

## Up to \$30 trillion will transfer from the baby boomer generation to their heirs or favored charities

# Litigation and the baby boomer wealth transfer

BY MARY F. LEVINE, ESQ.

Over the next several decades, up to \$30 trillion in assets will transfer from the baby boomer generation to their Gen X and Millennial children, and the baby boomers' favored charities. Change of this magnitude, and of such immense wealth, will most assuredly precipitate many changes in the lives of those affected. These huge wealth transfers will also generate significant litigation, as the transfers occur, and thereafter.

Assessing the divorce rates of the 70's, 80's and 90's, and declining marriage rates, demographics reveal many of those impacted by this great wealth transfer will include many families and children of first, second and third marriages. Family businesses created by baby boomers will be sold, revamped and/or otherwise disrupted by these ownership transfers. Farms, ranches and large tracts of family owned land may also be significantly impacted.

Wealth transfer planning will be affected by changing family dynamics, family business disputes, retirement, and/or re-establishing residency in a new state. These events will require changes to testamentary documents. As changes occur within families and family relationships over time, whether due to unexpected deaths, divorce, births, or otherwise, new wills may be prepared, and trusts may need to be amended.



Mary LeVine  
Appellate Practice, Business Litigation

Siblings and blended family members who have spent decades apart pursuing lives and careers in far flung locales, may find their family connections and the implementation of boomers' planned wealth transfers are affected by these scattering dynamics. For those boomers whose natural heirs have predeceased them, a devise of estate assets to favored charities may prompt challenges by non-lineal and collateral heirs. These varied factors may arouse combustible and conflicting agendas among beneficiaries and estate contestants involving these asset transfers as the baby boomers pass on.

Estate litigation battles have varied causes: unhappy beneficiaries and/or dysfunctional families, poor estate planning, ambiguous and/or inadequate testamentary documents, disinherited children or heirs, and/or disputed charitable bequests. Will contests may arise from undue influence upon a testator by a second or third spouse, child or step child, caregiver, or unscrupulous advisor. Other claimants may assert a decedent lacked testamentary capacity at the time of execution of a will, or contest the testator's exclusion of a child or other relative from a will in favor of other beneficiaries, particularly charities. Trust challenges are also varied, and may include claims of trustee misconduct, breach of fiduciary duties, misappropriation of trust assets, wrongful acquisition or conversion of trust assets, and disputes over the interpretation of ambiguous trust provisions, including whose assets may be subjected to what is perceived as unfair estate tax allocation.

More so than ordinary business disputes, estate litigation is often highly emotionally charged as a result of the family dynamics at play and contested amounts in controversy. While good planning is always strongly

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# A Message from the Principals



## Are we making a difference? Tell us!

BY CHARLES F. JOHNSON, ESQ.

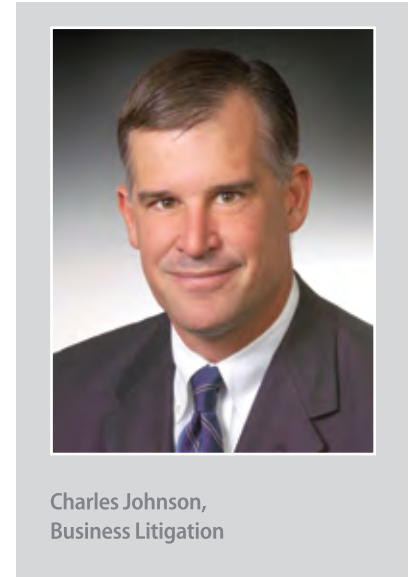
**Our philosophy is "We Make a Difference".**

At Blalock Walters that means we do not want to be good lawyers. There are lots of good lawyers. We want to be great lawyers - the lawyers you trust when the outcome may impact your life or business.

The words of the legendary football coach Vince Lombardi succinctly describe our philosophy, "we are going to relentlessly chase perfection, knowing full well we will not catch it, because nothing is perfect. But we are going to relentlessly chase it, because in the process we will catch excellence. I am not remotely interested in just being good."

While the goal of perfection is unattainable (and frustrating), the goal is also a reminder there is always room for improvement. While we think we are close to "perfect" in some aspects of our law firm and strive to have excellent communication with our clients, however client communication is one area where there is always room for improvement. I often ask my clients if I am meeting their expectations. Most of the time they politely answer in the affirmative. Even then, I press the clients for areas (big or small) where I can improve. Sometimes it is as simple as being more descriptive in the subject line of my emails. Other times the issue is more complex. One client asked me to review in person the legal precedents we relied on for our legal position with him. I have learned a lot from the feedback I have received from the clients of Blalock Walters over the years. On behalf of the firm, I would encourage you to tell us what we are doing right—and more importantly where we can improve.

**It is your yardstick that determines if we are Making a Difference, not ours. If we are not measuring up (or can just improve a little) please tell us. ■**



Charles Johnson,  
Business Litigation

*"We are going to relentlessly chase perfection, knowing full well we will not catch it, because nothing is perfect. But we are going to relentlessly chase it, because in the process we will catch excellence. I am not remotely interested in just being good."*

**-LEGENDARY FOOTBALL COACH VINCE LOMBARDI**



From left: Matt Plummer, Amanda Tullidge, Fidelity National's Barry Mazer and Will Robinson.

### Circle of Excellence to Real Estate Practice Group

**T**he Blalock Walters Real Estate practice group is the proud recipient of the Fidelity National Title Group 2016 Circle of Excellence Award, Fidelity National's highest achieving award. Congratulations to our Real Estate group for making a difference and being honored with this great recognition. ■

### Litigation and the baby boomer wealth transfer

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recommended as the best means to minimize disputes over wealth transfers, wrongdoing can and, not infrequently, does occur over a decedent's assets. Navigating estate disputes requires highly specialized knowledge of complex probate and trust law, keen trial skills, and broad based experience in this area of litigation.

Our estate and tax attorneys can help clients prepare effective planning strategies designed to meet asset transfers goals which minimize potential post death wealth transfer disputes. When litigation is appropriate, or disputes do arise, our seasoned trial lawyers specializing in estate and trust litigation possess the knowledge and skill to successfully litigate these disputes to conclusion. Our estate administration attorneys facilitate efficient probate and trust administration so that assets are delivered to intended beneficiaries while meeting all legal requirements.

**Mary LeVine is a principal in the firm's litigation department specializing in probate and trust disputes, and commercial litigation, trials and civil appeals. To reach Mary, call 941.748.0100 or email [mlevine@blalockwalters.com](mailto:mlevine@blalockwalters.com).** ■

## BLALOCK WALTERS REVIEW

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# Small practices not immune from HIPAA enforcement

Small medical practices who think they don't need to worry about HIPAA privacy and security compliance had better think again. See [www.hhs.gov/hipaa/for-professionals/compliance-enforcement](http://www.hhs.gov/hipaa/for-professionals/compliance-enforcement)

BY MATTHEW J. LAPOINTE, ESQ.

A six-physician practice in the Chicago area recently paid the U.S. Department of Health and Human Services (HHS) \$31,000 to settle alleged violations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rules. The Center for Children's Digestive Health, a pediatric gastroenterology practice, entered into a "Resolution Agreement" with HHS and adopted a corrective action plan on April 17, 2017.

Two years ago, HHS initiated a compliance review of the practice. HHS determined that the practice had failed to enter into a Business Associate Agreement with its medical records storage vendor, Filefax, Inc.

Over the years that it contracted with Filefax, the practice disclosed the protected health information (PHI) of at least 10,728 individuals to Filefax. While there was no evidence of any breach of PHI, the practice's failure to enter into a Business Associate

Agreement was a clear violation of the applicable HIPAA Privacy Rule.

A Business Associate is a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of a health care entity covered by the HIPAA rules (a Covered Entity). The HIPAA Rules require that each Covered Entity that uses a Business Associate must enter into a written agreement requiring the Business Associate to meet certain minimum standards of confidentiality.

A review of the HHS website on which Office of Civil Rights (OCR) posts examples of its enforcement actions reveals that most of the examples involve large hospitals, national drugstore chains, and large health insurance companies.

The list of private practices facing enforcement actions appears to be growing, however. Many of the cases described on the HIPAA website arose out of a complaint



Matthew Lapointe  
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filed with HHS by an individual patient. Physicians, dentists and other private providers would be well advised to take another look at their practices to ensure that they have the necessary policies and procedures in place to comply with HIPAA. ■



# How can you increase workplace civility?

BY ANNE W. CHAPMAN, ESQ.

**True or not, a common perception is that our society is one that is becoming less respectful and less courteous.**

This perception is especially true in the workplace where study after study cites examples of rude behavior in the workplace and the accompanying worker dissatisfaction. In fact, legislation has even been proposed to combat perceived "bullying" in the workplace. The simple fact is that it is in everyone's best interest for employees to feel respected in the workplace. Among other benefits, happier employees improve employee productivity and retention.

**Below is a list of some of the ways to facilitate civility in the workplace:**

**HIRING:** While it may be tempting to rush through the hiring process, employers should take their time to evaluate if the candidate is a good fit for the organization and interacts with others in a respectful manner.

**MONITORING:** Often times, supervisors notice an employee who has repeated negative interactions with co-workers (e.g. talking down to others, interrupting others, etc.) This behavior should be addressed early and as often as necessary. Rarely, if ever, does the situation improve without intervention from management. At times, the individual may not even be aware of how his/her communication style is being perceived and a constructive discussion can improve the situation.

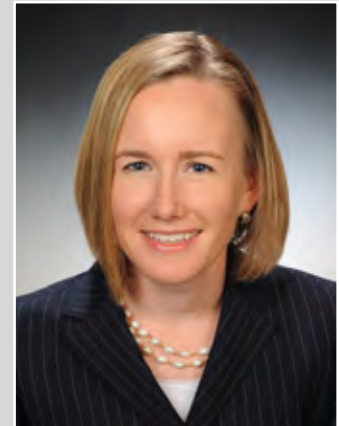
**TRAINING:** Provide employees with training on interpersonal skills and communications, especially supervisors. Communication does not come easy to many people and many employees will appreciate the assistance.

**DISCIPLINE:** Employers need to demonstrate that they take seriously the expectation that employees are respectful and civil to one another. Counseling, disciplining and even separating an employee from employment, may be necessary to demonstrate the company's commitment to creating a respectful workplace.

**POLICIES:** There are some sources of conflict between employees that an employer cannot control. However, other areas can be managed. For example, if cell phone usage (including texting) is an issue, then establish a policy regulating the use of cell phones and enforce it. Alternatively, establish informal guidelines. If email communications between co-workers are being misconstrued or causing problems, encourage employees not to solely rely on email and rather to also use face-to-face communication or phone calls to reduce the opportunity for miscommunication.

**OPEN DOOR POLICY:** Provide employees with a procedure to follow to confidentially voice their complaints to Human Resources. Often times discussing the issue with someone can assist the employee in resolving a co-worker conflict. Additionally, it is good for the employer to be aware of conflicts or disrespectful behavior in the workplace as it will help the employer identify if an employee is a problem.

**EXIT INTERVIEWS:** Similar to the open door policy, exit interviews with employees can provide insight into whether there are individuals or issues related to respect that need to be addressed in the workplace.



Anne Chapman, Labor & Employment Law

Importantly though, the employer must set the tone for the very top that being courteous and civil to others in the workplace is expected. Demonstrating how to treat others is the most powerful tool in creating a respectful work environment.

**For more information, please contact labor and employment attorney Anne Chapman at 941.748.0100 or [achapman@blalockwalters.com](mailto:achapman@blalockwalters.com). ■**





# Your Estate Plan:

## Avoid small oversights that can turn into big headaches

BY ANTHONY D. BARTIROME, ESQ

**Part of what we do at Blalock Walters is assist surviving family members with administrative matters after the death of a loved one. It's at that point in time when the effectiveness of the decedent's estate plan is tested.**

So, to help our clients develop estate plans that will actually operate as efficiently as they intend, we try to raise our clients' awareness that sometimes small oversights can cause big headaches later, for example ...

- 1 Be sure that beneficiary designations on life insurance policies, IRA's, annuity contracts and "payable on death" accounts are complete. Regrettably, we often find that many clients fail to include the name of a "contingent" beneficiary. The designation of a contingent beneficiary can help avoid probate and can often provide tax benefits as well.
- 2 Don't forget to account for small real estate holdings, such as undeveloped lots, oil and gas leaseholds and timeshares. It is generally not difficult to plan for these interests to pass outside of probate. Also, many clients find that the sale or other disposition of these assets while living makes the most sense. Either way, what's most important is that these items not be overlooked during the planning process.



Anthony Bartirome  
Estate Planning, Tax Law

- 3 Be careful of "joint accounts". In many cases, the surviving joint owner of a decedent's bank account will have legal rights to 100% of the account balance. This result may not have been the deceased owner's intention. There are several planning alternatives that can avoid this result and at the same time accomplish the objective of allowing administrative access to the account during the decedent's lifetime.
- 4 Make your wishes known regarding your tangible personal property. Many

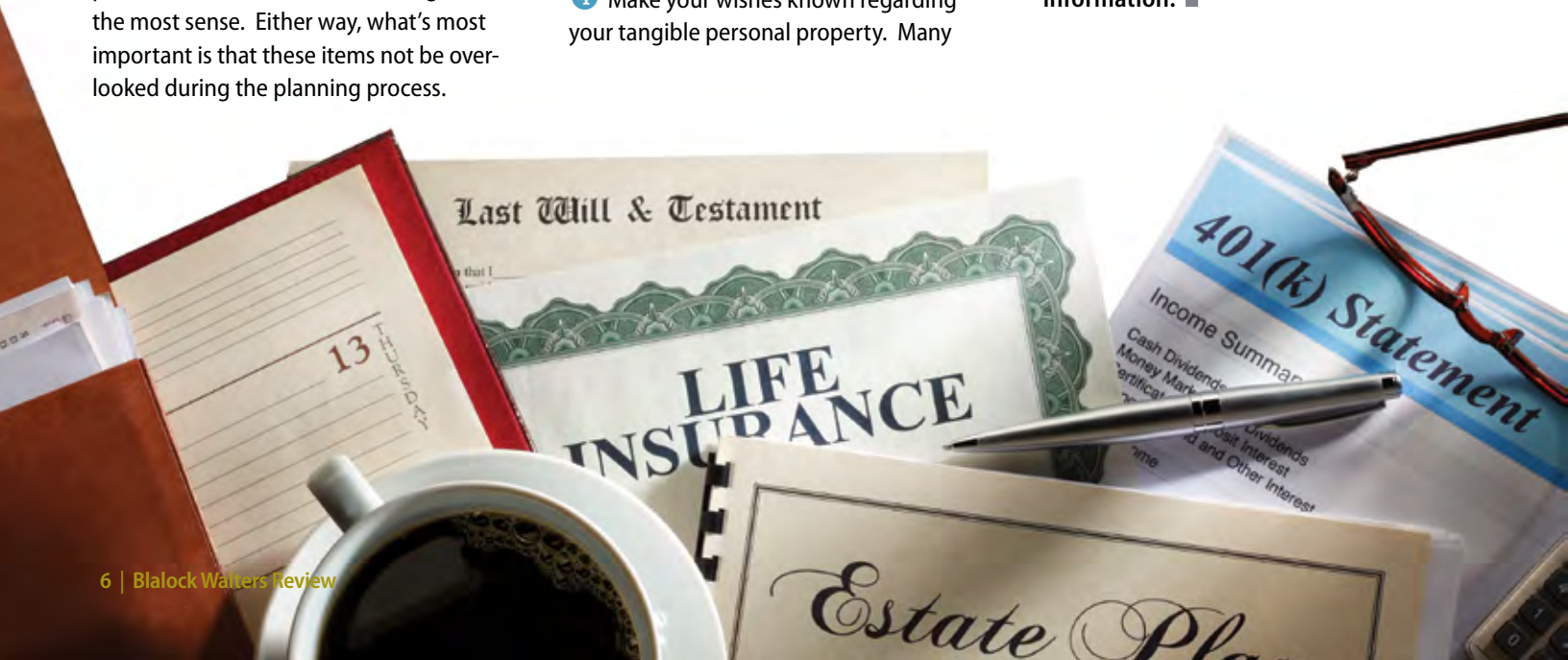
clients have Wills that refer to a "separate writing" which (ideally) lists certain items the person intends to pass to named individuals. However, very few people actually take advantage of the conveniences offered by a "separate writing".

If you have certain personal items (jewelry, photos, artwork for example) that you wish to pass to certain named persons, you will be doing a great service to your designated personal representative if you use the "separate writing" format to state your preferences.

Much creativity is evolving in this area, as we see some clients utilizing digital video technologies to express their wishes regarding their personal effects.

There are other examples of small oversights that can add cost and inconvenience to the administration of a loved one's final affairs. As counselors, please don't hesitate to call upon us for assistance.

**We can guide you to attend to the details of your estate plan, and help you make a difference as well. Please contact Tony Bartirome or our estate planning practice group at 941.748.0100 for more information. ■**



# US Department of Justice publishes 'The Guidance' to help set standards for corporate compliance programs

BY ANN K. BREITINGER, ESQ.

Earlier this year, the Fraud Section of the US Department of Justice (DOJ) published its Evaluation of Corporate Compliance Programs (the "Guidance").

The Guidance set out important standards for corporate compliance plans. The Guidance also provides a checklist for corporations' compliance programs. The DOJ recognizes that compliance plans are not a "one size fits all" type of document and corporations need to tailor compliance plans to fit their individual needs.

The Guidance expands on previously provided factors that federal prosecutors take into account in assessing the resolution of cases. These factors are commonly known as the Filip Factors. This new guidance aims to increase understanding of the Filip Factors and how they relate to a comprehensive compliance program.

The Guidance is divided into 11 sections to be covered by compliance programs.

These sections include:

- Analysis and Remediation of Underlying Conduct**
- Senior and Middle Management**
- Autonomy and Resources**
- Policies and Procedures**
- Risk Assessment**
- Training and Communications**
- Confidential Reporting and Investigation**
- Incentives and Disciplinary Measures**
- Continuous Improvement, Periodic Testing and Review**
- Third Party Management**
- Mergers and Acquisitions**

The Guidance expands on the Filip Factors and is divided into 11 sections to be covered by compliance programs. Each section contains common questions the DOJ may ask in determining the sufficiency of compliance.

For more regarding corporate health care compliance, please contact any member of the Blalock Walters health care team by calling 941.748.0100.



Ann Breitinger  
Business, Health Care Law

Each section contains common questions the DOJ may ask in determining the sufficiency of a compliance program. These sample questions give corporations insight into the type of information the DOJ will be looking for when analyzing a compliance program in light of possibly pursuing criminal charges against the corporation.

For more regarding corporate health care compliance, please contact any member of the Blalock Walters health care team. ■



WE MAKE A DIFFERENCE



# What is due diligence in commercial real estate?

BY MATTHEW J. LAPOINTE, ESQ. AND  
MATTHEW R. PLUMMER, ESQ.

## WHAT IS DUE DILIGENCE?

**The purpose of a due diligence investigation is to enable the buyer to discover as much as possible about the property before he or she is obligated to buy it.**

This includes discovering information that the seller may not want the buyer to know or perhaps information of which the seller isn't even aware. We recommend preparing a thorough due diligence checklist that the buyer presents to the seller early in negotiating the deal. **Thorough due diligence consists of three broad categories of investigation: financial due diligence, physical due diligence and legal due diligence. We will discuss each of these three aspects of due diligence in turn.**

## FINANCIAL DUE DILIGENCE

The two most important questions a buyer needs to answer are:

- ✓ How much income is the property currently producing (what is the property's "Net Operating Income" or "NOI")?
- ✓ How much income will it produce when I am running it?

To answer the first question, the buyer must gain an accurate understanding of the property's financials as they currently exist and as they have existed in the near past. There are two "sides" to the financial due diligence "coin": the income side and the expense side.

With respect to income, the buyer should insist upon obtaining the actual financial data of the property going back at least three years. A shorter period may fail to disclose problems that are not entirely resolved. The buyer should also request the tax returns for the entity that owns the property. The buyer can use the tax returns to verify the internal financials. Buyers can safely assume that expenses will not be understated on a tax return. As for the income, if there are significant discrepancies in the reported taxable income on the tax returns and those reported in the internal financials, the buyer should be concerned. If the seller was

willing to lie to the IRS, the seller will be willing to lie to the buyer.

While the Purchase and Sale Agreement should require the delivery of tenant estoppel certificates at closing, it is still important to conduct a due diligence investigation of the leases. The buyer should review each and every lease relating to the property. The buyer needs to identify the termination dates of the various leases and assess the risk that one or more tenants will vacate at the end of their lease term. The buyer should also note any discrepancies, concessions, or landlord obligations to make improvements or renovations. A rent roll is another key piece of data for the buyer. A rent roll typically shows the unit number, the tenant name, the rent amount, any past due balance, and the lease expiration date. The buyer should request not only a current rent roll, but past years' rent rolls, if available. Beware if the current rent roll contains a number of recent tenants. Sellers sometimes will fill a property with low quality tenants to boost the occupancy rate prior to marketing the property for sale.

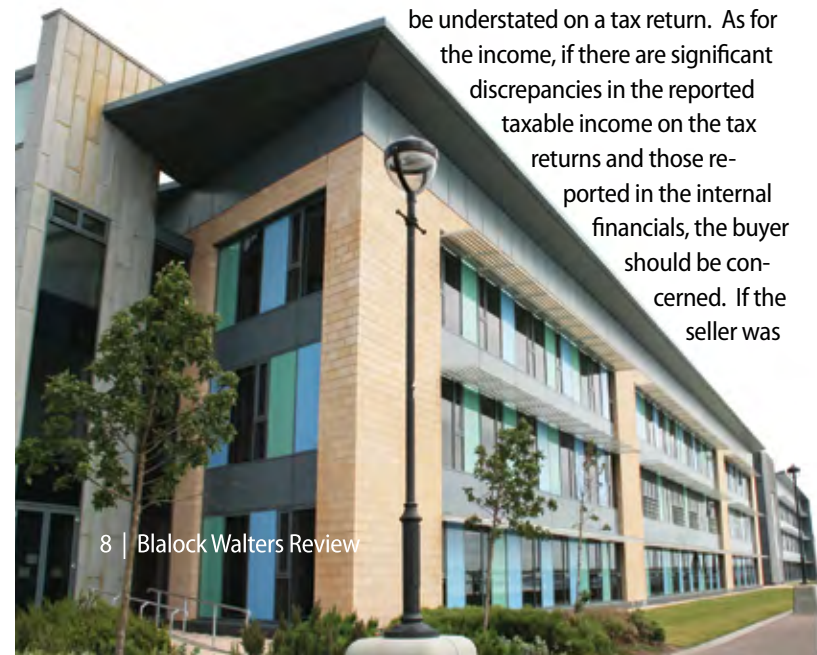
The Buyer also needs to examine the "expense side" of financial due diligence. A thorough understanding of the property's operating expenses is essential to develop a baseline for the buyer's projections for its first year of ownership. Digging into the expenses relating to a property may also point out issues that the buyer will want to further explore in the legal/physical due diligence phase.

One of the largest line-item expenses in commercial properties, particularly multi-unit residential properties, is often the utility bill. The buyer should request at least two years of the actual utility bills to determine both the cost and the usage. The only way to determine the actual consumption is to track the usage (gallons, kilowatts, etc.) on a per-occupied unit basis (for multi-family) or per square foot basis (for office and retail), using the actual bills to match cost and usage. This can identify seasonal spikes in usage and can even uncover abnormal conditions, such as gas leaks or water leaks.

Property taxes are also a significant expense item. This information can be obtained directly from the municipality or the county, and is usually available online. The title report (discussed in the legal due diligence section) will show whether the taxes are delinquent. If so, this is good information for the buyer, as it indicates the seller may be under financial stress and is therefore motivated to sell. It is important to determine whether there are any special tax reductions or tax breaks that apply to the seller but which may expire or which may not be applicable to the seller.

The buyer should request copies of the seller's current insurance policies. The basic information in the seller's policies can be used by the buyer to obtain price quotes from insurance agencies. Getting the actual policies enables the buyer to compare the cost on the operating statements to the actual premium on the policy.

The buyer should attempt to verify all remaining expense items. By learning as much as possible about how the seller operates the prop-





erty, the buyer can better analyze how its own operation of the property might differ and how that might result in higher or lower expenses.

## PHYSICAL DUE DILIGENCE

As its name suggests, physical due diligence is concerned with the structure of the building itself and the physical features of the land and surroundings. Standard third-party reports required by lenders and buyers include the appraisal, environmental investigation, zoning compliance, and building/engineering reports. We usually recommend that the buyer hold off on ordering these reports until the financial due diligence has been completed and found to be acceptable. These third-party reports are not cheap, so it does not make sense for the buyer to incur the expense if the financial due diligence reveals problems.

Phase I Environmental Reports are the minimum standard for most lenders. Based on the findings, a conclusion will indicate whether or not any further environmental investigation is needed. For a site with suspected contamination, we recommend a Phase II investigation with appropriate test drilling and sampling of ground water. A site with confirmed contamination from a prior user, or with an environmental risk identified in a Phase II report, will require a Phase III environmental investigation, remediation, and ongoing monitoring.

The buyer should also research the zoning requirements of the site at the planning department in the city/municipality or the county in which the property is located. The buyer should NOT rely upon the seller's statement that the property is in compliance with zoning. If the buyer is planning to make any changes to the property, then it is important to review the zoning regulations for the zone in which the property is located. We work closely with our colleagues in the firm's land use department when there are questions about the current zoning status or the ability of the buyer to make changes after the purchase.

The Building/Engineering investigation is the commercial property equivalent of the home inspection in a residential deal. The engineer will test the all of the property's systems – HVAC, electrical, fire suppression, etc. The engineer will also evaluate structural components, such as the roof and building envelope, and will note any deferred maintenance problems. These engineering reports are extremely valuable to the buyer and should be reviewed very carefully.

## LEGAL DUE DILIGENCE

The most important aspect of legal due diligence is the title examination. Working with a title insurance company, we can provide a "commitment" to issue a title policy, sometimes called the "title binder." We carefully review the title commitment with the buyer, to ensure the seller can deliver clear title. Perhaps the most important part of the title commitment from a due diligence perspective is "Schedule B" to the title policy. Schedule B-I contains the requirements that must be met for the company to issue the policy and Schedule B-II lists the various exceptions to the title that the title company found when it performed its title search. Common exceptions on Schedule B-II include

✓ Easements    ✓ Rights-of-way    ✓ Restrictions or Covenants



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By listing various items as exceptions, the title company is telling the insured buyer that these items are not covered by the title policy, and that the title company will not pay a claim or defend against a claim based on these excepted items. In the due diligence context, Schedule B-II provides the buyer with a list of title issues that must be resolved prior to the purchase or they will be issues that the buyer will inherit upon taking ownership. The buyer's lawyer or the title company will also conduct a lien search and a search for any county or municipal code violations. The buyer certainly does not want to inherit any such violations and should insist that any code violations or open permits be resolved prior to the closing.

Another key part of legal due diligence is the survey. The buyer's attorney should match the legal description in the proposed deed and in Schedule A to the title commitment to the actual representation of the land on the survey plan. If the legal description uses metes and bounds, the lawyer must find the beginning point on the plan and follow the metes and bounds descriptions to ensure that they match and to ensure that the legal description "closes" (i.e., that there are no gaps in the description).

The attorney should locate on the survey plan all of the improvements, such as the buildings, parking areas, and drainage areas located on the land in question as well as such improvements on adjoining land. The attorney should look out for possible encroachments by adjoining landowners on the property in question. All of these issues need to be identified and, if necessary, addressed with the seller prior to closing.

**The level of due diligence will vary with the value of the project. The more money that is at stake, the more thorough the due diligence should be. The lawyers at Blalock Walters have handled commercial real estate transactions of all shapes and sizes.**

**We stand ready to assist in all aspects of commercial real estate, from formation of the real estate holding company to financing to closing the deal. If you have questions about commercial real estate, please call 941-748-0100 or email Matthew Lapointe at [mlapointe@blalockwalters.com](mailto:mlapointe@blalockwalters.com) or Matthew Plummer at [mplummer@blalockwalters.com](mailto:mplummer@blalockwalters.com).** ■

# About Us...



## Mark Barnebey, with 30 years of experience, earns recertification from Florida Bar

**M**ark P. Barnebey has earned board recertification in city, county and local government from The Florida Bar. Mark has been board certified since 1996 and is one of only 251 attorneys certified in city, county and local government in Florida.

Florida Bar Board certification is the highest level of evaluation by The Florida Bar of competency and experience within an area of law. It recognizes an attorney's special knowledge, skills and proficiency in the attorney's field of law and the attorney's character, ethics and professionalism in the practice of law. An attorney must reapply for board certification every five years and demonstrate the attorney's substantial involvement in the area of certification. Mark has more than three decades of experience in the areas of local government, land use and real estate law. He serves as counsel to a wide variety of local government entities, including municipal, school district, community development district and interlocal government. He has presented "Land Use Law" at The Florida Bar's City, County and Local Government Law Certification Review for the past 21 years. Barnebey is also AV® Preeminent™ Peer Review Rated, Martindale-Hubbell.

Only six percent of Florida attorneys have earned board certification. At Blalock Walters, we have eight Florida Board Certified attorneys who specialize in six different legal areas.

Mark can be reached at [mbarnebey@blalockwalters.com](mailto:mbarnebey@blalockwalters.com) or 941.748.0100. ■



Mark Barnebey, Land Use, Mediation; Florida Board Certified in City, County & Local Government Law

## 26-year veteran lawyer Matthew Lapointe joins firm

**W**e are pleased to welcome principal Matthew J. Lapointe to our business & corporate and health law practice groups. Matthew brings more than two decades of high level experience, concentrating his practice on business and corporate law, mergers & acquisitions and health care law. Matthew practiced for 15 years with a large, multi-specialty firm in New Hampshire before moving to the Tampa Bay region in 2006.



Matthew Lapointe  
Business, Health Care Law

"We are delighted to have Matthew join our firm," said Jonathan Fleece, Managing Partner. "With the state-wide and national growth in our corporate and health care law practice groups, his extensive experience and knowledge will provide increased depth and support to better serve our business and health care focused clients. Matthew's skills, demeanor and commitment to making a positive difference make him a perfect addition to the Blalock Walters team."

Matthew represents companies and entrepreneurs in the full range of business and corporate matters and serves as general outside counsel to business owners in all sectors of the economy. He advises business owners on day-to-day issues, such as personnel problems, as well as on strategic issues, such as business succession planning and business sales and acquisitions. In his Health Care Law practice, Matthew advises physician groups, dentists, assisted living facilities and other health care institutions. In addition to counseling these clients on matters common to all businesses, such as personnel issues, financing, and corporate governance, Matthew advises on compliance with the HIPAA Privacy and Security Rules, the federal anti-referral law, anti-kickback law, Medicare and Medicaid compliance, as well as compliance with state licensing laws. He has handled numerous health care transactions, including the purchase and sale of physician practices, nursing homes, and assisted living facilities.

Matthew earned his Juris Doctor from Northeastern University School of Law in 1991 and a Bachelor of Arts in Political Science from Williams College in 1988. He can be reached at 941.748.0100 or [mlapointe@blalockwalters.com](mailto:mlapointe@blalockwalters.com). ■



# Lifetime resident, our own Bob Blalock presented 2017 Manatee County Distinguished Citizen Award

City of Palmetto Mayor Shirley Groover Bryant announced Bob Blalock as the 2017 Manatee County Distinguished Citizen in January. Bob humbly accepted the award surrounded by his family, close friends and colleagues. It recognizes those individuals who have made significant and meritorious contributions to Manatee County in the way of volunteer community service.

Since 1956, the annual Manatee County Distinguished Citizen Award has been presented by the members of the Manatee River Fair Association in cooperation with the Board of Commissioners of Manatee County.

A lifetime resident of Bradenton, Bob lends his personal and professional expertise to community organizations, encourages volunteerism and philanthropy and has made a significant impact on Manatee (and Sarasota) counties. As a board member of the John and Mable Ringling Museum of Art, Bob was instrumental in developing the strategic alliance between the museum and Florida State University, thus securing the future of the educational institution in our community. In appreciation, the Education Center bears his name.

Bob has either served on the Board or been a key figure in raising funds, starting endowments and working with clients to support numerous local organizations including: Southeastern Guide Dogs, Just for Girls, South Florida Museum, ArtCenter Manatee, Manatee Players, New College Foundation, Sarasota Orchestra, United Way, Anna Maria Island Community Center and the center's Endowment Trust Board.

As a founding Board member and driving force behind the establishment of the Manatee Community Foundation, Bob "birthed" an organization whose mission is connecting the charitable interest of donors with ongoing needs in the community. As donors, Bob and his "bride" Marlene established a personal legacy, the Marlene and Bob Blalock Fund at the Leadership Level.

Bob was awarded the "Lifetime Spirit" award by the Manatee Community Foundation in 2012 for demonstrating active and ongoing charitable investment in the community, for his spirit of giving, and encouraging and motivating others whose direct financial support impacts charitable institutions within the community.

Bob's efforts supporting our local nonprofits have shaped the history of our community and, even more importantly, provided a vision for our future. ■



Bob Blalock and his wife Marlene surrounded by their daughter Dannie, son-in-law Gardner and grandsons Charlie and RG.



The Manatee River Fair Association directors present Bob Blalock with the 2017 Distinguished Citizen award.

“ I can think of no one more deserving than our own Bob Blalock. Mahatma Gandhi once said, 'The best way to find yourself is to lose yourself in the service of others.' Bob Blalock has lived that quote his entire life. Congrats, friend and colleague. Well deserved!

– Managing Partner Jonathan Fleece

”



COMMUNITY



**MARTI KING**

Volunteer Spirit Award  
Nominated by Boys & Girls Clubs  
of Manatee County

**ANNA MARIA OYSTER BAR**

Community Spirit Award  
Nominated by PACE Center for Girls

**JORDAN RIPKA DAILEY**

Young Spirit Award  
Nominated by State College of Florida  
Foundation & State College of Florida  
Manatee-Sarasota

**SPIRIT OF MANATEE AWARD WINNERS**

# We applaud you for making a difference!

**B**lалock Walters is proud to support Manatee Community Foundation’s annual Spirit of Manatee Awards. The event honors individuals and organizations that embody the philanthropic spirit of Manatee County. Each winner is presented with a beautiful glass award and the opportunity to address the sold-out crowd of 400 at Bradenton Area Convention Center.

Blалock Walters has a deep-rooted history with Manatee Community Foundation. Bob Blалock was one of the founding board members and driving force of the establishment of the Manatee Community Foun-

ation, earned the 2012 “Lifetime Spirit” award, and currently serves on the Advisory Council. Anthony Bartirome was elected to the board of directors in 2010 and served as board president from 2013-2015.

“Each year, Spirit of Manatee highlights the genuine dedication and caring that comes from the culture of philanthropy in our community,” said Executive Director Susie Bowie. “With its deep commitment to service and people, Blалock Walters is the perfect partner and ambassador for the meaning of Spirit.” ■

**UNITED WAY OF MANATEE COUNTY**

Community Spirit Award  
Nominated by  
University of South Florida-Sarasota Manatee

**DR. PETER MATTINA**

Lifetime Spirit Award  
Nominated by  
Turning Points

**LEMOYNE & DARLENE JOHNSON**

Leadership Spirit Award  
Nominated by ArtCenter Manatee, South Florida  
Museum, Manatee Performing Arts Center





# BEHIND THE *Suit*

With Mark Barnebey



## What is the most daring thing you have done?

As an attorney who does local government representation, you never know what might happen. About 20 years ago, I was inspecting a reported zoo in Rubonia. As I stepped on the pool patio of the owner's house, I saw a very unhappy tiger in a 1930s style crate/cage. The tiger had distracted me from the Florida panther (not caged or chained) sitting beneath a counter to my left. I was fine with him, but since I was not sure if he was fine with me, I backed off that patio VERY calmly, but quickly.

## What is your favorite vacation?

There are many great places to visit, particularly here in North America. Carmel and San Francisco are particularly beautiful and will always be favorites as my wife, **Marianne**, and I honeymooned there. We travelled to Seattle, Vancouver, and Banff, Alberta on a Pacific Northwest swing a couple of years ago. River rafting and cliff jumping in 40-degree water in the Canadian Rocky Mountains tends to take your breath away...literally. Sedona, Arizona is another favorite.

## What is something that many people do not know about you?

I try and enjoy my birthday by spending it at a theme park or, if one is not possible, a unique setting. I have spent my birthday such places as Disneyland, Magic Mountain Amusement Park, Six Flags Over New England, and Fiesta Texas. Having dinner at the rotating restaurant at the Space Needle in Seattle is always fun and the view is spectacular.

## What is your hidden talent?

I am not sure my children would say I have any talent at all, and certainly not singing...most people do not know that I am pretty good at announcing basketball games. I have announced Manatee High boys or girls games for most of the last 40 years beginning in 1978 (left photo).

## What motivated you to work hard?

My parents both had a good work ethic, as they both grew up during the Depression and valued hard work. I am inspired to help people

and make this area a better place. I try to bring that perspective to my land use and governmental work, as well as community service.

## What is your proudest accomplishment?

On the personal level, that my wife and I have raised our children to be good people and citizens. Both of our **sons, Matt and Chris**, are hard working adults now with wickedly funny senses of humor. Our bonus **daughter Emily**, who has lived with us for 10 years, is still in high school, but has an infectious charm and personality. However, being a parent does not end when the children turn 18, as turns in life occur.

## Who is your favorite cook and what dish of theirs do you like best?

Hmmm, this is a dangerous question. My wife is a marvelous cook and is world renown for her apple pies and butterscotch brownies. My son, Chris, is a very talented chef in Austin, Texas, and makes some pretty great Mexican cuisine. I am a pretty big fan of almost any food – except fish (and the fish rejoice wildly!!!).

## What is the most unique thing to happen to you?

We all have some interesting life stories, so this is tough. It is probably either:

I was contacted to speak about public nudity on the Jerry Springer and Jenny Jones talk shows within an hour of one another back in the 1990s when Manatee County was adopting a Public Nudity Ordinance. (I turned them both down.) There are a number of funny stories that come out of the experience of drafting and enforcing a Public Nudity Ordinance. OR...

I was present for the longest winning basketball shot in college history (the full length of the court). It was FSU vs. Virginia Tech, 1980. My team lost. The quietest sports venue I have ever been in except for the 12 players and handful of cheerleaders from Virginia Tech jumping and screaming wildly in the middle of the court. ■

Below, from left:  
Marianne, Matthew,  
Emily, Mark and Chris





# Making a Difference...



## American Cancer Society's Gala raises money to save lives, find cures

Managing Partner Jonathan Fleece and Real Estate Practice Group Leader Matt Plummer attended the Big Top Gala, a memorable circus-themed evening at Feld Entertainment Studios in Ellenton, to help raise money for American Cancer Society.

Guests perused the silent auction table, posed in the photo booth, and had fun trying on several authentic circus costumes from the Feld Entertainment Studios costume shop. During the main event, attendees enjoyed performances by Bello (with a special appearance by Honorary Chairwoman Jennifer Steube), high-wire acts by the Amazing Annaliese and the Daring Daniel, and a live auction.

It may sound like an evening of clowning around, but the sobering message of the American Cancer Society's mission "Saving lives by helping people stay well and get well, by finding cures, and by fighting back against cancer" resonated with attendees who watched a video recounting the touching story of cancer survivor Gianna Lesselroth, reminding guests how impactful their donations could be. ■



Managing Partner Jonathan Fleece and wife Amy along with Real Estate Practice Group Leader Matt Plummer and wife Nicole.

## Attorneys support Tidewell Hospice which provides care, comfort and compassion

"Compassion is contagious," said Emmy Award-winning journalist Ann Curry at the Tidewell Hospice Signature Luncheon.

Ann shared how hospice care played an integral part in her family's personal story. It reminded us how love, compassion and service to others should be part of every-day, until our last. It brings fulfillment like nothing else.

We are proud to support Tidewell Hospice and its mission to help people live well by providing care, comfort and compassion. ■



Speaker Ann Curry at Tidewell Hospice Luncheon



Bob Blalock and MCF Executive Director Susie Bowie



VP, Advancement at Ringling College of Art and Design Stacey Corley and Jonathan Fleece



Matt Plummer and his mother Nancy



# Remembering Bob Bartz



Cliff Walters and Bob Bartz

**W**e have lost a friend, valued colleague and selfless leader. Bob Bartz was President of Manatee Chamber of Commerce since 1982. Bob's impact and influence on so many people and this community is immeasurable. He helped build

the Chamber membership to 2,100 members, the largest in the region. Under his leadership, the Manatee Chamber was named Florida Chamber of the Year four times, and in 2007 was named national Chamber of Commerce. Without a doubt, he made he made Manatee County a better place for businesses, residents and visitors.

Cliff Walters, past Manatee Chamber Board Chairman, first met Bob in the 1980s when he moved to Manatee County. Cliff said that "Bob Bartz recognized a strong business community could not be sustained without an educated workforce, a strong educational system, a clean environment, and committed leadership. He worked with people so that the community developed a vision for the betterment of everyone. He was everyone's friend. He sincerely cared for his community, his family and his friends. It was a dark day in Bradenton when we lost Bob Bartz."

Another past Manatee Chamber Board Chairman, Bob Blalock says, "Our Chamber is fortunate to have a man of Bob's ability and stature lead the organization for over forty years. The success the Chamber has experienced stands as a tribute to Bob and is a result of his leadership."

"Few people live with Bob's commitment to family, friends and the community in which he lived and loved, said Jonathan Fleece, 2015 Manatee Chamber Board Chairman. "He was admired by all and will forever be remembered as a man who left the world better than he found it. Bob will be missed."

"He was compassionate, committed, a consensus builder, selfless, and he always gave 110 percent," said Jacki Dezelski, the Chamber's executive vice president. "He so believed in the mission of the Chamber and what the Chamber through the members could accomplish. He was such a good man."

Our hearts and prayers are with his wife Vicki, son Jason, daughter-in-law Catherine and granddaughters Julianna, Adelyn and Jocelyn. ■



Amanda Tullidge (right) helps Cheers for Charity donate shoes to children.

## *Cheers for Charity distributes shoes to kids in need*

**A**ttorney Amanda Tullidge spent Good Friday making a difference for underprivileged children in our community. She, along with her father and Cheers for Charity women's giving circle members, distributed 200 donated pairs of new shoes to local children in need.

Amanda is the co-founder of Cheers for Charity, a Women's Giving Circle that is organized under the auspices of the Lakewood Ranch Community Fund. Women's giving circles are a unique way for women to pool their time and resources for a charitable purpose.

Since its inception in 2015, Cheers for Charity has grown to a group of over 20 young professional women who have donated and raised over \$15,000. Their grants have benefitted a wide range of causes close to our hearts including women's health, domestic violence prevention, homelessness, and animal care. Past recipients of their grants include Turning Points, We Care Manatee, Aussie & Me Rescue, Stillpoint, Women's Resource Center, Nate's Honor Animal Rescue, Sarasota Manatee Association for Riding Therapy, Elks Feeding Empty Little Tummies and Hope Family Services.

For more information about Cheers for Charity and its commitment to local philanthropy, please contact Amanda Tullidge at 941.748.0100 or atullidge@blalockwalters.com. ■



Left, Lisa and Chuck Johnson, Kristen and Matthew Lapointe, Fred and Lisa Moore, Mark Barnebey. Photo by Marianne Barnebey.



## *MEF's Heart & Soul Gala benefits high school art*

**W**e enjoy supporting the Manatee Education Foundation and its annual Heart & Soul Gala. This glamorous and fun gala and art auction features artwork from some of Manatee County's most talented students. Proceeds benefit art programs in county high schools. ■



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## Thank you to our staff

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Kim Godbee ■ Sherry Gray ■ Cecilia Hopper ■ Mary Ann Hostetler ■ Chris Huddleston  
Ashley Lepper ■ Toni Lombardi ■ Alex Love ■ Marty Martin ■ Laraine McCool  
Jill McGarry ■ Jackie Mori ■ Michele Munnings ■ Sarah Orendorff ■ Eileen Pennington  
Nancy Robbins ■ Matthew Staggs ■ Candice Staszewski ■ Lindsay Taylor  
Marica Uliano ■ Margie Woodham

We are so grateful for our high-spirited, hard-working, fiercely-loyal staff. They are the lifeline of our firm, so to celebrate Administrative Professionals Day, they were chauffeured to Mattison's City Grille on the Bradenton Riverwalk, greeted with cheerful yellow tulips, treated to a well-deserved, delicious 4-course lunch and received a token of appreciation. ♥



WE MAKE A DIFFERENCE

