [here](#).



Nominate fellow lawyers

With the voting period officially open to nominate lawyers for the 2013 Super Lawyers list, we encourage you to go [here](#) to nominate a deserving fellow attorney for the prestigious list. Voting is also [open](#) for Florida Trend's 2013 Legal Elite.



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