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Client focused. Results driven.

Fall news from Jimerson & Cobb, P.A.



Chris Cobb to my firm. Please join me in welcoming Chris Cobb to his firm.

It is with great pleasure that we welcome my dear friend, Chris Cobb, into the fold. This makes the third law firm I have practiced with Chris at, and I learn something from him every day I work with him. The late Steve Jobs said "innovation distinguishes between a leader and a follower." If that is the case, Chris is surely a leader as his actions are driven by a resourceful and innovative legal mind. I encourage you all to tap into it and treat yourself to the learning experience I am often subjected to. Please join me in welcoming

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

Jimerson & Cobb, P.A., launched in September

With Chris on board for the last couple of months, we are already seeing drastic differences in the way we are able to offer legal services to our clients. He has already made a significant impact on our firm, and we look forward to growing with him into 2012 and beyond.

As a Board Certified Construction Attorney, Chris is recognized as an expert in construction law by The Florida Bar. He is AV® rated by Martindale Hubbell and has been recognized by Florida Super Lawyer Magazine as a Rising Star in Construction Law for the past three consecutive years. He was named to the Jacksonville Business Journal's "40 Under 40" in 2010, an award designating the top 40 business professionals under the age of 40 in Northeast Florida.



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

November 2011

In this Issue

[*Jimerson & Cobb, P.A., launched in September*](#)

[*Featured bLAWg Post: Notice to Owners: Who, What, When and Why am I serving this?*](#)

[*Featured bLAWg Post: Does the Statute of Frauds Apply to a Claim Based on Quantum Meruit?*](#)

[*Additional bLAWg Posts*](#)

[*J&C Service Spotlight: Construction Law*](#)

[*Industry News*](#)

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

[*Client Focus: Weather Engineers*](#)

[*Results Driven*](#)

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Click [here](#) to see a story about Chris in the Resident News.

Featured bLAWg Post: Notice to Owners: Who, What, When and Why am I Serving this?

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

Generally speaking, a "Notice to Owner" is a statutorily required notice which lets Owners of construction projects know who is working on the project. It is effectively just that....a Notice to the Owner. The Notice is required by Florida's Construction Lien Law and must contain certain warning language, the Owner's name and address, a description of the materials or services provided and a description of the real property improved. The form for the Notice can be found verbatim in Fla. Stat. § 713.06(2)(c). The Notice does not act as a cloud or encumbrance on the title of the Owner's real property and must be served by certified mail or hand delivery with proof of the delivery either: (i) before commencing work or (ii) within 45 days of your first furnishing labor, services or materials to a construction project.

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

Featured bLAWg Post: Does the Statute of Frauds Apply to a Claim Based on Quantum Meruit?

By: [Charles B. Jimerson, Esq.](#), and [Kelly K. Karststadt, Esq.](#)

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

Fraudulent Liens under Florida Law

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

Florida's lien law is an especially draconian area of the law. Filing a lien is an invaluable tool to help you as a contractor, sub-contractor or materialman get paid on a construction job. It can also get you into trouble unless the statute is strictly followed. Legislative amendments have softened the blow of fraudulent lien claims, but the statutes still carries heavy penalties.

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

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Client Focus



[Weather Engineers](#) was established in 1963 and is the leader in North Florida and South Georgia providing products and services to condition the indoor environment for homes, commercial buildings, marine and industrial facilities. Envirovac, a division of Weather Engineers, Inc., was established in 1991 and has become the leading Air Duct Cleaning professionals in North Florida.

They have developed and maintained this market leadership by constantly seeking technological innovations to better provide their customers with high efficiency equipment to

[Statutory Interest Rates: A Changing Trend in Legislative Intentions](#)

By: [Charles B. Jimerson, Esq.](#), and [Kelly A. Karsteadt, Esq.](#)

The trend in Florida over the last thirty years has been changing from simple static interest rates for judgments entered in this state towards a more complex variable rate. A recent amendment to the state law dictating statutory interest rates has many wondering what prompted such a drastic change to the norm. Now, instead of the statutory interest rate changing once per year it will change four times per year. Further, the rate of interest on a judgment is no longer established by the rate at the time it was entered. It appears that the trend in Florida is now shifting away from the simplicity it once knew.

J&C Service Spotlight: Construction Law



Not every construction dispute can be resolved amicably. Issues involving alleged construction defects, scheduling, the interpretation of contracts, specifications or drawings, or involving payment sometimes require legal intervention. When that is necessary, how effectively your interests are protected is directly affected by the quality of legal service you secure. Where disputes are inevitable, Jimerson & Cobb provides representation in arbitration, mediation and litigation in court.

Whether you're an owner, a licensed Florida contractor or subcontractor, construction supplier, builder, or a design professional, avoiding and successfully litigating construction-related legal issues are crucial to your company's survival. Jimerson & Cobb diligently works with its construction industry clients to ensure they stay abreast of salient construction law issues and are taking the proper steps to protect their rights in advance of and during a construction-related dispute. Through our proactive litigation approach, the most important service we can provide is to ensure that our construction clients are devoting their energy and attention to running a profitable business, rather than wasting time and resources anguishing over the intricacies of the oft-entangled Florida construction laws *ex-post facto*.

While we strive to resolve disputes through negotiation and preventive action, we specialize in vigorously representing our clients in litigation through aggressive prosecution of their construction lien claims. Our lawyers emphasize business realism, and focus on reaching practical solutions in a timely manner with strict adherence to Florida's myriad of notification and filing deadlines.

The following is an overview of who Jimerson & Cobb's construction law team represents and the services we are able to provide:

General Contractors, Subcontractors & Suppliers

- Construction litigation (lien foreclosure and priority, prompt payment law, change order disputes, retainage disputes, surety claims, delay claims, defect claims)
- Administrative representation in licensure and permitting matters

increase reliability and reduce operating costs. From HVAC equipment installation, sheet metal fabrication, and everything in between, Weather Engineers and Envirovac can accommodate all your needs to insure the ultimate in comfort.

The Weather Engineers group consists of Envirovac, Healthy House Check-up, Environment Engineers, Inc and Weather Engineers, Inc.

At the Weather Engineers Group, quality means conforming to the needs and requirements of the customer. Even the slightest problem is handled and corrected to the customer's satisfaction. They carry only the highest quality equipment with the best warranty available.

Jimerson & Cobb, P.A. is very proud and thankful to represent [Weather Engineers](#) and wishes it continued success in 2011.

Results Driven

* Jimerson & Wilson attorneys filed federal lawsuit in Southern District Illinois on behalf of publicly traded oil and gas company in \$10,000,000 shareholder purchase dispute.

*Jimerson & Cobb attorneys drafted and negotiated construction contracts for \$4.5 million dollar condominium renovation project.

*Jimerson & Cobb attorneys drafted construction development contracts for upscale entertainment facility in Indiana.

*Jimerson & Cobb attorneys mobilized quickly to file UCC-1 financing statements on equipment to protect client's interest and prevent

- Construction contract drafting and review
- Interruptions and cessation of work
- Pay-when-paid clause litigation
- Change order negotiation, including scope disputes
- Property damage claims
- Warranty and punch list administration representation
- Collections and issues pertaining to payment outside of lien/bond law
- Creditors' rights in bankruptcy
- Defective construction and design claims
- Time-related damage claims including delay, acceleration and lost productivity
- Differing site condition issues
- Environmental disputes
- Construction lien noticing, recording and lien waivers/releases
- Private construction project bond claims
- Public construction project bond claims
- Minority business certification and denial appeal
- Advance payment procedures
- Construction insurance coverage claims

Developers/Owners (both public and private)

- Defective construction and design claims (design errors and omissions)
- LEED building design and build
- Change order negotiation, including scope disputes
- Buyer rescission claims
- All construction litigation defense (lien foreclosure and priority, prompt payment law, change order disputes, retainage disputes, surety claims, delay claims, defect claims)
- Construction contract drafting and review
- Property damage claims
- Warranty and punch list administration representation
- Defective construction and design claims (individual and class action basis)
- Time-related damage claims including delay, acceleration and lost productivity
- Contractually stipulated damages disputes
- Differing site condition issues
- Environmental disputes
- Construction bonding
- Construction insurance coverage disputes

Homebuilders

- Defective construction and design claim defense
- Issues pertaining to payment or construction litigation
- Administrative or regulatory representation in licensure and permitting matters
- Construction contract drafting and review
- LEED building design and build
- Purchase and sale transactions or litigation
- Construction bonding
- Construction insurance coverage disputes

Condominium Associations

- Defective construction and design claims
- Disputes with developers and owners
- Warranty claims
- Assessment collection and delinquent unit foreclosure

misappropriation.

*Jimerson & Cobb attorneys launch state court action for fraud, breach of contract and unfair and deceptive trade practices for manufacturer's improper business practices.

*Jimerson & Cobb attorneys file suit on behalf of subcontractor for non-payment of residential remodel construction contract.

*Jimerson & Cobb attorneys represented largest secured creditor in working with Chapter 11 debtor to strip inferior liens in order to maintain substantially similar loan pre-petition loan terms on confirmed plan.

*Jimerson & Cobb attorneys represented lender in replevin of secured collateral, obtaining consent judgments and processing requests for SBA guaranteed money.

*Jimerson & Cobb attorneys represented interior design and maintenance company in obtaining recovery in disputed contracts for services.

*Jimerson & Cobb attorneys advised high net worth individual on the loan structure and documentation of sale of over \$1 million of speculative development parcels.

*Jimerson & Cobb attorneys represented roofing contractor in obtaining successful settlement in avoidance of costly construction defect litigation.

*Jimerson & Cobb attorneys represented homeowners association in finding hidden investment brokerage accounts of judgment debtor to garnish.

*Jimerson & Cobb attorneys hosted continuing education and exam preparation seminars for

- Fiduciary duty disputes and other violations of Florida condominium act
- Breach of Declaration of Condominium claim defense

Sureties

- Payment and performance bond claims
- Assist sureties, contractors and obligees in the full range of performance bond issues arising, both prior to and following default and termination, and through the completion process
- Indemnity and recovery litigation
- Work in conjunction with experienced design and construction consultants to evaluate work in place and to be performed, negotiating completion agreements, preparing re-let packages, monitoring completion work, applications for payment, and defense of claims
- Subrogation, delay and warranty claims

Jimerson & Cobb has the experience and knowledge necessary to help clients identify and avoid potential problems so that their construction projects proceed smoothly. Please feel free to browse our [Construction Law FAQs](#) for basics on Construction Law. For more information about our practice, or to discuss your legal concerns with a lawyer who understands [construction law](#), [contact](#) our offices today.

Industry News

Omni pours \$87M into Amelia Island Plantation Upgrades

The Omni Amelia Island Plantation sits on 3.5 miles of beaches, and the resort's new parent company plans to [spend \\$87 million to make the ocean more accessible](#) from anywhere on the 1,350-acre property.

Bank of America settles overdraft lawsuit for \$410M

Bank of America customers who incurred overdraft fees over the past decade [may soon receive a small refund](#) after a federal judge approved a settlement to a class-action lawsuit brought against the bank.

Senate expected to approve 3% withholding repeal

A measure in the U.S. Senate is expected to repeal H.R. 674, which applies a [3 percent withholding tax to most 2013 government contracts](#).

First Guaranty to sell 7 branches to CertusBank

Certus Bank, based in Greenville, South Carolina, is buying [seven of the eight First Guaranty Bank & Trust Company Jacksonville branches](#), including its trust division. The deal includes \$96 million in loans and \$211 million in core deposits. First Guaranty is the oldest continuously operating Jacksonville-based bank. It will continue operating out of its Kendall Town Center Branch and retain some loans and deposits.

Angie's List schedules IPO launch for November 17

Angie's List Inc., a membership only, local business reviewer, will [launch an IPO](#) the week before Thanksgiving. The launch has a potential for a \$114 million offering. The internet company plans to trade on the Nasdaq under the symbol ANGI.

MGM scouts Jacksonville for resort casino

With a bill pending in the Florida Legislature to allow the construction of three destination resort casinos in the state, one major player in the industry

credit professionals seeking risk management certifications.

*Jimerson & Cobb attorneys represented credit union in obtaining post-repossession deficiency judgment and fully collecting on account post-judgment.

*Jimerson & Cobb attorneys represented generator and air compressor distribution company in collecting on delinquent accounts receivable and lien projects.

*Jimerson & Cobb attorneys represented surety and HVAC contractor in successfully resolving Federal Miller Act non-payment claims.

*Jimerson & Cobb attorneys obtained full value post-filing settlements for HVAC contractor stemming from commercial construction projects.

*Jimerson & Cobb attorneys represented staffing agency in litigation involving utilization of staffed resources.

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acknowledges that it has [looked at possible sites in Jacksonville](#) if the law allows it.

Trailer Bridge seeks time to restructure debts

Facing a deadline to pay off \$82.5 million in bonds, Trailer Bridge Inc. filed for Chapter 11 bankruptcy Wednesday to give it time to [restructure its debts](#).

'Never let emotion cloud your judgment' And more workplace wisdom

The Daily Record asked more than two dozen Jacksonville community and business leaders to reflect on their jobs and [share their lessons](#).

WSJ Reviews Kindle Fire, Amazon's Color Tablet

It's often said that there isn't really a tablet market, just an Apple iPad market with a bunch of other contenders fighting over the remnants. But, starting this week, that is likely to change, because [Amazon is adding a multifunction color tablet](#) to its popular Kindle line that costs less than half as much as an iPad 2.

Will bank branches wither away?

The new Citibank branch in Washington's Foggy Bottom neighborhood, around the corner from a Whole Foods and Roti Mediterranean Grill, [looks more like an internet cafe](#) than a place you'd go to cash a check.

Firm News

*We recently have added additional personnel. Our new file clerk, Henry Farber, is a UNF graduate with a degree in Communications. Henry has more than five years experience working in a construction law firm.

*J&C welcomes two law clerks from Florida Coastal School of Law. Austin Calhoun is a former Project Manager for Elkins Constructors and has more than ten years experience in the construction industry. Kristen Sinnott has significant experience working in regional and community banking. Kristen has already earned her keep by whipping up a strong dish of Penne pasta for the office.

*Congrats to our fearless paralegal Alexia Vizcarra-Coronel for being named a Florida Registered Paralegal by The Florida Bar. Lexi's indefatigable work ethic is something we are consistently amazed by.

*J&C has teamed up with our in-house building neighbors, the Scott-McRae group, to collect non-perishable food items for the [Salvation Army](#) for their Thanksgiving Food Drive. As the Jacksonville Salvation Army prepares for an increased need this season, we encourage you to drop off any food or monetary donations at its 535 Bell Road location.

[Back to the Top](#)



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J&C Practice Areas

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