



W&H On The Move

2005 was another exciting year for Weidenbaum & Harari, LLP.

With the real estate market booming, the firm closed a record number of real estate transactions, representing buyers, sellers, and financial institutions on commercial and residential transactions.

The commercial litigation division recently completed a four-day jury trial in New York County Supreme Court and obtained a very successful result for our client in the construction industry. We were also successful in helping a labor/construction client win a key issue on summary judgment. The decision was recently published in the New York Law Journal.

The corporate division recently negotiated several license agreements for a national toy product placement.

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The collections division had its best year to date, collecting debt for clients in numerous industries throughout the country.

The firm continues to grow from within as well. We would like to welcome Bianca Lacayo, Legal Assistant, and Elizabeth Pena, Legal Receptionist to the firm. We know they will maintain the firm's high standard for excellence and professionalism.

Weidenbaum & Harari, LLP is a "next generation" law firm built on innovative principles and cutting-edge concepts. All of the firm's practice groups are bound by the overriding philosophies of commitment to excellence, dedication to clients, and the achievement of positive results through creative approaches to problem solving.

**Do you have a
legal question?**

**Give us a call:
(212) 832-7400**

**Send us email:
bjw@whfirm.com**

**Visit us on the web:
www.whfirm.com**

SUPPLIERS: HOLD YOUR GOODS AND STAY IN TOUCH

A common issue that arises for suppliers, especially in the construction industry, is where a customer orders goods, and then for some reason, usually because the customer's construction contract is terminated or the project does not proceed as expected, the customer fails to pay for the materials ordered and fails to accept delivery of the materials.

Under Article II of the Uniform Commercial Code, the best way for suppliers of goods to handle this situation prior to litigation is to (a) hold for the buyer any

goods which have been identified under the contract; (b) notify the buyer that you have tendered the goods for acceptance and that they are in breach of the agreement for nonpayment, and demand immediate assurances; (c) notify the buyer that you intend to resell the goods. Additional notice requirements apply depending upon whether the resale of goods is by private sale or by sale to the public.

Please feel free to contact WH Firm with any questions relating to the sale of goods or to the collection for non-payment of goods.

Please Note:

The information contained in this publication is for general information purposes only, and is not intended to constitute the rendering of legal advice. For questions pertaining to the information contained herein or to set up an appointment with an

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Condo Buyers Pay Homeowner Fees Before Condo Even Exists

“The fact that the HOA was not legally created until after the closing was irrelevant.”



Condo Buyers beware!

The Civil Court of the City of New York, Richmond County recently held that a sponsor’s failure to timely record the condominium declaration prior to the first unit closing, as required by the Offering Plan and 13 NYCRR 22.3, did not absolve a unit owner of his responsibility to pay the monthly homeowner’s association (“HOA”) fee.

The Court reasoned that the language in the contract, which stated that “the Purchaser recognizes that the premises to be purchased is part of a Homeowner’s Association not yet accepted for filing by the Office of The Attorney General”, was sufficient notice to purchasers that their home would be part of the HOA and,

thus, subject to the HOA fees. The fact that the HOA was not legally created until after the closing of the unit was irrelevant.

This holding stresses the importance of reviewing all real estate contracts, offering plans, loan agreements and other ancillary documents very carefully. The language in these documents may materially impact on a purchaser’s “bottom line” expectations in a real estate transaction.

For further information on the subject of this article, contact the firm at 212-832-7400.

BOUNCING CHECKS

Ever been stuck with a bad check?

Many are unaware of New York CPLR Section 11-104, which imposes liability on drawers passing bad checks. Under this law, a “check bouncer” can be held liable for the face amount of the check plus liquidated damages of up to twice the face amount of the check or \$750 dollars, whichever is less, in the case where they have no account with such bank, and liquidated damages of up to twice the face amount of the check or \$400.00, whichever is less, in the case where there are insufficient funds on deposit with the bank.

Under this law, the additional liquidated damages are available only to those persons or entities which give conspicuous notice to the public of the addi-

tional, liquidated damages which may be imposed. The contents of the notice is specified under the law, and shall set forth the additional liquidated damages that may be imposed if a check is dishonored and the section of law authorizing imposition of such damages, and provide notice that criminal penalties also may apply.

In addition, in order to collect under this law, you must make two (2) written demands for payment in both English and Spanish as outlined in detail in the law.

Contact us for more information on collecting bad debt or for general questions relating to commercial or consumer collections.

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Weidenbaum & Harari Spotlight:

We would like to welcome Bianca Lacayo to the firm. Ms. Lacayo is a hard-working legal assistant in the collections and real estate divisions of the firm. She focuses her efforts on making contact with clients, brokers, witnesses, judges, and adversaries, and is an integral part of the rapid growth of the collections and real estate practice groups.

Ms. Lacayo speaks both English and Spanish fluently, and is capable of assisting in numerous real estate and collection matters.

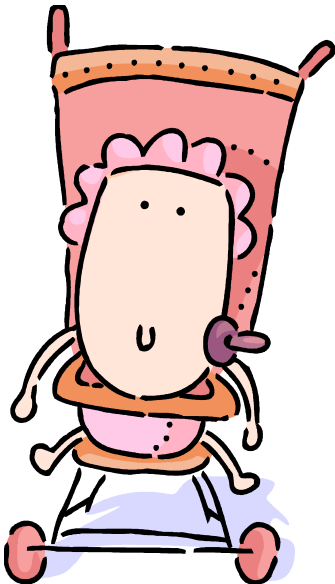
With her assistance, the firm has achieved many successes both through settlement and through litigation. We welcome her continued involvement.

Weidenbaum & Harari, LLP would like to congratulate trial counsel, Allan H. Carlin, for his most recent litigation success at WH Firm:

On a major construction accident lawsuit, Mr. Carlin was instrumental in working with WH Firm to obtain summary judgment dismissing of all but one count of the plaintiff's complaint.

Immediately after the Judge's decision granting summary judgment for our client on all but the single claim, we were able to successfully negotiate a very favorable resolution to the lawsuit, saving our client from needless legal fees and expenses.

Congratulations to all on a job well done! We look forward to many future successes.



We are pleased to announce the newest member of the Weidenbaum & Harari family: Sage Gwyneth Weidenbaum was born on November 10, 2005, weighing in at 7 pounds, 2 ounces. Congratulations to Barry, Diane and Reese Weidenbaum on their new arrival!

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Creative Solutions to Legal Problems

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— Also with offices in New Jersey —

PLEASE NOTE: WE HAVE RELOCATED OUR NEW YORK OFFICES TO
EXPANDED FACILITIES LOCATED AT:
708 THIRD AVENUE, 22ND FLOOR, NEW YORK, NEW YORK 10017



From all of us at
WEIDENBAUM & HARARI, LLP!

We would like to wish all of our clients, colleagues and friends a healthy
and a safe holiday season, and best wishes for a happy new year.



Questions or comments? Give us a call at (212) 832-7400

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