



JIMERSON & COBB, P.A.

February News from Jimerson & Cobb



Recently I learned that Antoni Gaudi designed La Sagrada Familia at age 31 and Thomas Jefferson wrote the Declaration of Independence at age 33. If that doesn't make you feel bad about yourself, I don't know what will.

Very Truly Yours,
[Charles B. Jimerson, Esq.](#)

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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 shareholder featured in Realty/Builder Connection

J&C shareholder Chris Cobb was featured in last month's issue of Realty/Builder Connection, a monthly newspaper for real estate agents/brokers, builders, developers and remodelers in Duval, Clay and St. Johns counties.

Cobb's appointment by Gov. Rick Scott to the Construction Industry Licensing Board (CILB), the state board that regulates the construction industry, ensures a Northeast Florida presence on the board. The board includes 18 members from around the state and

meets monthly. He will be up for reappointment later this year.



To read the article in the February issue, click [here](#).



Christopher Cobb

By Fred Sooty
Editor

The state board that regulates the construction industry retains a Northeast Florida presence. Attorney Christopher Cobb is a consumer member of the Construction Industry Licensing Board, being appointed by Gov. Rick Scott to fill an unexpired term. He's up for reappointment later this year. "I got interested when I went to a construction law seminar and the speaker was a Tallahassee attorney who talked about the board," said Cobb. "It seemed like a natural fit to me." The governor's office is always looking for consumer members for state regulatory boards under the Department of Business and Professional

The Northeast Florida presence has wanted to recent years. In the past, industry leaders such as the late Henry Bachara and Bob Fickelstein were mainstays but lately the area has gone by usually with one. IC's Don Wilford is a consumer member. It does not have one. Northeast Florida has no representative on the Florida Real Estate Commission. A Fort Lauderdale native, Cobb came to this area to play baseball at the University of North Florida. After graduating in 1997, he spent a year playing minor league baseball in the Montreal Expos system and "realized that wasn't going to be my future." He entered the Florida Coastal School of Law, graduating in 2001 and spent real time to have a chance to learn

J&C shareholder named to Florida Legal Elite



Attorney Charles Jimerson was named a 2013 Legal Elite Up and Comer by *Florida Trend Magazine*, a peer-nominated designation that names the top lawyers in the state under the age of 40 or in practice fewer than 10 years.

Balloting for this year's list began in October when *Florida Trend* invited all in-state members of the Florida Bar to participate. Lawyers were asked to name attorneys whom they hold in the highest regard or would recommend to others. Voters were also

invited to name three "up and coming" attorneys and in a separate category, attorneys working in the government and non-profit sectors. The list of top vote-getters was further examined using membership status and disciplinary histories provided by the Florida Bar. A panel of previous Legal Elite winners, representing different practice areas in cities across the state, reviewed the selection process and the list of finalists. The resulting lists represent approximately 2 percent of the more than 67,000 active Florida Bar members who practice in Florida.

Be on the lookout for the July 2013 10th Anniversary special report issue, where Charlie will be featured in the list. For more information on *Florida Trend's* Legal Elite list, visit its website [here](#).

Featured bLAWg Posts

Ten Things Every Contractor, Subcontractor and Supplier Needs to Know About Georgia Lien Law

By: [Matthew F. Havice, Esq.](#)

It is well known that lien laws vary greatly from state to state. While all states have codified their respective rules regulating the who, what, where, when and how of their states lien laws, it can be difficult for contractors, subcontractors and suppliers to keep track of the ever-changing laws in the

Is Not Reading the Contract a Defense to Enforcement of the Contract?

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

Occasionally in litigating contract actions, I will run into the laughable defense of, "I didn't read the contract, so therefore I shouldn't be subject to it." That is not a viable defense under Florida law. It is well settled Florida law that a party has a duty to learn and know the contents of a proposed contract before he signs it and therefore, one who signs a

various states they service. The problem is compounded when servicers are located or commonly due business near the border with other states, as it usually make economic sense to provide your services across the state boundary; however, many contractors and suppliers need to know that each states laws vary in terms of timing for filing liens, the process of filing and executing on a lien as well as in many other areas. Therefore, I am providing a list of the top ten things you should know about Georgia lien law for your reference. Of note, this list is certainly not all encompassing and is meant as an overview of some of the specific issues that I deal with when advising clients on Georgia's lien laws.

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

contract is presumed to know its contents. *Wexler v. Rich*, 80 So. 3d 1097 (Fla. 4th DCA 2012). Additionally, a party to a contract is not permitted to avoid the consequences of a contract freely entered into simply because he or she elected not to read and understand its terms before executing it, or because, in retrospect, the bargain turns out to be disadvantageous. *Brea Sarasota, LLC v. Bickel*, 95 So. 3d 1015 (Fla. 2nd DCA 2012). Finally, the consequences of signing any document or contract cannot be avoided by merely testifying that the document or contract was not read. *Mitleider v. Brier Grieves Agency, Inc.*, 53 So. 3d 410 (Fla. 4th DCA 2011). Therefore, if you are looking to get out of a contract, you had better be more creative than that.

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

Additional bLAWg Posts

Should Timeshare Management Associations Operate Their Own Timeshare Exchange Program?

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

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

Analyzing the Validity of Pre-Petition Bankruptcy Waivers in a Written Agreement

By: [Kelly A. Karstaedt, 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.

- *Defeated a Motion for Proceedings Supplementary and obtained an order requiring Plaintiff to file a satisfaction of judgment on behalf of a local restaurateur.
- *Obtained a Florida judgment against medical equipment company and personal guarantor and domesticated same in Georgia. Upon domestication in Georgia, Writ o Fieri Facias was obtained and collection of Judgment began in earnest.
- *Obtained payment in full on years of backdated assessments incorporated into condominium lien.
- *Negotiated a total

- *Engaged to assist a small business with collecting on a debt owed to it by one of its delinquent commercial customers.
- *Negotiated short-term payments for the balance in full of a foreign judgment.
- *Received full payment of debt owed to Georgia five star resort by guests who had failed to pay their bill in full following demand on debtors.
- *Engaged to pursue \$1.2MM judgment on behalf of real estate developer against defaulted borrowers.
- *Provided counsel to client involved in adversarial action

- *Collected full value on a debt owed to a health services provider from a customer who failed to pay the outstanding invoices.
- *Provided counsel to client involved in maritime insurance coverage dispute.
- *Obtained treble damages civil theft judgments on behalf of professional services providers.
- *Negotiated favorable resolution of claims for commercial tenant accused of prematurely breaching lease.
- *Provided comprehensive remodeling contract to be used on remodeling projects

reimbursement and complete forgiveness of amount owed on behalf of a property owner for faulty reroofing work performed by a large construction company on the owner's property.

*Obtained dismissal of contract action filed against construction company.

against IRS for wrongful seizure of property.

*Successfully garnished judgment debtors wages on behalf of judgment creditor credit union.

by Certified Building Contractor client, with focus on protecting client's abilities to enforce and collect on contract in situations in which homeowners improperly expel and/or withhold payment from client.

*Advised majority partner on dissolution of small limited liability company and reconstitution of new company.

Client Focus: SNS Logistics

A monthly feature on one of our valued clients.



Headquartered in Jacksonville, Florida, [SNS Logistics](#) is a common and contract carrier that specializes in retail deliveries, and provides integrated transportation and logistics solutions to retail and consumer products industries.

SNS Logistics is able to provide numerous resources to meet its customer needs 24 hours a day, 7 days a week, including door-to-store deliveries, dedicated fleet, as well as truckload transportation.

With its leading performance record, competitive pricing and unparalleled customer service to the retail and consumer products communities, it has propelled SNS Logistics to the forefront of the transportation industry in just five years.

Jimerson & Cobb is very proud and thankful to represent SNS Logistics and wishes it continued success throughout the year.



Firm News

Curiosities, ruminations and various eccentricities of firm biz.



Interested in joining NEFBA?

As one of the largest organizations in NE Florida, the Northeast Florida Builders Association offers a multitude of opportunities for networking, professional development and staying abreast of issues affecting the industry. Interested in the benefits of joining? Click [here](#) to learn



JBA/YLS chili cook-off

J&C competed with 15+ firms in the Jacksonville Bar Association Young Lawyer's Section chili cook-off early this month. The winning recipe that the firm submitted was made by none other than our resident vegetarian, attorney Kelly Karstaedt and her husband, Brandon. Although we did not



J&C Random Acts of Kindness Day

The firm celebrated its own Random Acts of Kindness Day on February 15. Each employee was given \$10 donated by the firm to provide a random act of kindness to a



February Lunch and Learn

As part of its monthly Lunch and Learn program, J&C attorneys and staff learned about Document Retention Policies, as presented by law clerk Kristen Sinnott. The topic was chosen in order to better assist our clients and educate them on the importance of maintaining records, especially once suit has commenced.

more or visit its [website](#). Download a membership application [here](#). Feel free to contact [Charlie](#) with any questions.

bring home a trophy, we certainly had a great time (and got a good chance to scope out the competition for next year)!

stranger. Here are a few of the responses:
-I paid for a father and his little girl's chicken biscuits at Chick-fil-A.

-I handed a college student my \$10 with a sticky note on it. It made him smile, and I'm sure it is something he will remember.

-I bought a nice couple some smoothies.

-Friday night, we went to dinner at Ruby Tuesday. I included my kids in this process and they choose a family with small children to help out. We added some money and anonymously bought their dinner for them.

Welcome

Welcoming new law clerk

Please join us in welcoming Sharmilla Bhagwandeem to the firm as a part-time file clerk. She is currently enrolled at Florida Coastal School of Law.

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Pi Day

In honor of Pi Day (3.14), the leader of our Events Planning Committee, attorney Kelly Karstaedt, did not disappoint. She brought in a homemade apple pie for all of us to enjoy in homage to the mathematical constant.



Potato Chip Taste Test

As part of its monthly celebrations, J&C had its own potato chip taste test, where each taster had to guess the flavor, style and brand of each entry. Attorney Matt Havice and file clerk Henry Farber tied for the win!



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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Jimerson & Cobb, P.A. | 701 Riverside Park Place | Suite 302 | Jacksonville | FL | 32204