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Client focused. Results driven.

Early summer news from Jimerson & Wilson, P.A.



These past two months have been a time of great historical significance for the City of Jacksonville. The election of Alvin Brown by a margin of less than 2,000 votes marks the election of the first African American mayor in city history and our first Democrat mayor since Mayor Austin took office in 1991. Whether you voted for Mayor Brown or not, our city's new regime will need bipartisanship support as it addresses the challenges facing Jacksonville in the years to come.

Please join me in lending support to our new Mayor as we further our objectives of making Jacksonville "The Bold New City of the South."

Very truly yours,
[Charles B. Jimerson, Esq.](#)

Attorney Charles B. Jimerson named Florida Trend's Legal Elite Up and Comer

For the second year in a row, managing shareholder Charles B. Jimerson was named to *Florida Trend's* Legal Elite Up and Comers, a designation that names the top lawyers in the state under the age of 40 or in practice fewer than 10 years. The winners will be featured in a special report in *Florida Trend* magazine's July 2011 issue. Congratulations!



Click [here](#) to read the press release.

Click [here](#) to learn more about the award and see all the honorees of the 2011 Florida Legal Elite.

May/June 2011

In this Issue

[*Attorney Charles B. Jimerson named Florida Trend's Legal Elite Up and Comer*](#)

[*Featured bLAWg Post: The Nitty Gritty of Proposals for Settlement from a Plaintiff's Perspective*](#)

[*Featured bLAWg Post: Single Spouse Ownership and the Ability to Convey Homestead Property*](#)

[*Additional bLAWg Posts*](#)

[*J&W Service Spotlight: Banking and Lender Liability Law*](#)

[*Industry News*](#)

[*J&W Firm News*](#)

[*Client Focus: American Enterprise Bank*](#)

[*Results Driven*](#)

Contact Us

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Featured bLAWg Post: The Nitty Gritty of Proposals for Settlement from a Plaintiff's Perspective

By: [Charles B. Jimerson, Esq.](#), and Amanda K. Brooks

Proposals for settlement are a very effective tool to bring contested litigation to a mutually agreeable resolution. If utilized by a Plaintiff, it can create a fee mechanism where a basis may not otherwise exist. When a plaintiff is considering a proposal for settlement, there are specific procedures which must be followed in order for the proposal to be valid and enforceable if accepted. If the proposal is not accepted by the defendant and the procedure is followed correctly, a plaintiff may still be able to secure attorneys' fees and costs associated with the litigation thereafter.

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

Featured bLAWg Post: Single Spouse Ownership and the Ability to Convey Homestead Property

By: [Charles B. Jimerson, Esq.](#), and Amanda K. Brooks

Many people believe that by virtue of holding ownership of a property, the owner may convey the property as they wish. This is not always the case when an individual is married. A home may be owned by only one spouse. The owner of the home may choose to sell or convey the marital home to another individual, without the consent of his or her spouse. In situations such as these, the spouse who failed to give consent, or the "non-joined" spouse, may have a claim invalidating the conveyance through claiming the homestead exemption.

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

Additional bLAWg Posts

[Compliance with the Fair Debt Collections Practices Act \(FDCPA\)](#)

By: [Charles B. Jimerson, Esq.](#), and Alban E. Brooke

When the economy begins to slow, consumers often begin to fall behind in payments and businesses commonly turn to debt collection agencies, or attorneys, to obtain payment on past due invoices. While this is an unfortunate circumstance, both for creditors and debtors, it can be made much worse through abusive collection practices and FDCPA violations.

[Determining Whether an Exclusionary Provision in an Insurance Policy Actually Precludes Recovery](#)

By: [Charles B. Jimerson, Esq.](#), and Amanda K. Brooks

Many individuals and companies don't read their insurance policies until an event has occurred and they need to recover for losses under the policy. Sometimes, an individual or company will file a claim with their insurance company, only to be rejected coverage due to an exclusionary provision.

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[The Jimerson & Wilson bLAWg](#) is a resource for news and analysis of current legal and business issues.

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Client Focus



[American Enterprise Bank of Florida](#) is a new community bank, but not really. While it opened its doors in February 2004, its staff has been a part of the local community for years. They have lived and worked in the community and enjoyed its many resources. This is their hometown. They know it. They serve it. They love it!

American Enterprise Bank's president, Bennett Brown, deliberated and contemplated many hours before making the decision to open American Enterprise Bank of Florida. Bennett comes from a family immersed in banking and

J&W Service Spotlight: Banking and Lender Liability Law

Jimerson & Wilson has extensive experience in representing clients in all aspects of commercial and residential lending, including loan default litigation, secured and unsecured loan structuring, loan negotiation and documentation, real estate and construction lending, garnishment response, loan workout and liquidation transactions.

Our services to lenders include:

- Commercial foreclosure actions (including pre-litigation enforcement of contract rights, enforcing assignment of rent provisions, pre-judgment Writs of Replevin, and deficiency actions)
- Loan modifications and workouts
- Structuring sophisticated transactions
- Real estate and construction lending consultation
- Garnishment response
- Priority disputes between secured creditors
- Lender liability representation
- Bankruptcy matters

We specialize in representing lenders in all types of foreclosures, including those involving industrial developments, vacant lands, condominium developments, commercial office buildings, manufacturing facilities, distribution warehouses, retail shops and other commercial real estate. Our foreclosure professionals understand the complexities of foreclosure law, an arcane and complicated area. There are many pitfalls for lenders and lawyers who do not know their way around the intricacies of the law. Lenders can lose time and money if they trust their case to an attorney who lacks the vision and initiative to swiftly and cost-effectively ensure return of the pledged collateral and facilitate a resale. Should the borrower go into bankruptcy, we will work to get the automatic stay lifted in bankruptcy court so that you, as a secured lender, can proceed with foreclosure. Whether you are foreclosing on a modest home or a major office development, let us protect your interests.

Please feel free to browse our [Banking and Lender Liability FAQs](#) for basics on Banking and Lender Liability Law. For more information about our [Banking and Lender Liability practice](#), or to discuss your legal concerns with a lawyer who understands trade secret law, [contact](#) our offices today.

Industry News

Manufacturing up nearly 75 percent from April 2010

According to the Association of Manufacturing Technology (AMT) and the American Machine Tool Distributors' Association (AMTDA), [manufacturing totaled almost \\$400 million](#) in April, marking a dramatic increase in productivity since last year.

Credit managers urged to work with customers in collecting payments after weather disasters

National Association of Credit Management (NACM) [encourages working with customers following weather disasters](#) that affect timely payments,

family-owned businesses. He knows firsthand the difference people make.

He painstakingly selected individuals from all facets of banking and walks of life. Some of its staff members have also been business owners, so they know how important a good banking partnership is to its customers. They understand that when you have a question, you need an answer. They value and appreciate their customers. You can trust American Enterprise Bank. Their reputation speaks for itself.

Jimerson & Wilson, P.A. is very proud and thankful to represent [American Enterprise Bank](#) and wishes it continued success in 2011.

Results Driven

* Jimerson & Wilson attorneys represented company in obtaining a cease and desist agreement from a former employee engaged in defamatory and harmful conduct against former employer.

* Jimerson & Wilson attorneys represented secured lender in obtaining recovery of liened assets prior to foreclosure and judgment.

* Jimerson & Wilson attorneys represented lender in several foreclosures of SBA-backed loans.

* Jimerson & Wilson attorneys successfully defended individual guarantor of corporate debt against frivolous action filed by creditor.

* Jimerson & Wilson attorneys represented medical supplier in filing Georgia actions and obtaining Consent Judgment

while staying mindful of inconsistent and conflicting information.

Wells Fargo no longer offering reverse mortgages

The bank will continue to service current reverse mortgage loans but will [stop accepting applications for new reverse mortgage loans](#) on June 30. Reasons for the decision point to unpredictable home prices and difficulties in predicting insurance and tax costs.

Peer-to-peer loans gaining popularity

Small business owners are [making use of internet sites that connect investors to borrowers](#), bypassing financial institutions when obtaining loans.

Today is take your dog to work day

In celebration of [Take Your Dog to Work Day](#), one USA Today columnist promotes the advantages of a dog-friendly work environment.

Small business success lies in keeping overhead low

Three businesses were followed as part of USA Today's second annual Small Business Challenge for three months as they tried to expand. The concluding article [shares lessons learned for the small businesses](#).

The secret to cutting 401(k) fees

U.S. News & World Report [recommends investing in 401\(k\) funds that are passively managed](#) as a means to sharply cut costly fees.

Meet Jacksonville's Mayor-elect Alvin Brown

Brown [shares his vision](#) with the *Financial News and Daily Record*.

EverBank's move from Southside to Downtown clears first hurdle

EverBank's requests for City assistance to [move 1,000 jobs from the suburbs into Downtown](#) and create more jobs are in the hands of City Council, which could vote on the deals June 28, pending committee approvals over the coming weeks.

Wells Fargo to occupy former Modis building

After announcing in May a decision to move 375 employees to the downtown Jacksonville building, the building's property owner announces the [13-year lease](#). Wells Fargo plans to fully occupy the space by the end of the year.

payment arrangements against debtor medical offices.

* Jimerson & Wilson attorneys obtained Writ of Possession and successfully evicted post-foreclosure holdover tenants for secured lender.

* Jimerson & Wilson attorneys obtained Writ of Bodily Attachment against evasive debtors refusing to comply with discovery requests and court orders.

* Jimerson & Wilson attorneys represented secured lender in Chapter 11 proceedings to receive adequate protection and a plan confirmation favorable to lender and commensurate with previous loan terms.

* Jimerson & Wilson attorneys represented minority-based stucco contractor in payment bond dispute with general contractor.

* Jimerson & Wilson attorneys discovered unencumbered real estate parcel of allegedly insolvent debtor and used execution process to obtain an immediate satisfaction of judgment.

* Jimerson & Wilson attorneys represented defunct general contractor in negotiating deeds in lieu of foreclosure and other issues relative to winding down of business.

* Jimerson & Wilson attorneys performed a pre-suit mediation to obtain a successful settlement for general contractor client involved in dispute over hotel construction project.

* Jimerson & Wilson attorneys drafted opinion letter providing claims analysis for homeowner affected by faulty manufacturing and negligent installation of windows in water intrusion case.

Firm News

*Our summer law clerk program has started with addition of two clerks: Amanda K. Brooks and Alban E. Brooke, II. Amanda is a second-year law student at University of Florida, where she is ranked in the top 12 percent of her law school class and will graduate next year. Alban rejoined the firm as a summer law clerk, after completing his first year of law school at University of Georgia. Both Brooks and Brooke are UNF undergrad alums. Though we have reminded him that he is Gator Bait, we are glad to have Alban around the office again. His skinny jeans on Fridays are an interesting change of pace.

*Alexia Vizcarra-Coronel has joined our firm as a paralegal. She attended law school in Mexico and graduated Summa Cum Laude from Everest University in Jacksonville with a degree in criminal justice. She is currently attending Florida State College at Jacksonville. Alexia has significant experience in commercial litigation, with particular emphasis in banking

law. Alexia speaks several languages and is a part-time professional photographer.

*Dawn M. Archer has joined our firm as a legal secretary. She graduated with honors Florida State College at Jacksonville with a degree in paralegal studies. Dawn is the proud mother of four children.

*Regretfully we announce that Mary Nussbaum has left the firm to devote more time to her family. We truly enjoyed our time with Mary, and we thank her for her invaluable service to our firm. Lora Lee has been promoted to Executive Director to fulfill the vacancy of Mary's position. After homeschooling her children, we have no doubt that Lora will be a dynamo at leading our rowdy crew. Congratulations to Lora!

[Back to the Top](#)

* Jimerson & Wilson attorneys represented homeowner in filing administrative complaints and contesting fraudulently filed construction liens by general contractor.

* Jimerson & Wilson attorneys represented building materials supplier in several construction lien foreclosure and accounts receivable collections actions.

* Jimerson & Wilson attorneys obtained successful resolution for publishing company involved in intellectual property dispute with competitor.

* Jimerson & Wilson attorneys obtained full recovery for defense contractor on claims asserted against product distributors based largely on successor liability theories.

* Jimerson & Wilson attorneys represented condominium association in performing claims analysis and pre-suit discovery under Chapter 558 for alleged construction defects.

* Jimerson & Wilson attorneys represented condominium association in foreclosure action against unit owner for unpaid assessments.

* Jimerson & Wilson attorneys represented materials supplier in litigating claims for unpaid materials provided to public project.

* Jimerson & Wilson attorneys successfully defended large publicly traded company in bankruptcy preference action in the Southern District of Florida.

* Jimerson & Wilson attorneys represented local builder in litigating claims based on defaulted promissory notes from borrowers.

* Jimerson & Wilson attorneys represented HVAC contractor in obtaining full payment on current draws as part of negotiated owner refinance in order to keep project going.

* Jimerson & Wilson attorneys represented defaulted company and guarantors on lender liability action pertaining to fraudulent lending practices and breach of fiduciary duties in asset based lending and commercial factoring transactions.

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