



INSIGHTS & SOLUTIONS

Welcome to the fall 2017 issue of Ward Damon's quarterly e-newsletter. Since 1987, Ward Damon has represented discerning businesses, business owners and individuals on a full spectrum of legal needs.

LEGAL INSIGHTS

Digital Asset Law Breaking News: Personal Representative May Be Given Access to Decedent's Email



By [Sasha A. Klein](#)

On October 16, 2017, the Supreme Judicial Court of Massachusetts ruled **favorably** on a Personal Representative's access to a deceased user's online accounts and digital property (*Ajeman v. Yahoo*). This is the first reported case with respect to access to digital assets by a fiduciary.

The conundrum: Email are part of a deceased user's estate. But a personal representative (aka executor) can't read them without violating Federal privacy or anti-hacking law. The *Ajeman* case is the first to permit access and will empower fiduciaries throughout the U.S.

10 Things You Need to Know

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How to Protect Yourself with Seasonal Rentals



By [Dane E. Leitner](#)

Summer break has come to an end, and children have started school again. In South Florida this means that “season” is right around the corner. Season is the time of year when many snowbirds come down to avoid the cold winter, as well as many international folks who are involved in the equestrian community. It is the perfect time when investors, and others who vacate their homes for a few months, provide housing for those coming down for season as they can usually obtain a good rental premium.

While seasonal renting can be lucrative for landlords, it is important that they are protected while doing so. A well-written lease agreement that protects a landlord is a must. A useful tip for landlords with seasonal rentals, as well as yearly rentals, is to try to obtain the entire rental amount up front or as much as possible. Besides the obvious benefit of collecting the money at the beginning and not wondering if the tenant will make the next payment or not, there is another benefit as well. Should the lease need to be terminated, say because the tenants throw an unruly party, if the lease is properly terminated by the landlord, the landlord could be entitled to keep the remaining amount of money that was paid for advanced rent. [Continue reading →](#)

Terminating a House Contract and Getting Your Deposit Back



By [Adam R. Seligman](#)

I often get calls from real estate agents regarding residential real estate deals that end in disputes. So the natural question I always get is, **if the Seller refuses to return the deposit, how do I recover my client's deposit?**

Usually the call comes after the Seller refuses to sign a Cancellation of Contract arguing that the Buyer did not provide an adequate reason for termination or defaulted in some other way. Also note that when money is held by title companies, or other third parties acting as escrow agent, those parties can not release the deposit to the Buyer without a court order or signed release. In many cases the title company will instead transfer the deposit to the county court by filing an interpleader action, thus costing more fees and costs.

My initial answer is that there is no immediate solution. There isn't much a real estate agent can do at this point. The Buyer and Seller need to resolve their legal dispute, either on their own or with the help of lawyers.

[Continue reading →](#)

FIRM UPDATES

What A Party! 30 Years in the Making

Thank you for helping us celebrate 30 wonderful years in South Florida. We are proud to serve our community and

couldn't do it without all of our stellar partners, attorneys, teammates, colleagues, families and friends.

We raise a glass to all of you who contributed to our success over the past 30 years.

#TeamWardDamon

Check out all the photos [HERE](#)



Jeffrey Pheterson Named Board Chair



JEFFREY PHETERSON has been elected Chair of the Board of Trustees of [Bethesda Health, Inc.](#) He also has been named to the Board of Trustees of [Baptist Health South Florida, Inc.](#), which now has completed successfully its merger with Bethesda Health, Inc. Jeffrey has also been appointed to Baptist Health's Long Range Planning Committee, Committee on Quality and Patient Safety, the Baptist Health Outpatient Services Committee and the Baptist Health Enterprise Committee, the for-profit company affiliated with the Baptist Health System.

Baptist Health operates 12 hospitals and numerous outpatient facilities throughout Miami-Dade, Monroe, Broward and Palm Beach Counties. U.S. News & World Report has honored Baptist Health with 26 medals of excellence in 13 types of care, including cancer, cardiovascular, orthopedic and neurological. Congrats Jeffrey!

Adam Seligman Named SFL Superstar

Ward Damon partner ADAM R. SELIGMAN was recognized by [Attorney At Law Magazine](#) as a

2017 South Florida Superstar!

Congrats to Adam on this wonderful honor for his accomplishments both inside and outside the courtroom.

Learn more about Adam and the path that led him to such a standout career. Read entire article here: <http://bit.ly/17SuperstarAS>



Three WD Attorneys Named Best Lawyers®

Congrats to our three Ward Damon attorneys selected for inclusion in the 2018 edition of the prestigious national publication, [Best Lawyers®](#) in America.

PHILIP WARD was recognized for Real Estate Law, JEFF PHETERSON was recognized for Labor Law and Employment Law, and EDDIE STEPHENS was recognized for Family Law.

Best Lawyers® in America is the oldest and most respected peer-review publication in the legal profession, only recognizing the top 4% of attorneys in the country.



Best Lawyers®



Welcome Jason Handin to Ward Damon

JASON HANDIN is a new associate who focuses his practice on business, commercial, and construction matters involving litigation and arbitration.

He is a graduate of the UF Levin College of Law and has been named a Rising Star in 2016 & 2017 by Super Lawyers.

Find out more about Jason here: <http://bit.ly/JasonHandin>



Eddie Stephens Address ΔΣΠ Conference

EDDIE STEPHENS visited NOLA this past August with his [Delta Sigma Pi](#) brothers. Eddie presented the opening keynote address for the business fraternity at their Grand Chapter Congress about becoming an Extraordinary Leader.

The fraternity also recognized Eddie with a Silver Helmet award for his service.



Ward Damon Sponsors LPBC Grow Retreat



Ward Damon recently sponsored [Leadership Palm Beach County's](#) Grow Retreat. The Grow Class of 2018 gathered this past September at the FAU campus for team-building exercises, rope courses and lots of fun. Ward Damon is always honored to help our community including our young emerging leaders. [#LPBC](#)

"Proudly serving South Florida from the Treasure Coast to Miami since 1987"

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