



The Strong Firm P.C. Strong Points

Giving of Your God-Given Talents

By: Bret Strong

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I am of the strong belief that God has given every person on this earth a unique set of gifts and talents. For some it may be earthly wealth with which to help those less fortunate. For others it may be a loving soul and an ability to relate in a way that makes others' lives more enjoyable. God gives talented surgeons the gift of precision, gifted scientists the talent of great insightfulness and wisdom, and artists the unique ability to translate with their earthly hands and minds images of unbelievable magnificence. In this vein, the most talented of attorneys are given unique faculties with which to communicate, counsel, mentor and resolve unnecessary conflict for the overall good.

Based on this core belief, at The Strong Firm we continue to challenge our team to discover and explore their God-given gifts and use those talents to better their own lives and the lives of those around them. This approach creates a passion for endeavors both inside and outside of our firm that are focused on creating valuable

relationships and bettering lives for ourselves, our families, our clients and our community.

As we approach the holiday season, we do so with thankfulness for the gifts we are blessed with and those we have the pleasure of working and interacting with. We are all truly blessed.

Bret Strong



Bret Strong is the founder and managing shareholder of The Strong Firm P.C. His areas of practice include oil, gas, and energy; commercial real estate; mergers, acquisitions, and sales; and business law and contracts. He earned a Juris Doctorate, cum laude, from South Texas College of Law, and a B.S. in Business Finance from the University of Colorado at Boulder. He is admitted to practice law in Texas, Colorado and before The United States Supreme Court. Bret has achieved the AV® Martindale-Hubbell® Peer Review Ratings™ award and has served as a founding board member of The Woodlands Bar Association.
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As part of a community outreach effort in celebration of its 10-year anniversary, The Strong Firm P.C. donated family will preparation services in conjunction with **Montgomery County United Way (MCUW)** and **Interfaith of The Woodlands**.

Left to Right: Dr. Ann Snyder, president and CEO of Interfaith; Bret Strong; Julie Martineau, president of MCUW.

The Houston Business Journal has named The Strong Firm P.C. among its 2014 list of "Best Places To Work." After participating in a month-long employee engagement audit with Quantum Workplace, the Houston Business Journal ranked the firm as number 19 of 50 small companies in the Houston area.

Visit us at: www.thefirm.com



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To retain our services, please contact us and we will send you a written engagement letter for your consideration and execution in order to hire our firm and create the attorney-client relationship. Please do not send confidential information to us until such an attorney-client relationship has been established.

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I Received a Bounced Check – Now What?



Eric R. Thiergood, Sr.

By: Eric R. Thiergood, Sr.

One question we occasionally receive from clients is, “We received payment from a customer and the check bounced. What do we do now?” This is a situation no business wants to find themselves in but more than likely will several times through the life of their business. Though each county’s rules and exact procedures will vary slightly, below are a few simple steps that you can take to help collect on a bounced check.

Step 1

Send a certified “Notice of Dishonor” to the check writer. Texas Penal Code Sec. 31.06 outlines the required language in your Notice of Dishonor letter. In the letter you also will want to a) demand payment within 10 days of receipt of the notice; b) request a merchant collection fee if it is authorized by Texas Statute (Art. 9022); and c) send a copy of the check(s) to the check writer. You need to retain a copy of the bounced check along with the Notice of Dishonor and certified mail return receipt.

Step 2

If the check writer does not respond within the timeframe provided, visit or call the Worthless Check Division (sometimes call Bad Check Division or Hot Check Division) of your county’s district attorney’s office. Often the division will permit you to submit the required documents via the mail. The required documents you will need to bring or submit include: the original check, a copy of the Notice of Dishonor, and the return receipt card from the certified

mail (the green card). If the letter was rejected, refused or not otherwise claimed, you will want to bring or submit the sealed returned envelope.

Step 3

Each district attorney’s office has a slightly different procedure in place regarding pursuing the check writer, but typically the district attorney will send a formal demand to the check writer to pay full restitution. This includes the amount of the check, any applicable merchant collection fees, and the bad check fee charged by the district attorney. Any check writer who fails to pay the total amount owed will be subject to criminal prosecution under Texas’ Hot Check Fee Act, provided the check meets the statutes requirements for prosecution. It is important you do not accept restitution from the check writer once the check has been submitted to the district attorney’s office.

As discussed above, each district attorney’s check collection policies will differ slightly, but generally they are designed to help you as a business owner receive restitution in the event you receive a bad check.

Eric R. Thiergood, Sr., Senior Associate Attorney, joined The Strong Firm P.C. in 2005. Eric graduated from South Texas College of Law and is licensed to practice in Texas and in the United States Federal District and Bankruptcy Court for the Southern District of Texas. He lived a large portion of his life in Asturias, Oropesa Del Mar and Madrid, Spain and is fluent in Spanish.

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Planning for Your Children’s Success: Concerns of a Business-Owning Parent

By: Royce Lanning

Every year as the holidays approach, many of us find ourselves thinking back on the past year’s successes and items to improve on. We consider the highs and the lows, and we start looking toward the coming year. The classic New Year’s resolution is often looked at as a chance to kick a bad habit or start a good one: working out more, cutting out fast food, paying more attention to personal savings, etc. This is a great vehicle for personal self-improvement, but what about your business?

For many small businesses, the calendar year coincides with their fiscal year, so the anticipation of New Year’s Day is important personally and financially. Just as you reflect on personal achievements and failings, the holiday season also is a good time to review the successes and (hopefully minimal) failures of your business. A “New Year’s business resolution” is a great way to start the new business year on a high note, by either cleaning up neglected obligations from the past year or beginning new initiatives for your business processes moving forward.

One of the most common shortcomings we see in small business owners is failing to maintain adequate corporate records. Whether you’re a single-member LLC or a mid-sized corporation, it is important, and sometimes legally

required, to maintain a corporate book documenting the actions of the business. You may think that because your business has a small operation, or is just between family members, that you do not have to hold meetings or pass resolutions, but if there is ever an opportunity to sell the business, or perhaps you need to take out a major loan, both a prospective buyer and lender will often demand to see your corporate records to ensure all actions taken by the business were duly authorized and approved.

As the new year approaches amidst the hustle and bustle of the season, set aside some time to review your business needs. If there’s something you can improve on, such as corporate record keeping, now is a great time to do it. The Strong Firm P.C. understands the value in constant self-improvement, and we can help you understand how to improve your business.

Royce Lanning, Associate Attorney, joined The Strong Firm, P.C. in 2013. He received his Juris Doctorate from the University of Hawaii, William S. Richardson School of Law and obtained immediate trial experience as a Deputy Prosecuting Attorney with the Department of the Prosecuting Attorney, Maui. He is licensed to practice law in the State of Texas, the State of Hawaii and all Federal District Courts in Texas.

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Royce Lanning

War in the Courtroom: The Five Dangerous Faults in Litigation



Adam Looney

By: Adam Looney

Litigation has many parallels to war. So when I evaluate a new case, I sometimes look at it as planning for a protracted military campaign. In this regard, I have found Sun Tzu's "The Art of War" most instructive.

While there are countless lessons to be drawn from that text, we will focus on Sun Tzu's five dangerous faults:

- (1) recklessness, which leads to destruction;
- (2) cowardice, which leads to capture;
- (3) a hasty temper, which can be provoked by insults;
- (4) a delicacy of honor, which is sensitive to shame; and
- (5) over-solicitude for his men, which exposes him to worry and trouble.

Tzu says when an army is overthrown, one of these faults is surely to blame. Unsurprisingly, I have seen many cases lost as a result of these same faults.

I see recklessness at the beginning of a lawsuit, where parties make wild allegations immediately out of the gate. Not only do these rarely succeed, but making frivolous claims can damage your credibility with the judge, which can have long-lasting (and potentially case-ending) effects.

I have seen cowardice paralyze both attorneys and clients, who are so afraid of making a mistake they end up taking no action at all. Inaction can be just as damaging to your case as the wrong action, sometimes more so.

A hasty temper is perhaps one of the most common faults I see. Litigation can get nasty, but to achieve a good result, you must divorce yourself emotionally so you can view the case objectively and make the best decision in light of the facts.

Number four is pride. I have seen good settlement offers rejected because either the attorney or his client were too proud to compromise. If pride gets in the way of settlement, a party can often find themselves incurring exorbitant legal fees over months and years only to get a worse result.

Over-solicitude means overly concerned. A general who is too concerned for his men will not commit them to a dangerous assault even when it is tactically necessary. In legal disputes, there are no troops but rather a proxy in the form of money. Litigation is expensive, and just as a great general needs to know when to risk the lives of his men, achieving a favorable result means being sufficiently detached to know when and where you must commit your resources to achieve your goals.

Adam Looney, Associate Attorney, joined The Strong Firm P.C. as in 2012. He graduated Summa Cum Laude from Pepperdine University School of Law in 2009 and was elected into the Order of the Coif. Adam started his career as a litigation associate at the law firm of Baker Botts L.L.P.

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Holiday Gifting

By: Wendy Lambie



Wendy Lambie

The holiday season is fast approaching and for many this is a time of exchanging gifts with family or charitable giving. Those who choose to make large gifts to individuals during this time should be aware of the annual exclusion amount set by the Internal Revenue Service (IRS). The annual exclusion is the amount in cash or other assets you can give every year to as many individuals as you like without incurring the gift tax (up to 40 percent). The annual exclusion for 2014 is \$14,000. It is periodically adjusted for inflation, in \$1,000 increments, and hasn't been raised since 2013. We do not anticipate that it will increase in 2015.

Gifts that exceed this annual exclusion amount will trigger a mandatory IRS filing of the Gift Tax Form 709 and possible payment of gift taxes. However, gifts that exceed the annual exclusion count against what is commonly referred to as the "lifetime exemption" or the "estate tax exemption," depending on the context. The key item to understand is once you have exceeded the annual exclusion (\$14,000), there is currently a \$5.34 million limit on the total amount you can give away – either during your lifetime or through your estate plan. If you exceed the limit, you (or your heirs) will incur the up to 40 percent tax liability. Even if you don't exceed the limit while you are alive, your lifetime gifts will reduce how much you can pass tax free through your estate plan. The basic exclusion is indexed for inflation and is expected to be \$5.43 million for 2015.

A check to a favorite charity also is a regular giving tradition. In order to properly qualify for the tax deduction, you must give to a qualified organization. If you receive a benefit because of your contribution, such as merchandise, tickets, or other goods, you can deduct only the fair market value of the benefit. Regardless of the amount, to deduct a contribution you must maintain a bank record or a written communication from the organization containing the name of the organization, as well as the date and amount of the contribution.

For rules on what constitutes a qualified organization, you can review IRS Publication 526, Charitable Contributions, at <http://www.irs.gov/publications/p526/index.html>. You also should plan to discuss your gifting with both your estate planning attorney and your CPA. These professionals can assist you in optimizing the benefits for your holiday generosity.

Wendy Lambie, Associate Attorney, joined The Strong Firm, P.C. in 2013. Wendy received her Juris Doctorate from South Texas College of Law and is licensed to practice law in the State of Texas and in the United States Federal District Court for the Southern District of Texas. During her career, she has gained valuable experience with Houston area firms, focusing her practice on estate planning and probate. In addition, she has in-depth experience in oil and gas matters, with special emphasis on title issues.

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5 Reasons Why You Should Not Dread Holiday Parties



Kyla Wilder

By: Kyla Wilder

It is the time of year when holiday party invitations start arriving in the mail. For some, the enormous amount of holiday invitations and events is overwhelming. The reality is we are all obligated to attend certain holiday parties, but instead of approaching the upcoming party season with dread, consider the following five reasons why you should look forward to attending holiday events:

(1) Everyone needs a night out. Regardless of your profession, everyone needs a break from reality to get dressed up, go out, and socialize with others, whether it be on a personal or professional level. Instead of dreading the idea of going to a holiday party, try to focus on the fact that a night out never hurt anyone, so make the best of it.

(2) Go pick up that must-have dress or suit. It is a great time, and a great excuse, to treat yourself to something new to wear to a special holiday event. This eliminates the concern of figuring out what to wear at the last minute and gives you a chance to look forward to dressing up for a fun night out. If anyone says they do not occasionally need that, they are lying.

(3) Business networking opportunity. Unlike year-round galas, luncheons, and similar types of formal business functions, a holiday party offers a more relaxed professional atmosphere to network with current and potential business clients. It also is a great opportunity to get to know others in the community in a less formal setting. Make sure to bring enough business cards to all holiday events as you never know who you will meet.

(4) Catch up with friends and family. Take this holiday event as an opportunity to be around large groups of your close friends and family in one setting. As a young professional, it is difficult to balance a healthy work and personal life. This is your chance to make amends to those friends and family members you rain checked throughout the year because something came up at work or at home.

(5) Do not overcommit and be selective. I am not by any means suggesting you turn into an automated yes-man when deciding on which holiday events to attend. You will surely lose your sanity if you overcommit yourself. Take the time to decide what events you need and want to attend so you can enjoy the season.

If you approach the upcoming holiday party season with these considerations in mind, you should have no reason to dread your holiday party or event. Good luck and happy holidays!

Kyla Wilder, Associate Attorney, joined The Strong Firm in 2013.

A Texas native, she spent 8 years of her childhood living in Dubai. In 1999, Kyla's family relocated back to the U.S. in The Woodlands where she attended The John Cooper School. She received her undergraduate degree from Texas A&M University and earned her law degree from South Texas College of Law. During her 2nd summer of law school, she studied abroad at Charles University School of Law in Prague, Czech Republic.

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New Year's (Business) Resolutions



Brian Albert

By: Brian Albert

Every year as the holidays approach, many of us find ourselves thinking back on the past year's successes and items to improve on. We consider the highs and the lows, and we start looking toward the coming year. The classic New Year's resolution is often looked at as a chance to kick a bad habit or start a good one: working out more, cutting out fast food, paying more attention to personal savings, etc. This is a great vehicle for personal self-improvement, but what about your business?

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required, to maintain a corporate book documenting the actions of the business. You may think that because your business has a small operation, or is just between family members, that you do not have to hold meetings or pass resolutions, but if there is ever an opportunity to sell the business, or perhaps you need to take out a major loan, both a prospective buyer and lender will often demand to see your corporate records to ensure all actions taken by the business were duly authorized and approved.

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Brian Albert, Associate Attorney, joined The Strong Firm P.C. in 2012.

His areas of practice include oil and gas, commercial real estate, business law and contracts, and trademark law. He received his Juris Doctorate from the University of Houston Law Center and a B.S. in Business Administration with a specialty in Finance from American University in Washington, D.C. He has previously worked for Baker Hughes, Inc.'s and Hewlett-Packard's in-house legal departments.

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October, 2014

The Strong Firm assisted commercial landlord with negotiating and settling tenant default in landlord's favor without having to file suit.

The Strong Firm represented local developer as borrower in \$10 million acquisition and construction loan.

The Strong Firm negotiated commercial lease on commercial office building in construction phase.

The Strong Firm negotiated commercial lease on behalf of physician tenant.

The Strong Firm represented seller in \$4.9 million sale of commercial office building.

The Strong Firm represented purchaser in purchase of farm and ranch property with substantive oil and gas assets.

September, 2014

The Strong Firm assisted purchaser in purchase of \$1.5 million property in Montgomery County.

The Strong Firm represented landlord in negotiation of commercial office lease.

The Strong Firm represented seller in \$4.2 million Asset Purchase and Sale of business assets.

The Strong Firm sponsored 2014 Marcus & Millichap Retail Real Estate Forum at Hotel Derek in Houston on September 18, 2014.

We provide legal services in all of the following areas:

- BUSINESS LAW AND CONTRACTS
- FINANCING, TRADEMARKS, AND GENERAL CORPORATE
- CORPORATIONS, PARTNERSHIPS, AND LLCs
- REAL ESTATE
- COMMERCIAL LITIGATION
- WILLS, PROBATE, TRUSTS, AND ESTATES
- MERGERS, SALES, AND ACQUISITIONS OF BUSINESSES
- OIL, GAS, AND ENERGY
- INTERNATIONAL BUSINESS INVESTMENT



Strong in Community.
Strong in Knowledge.
Strong in Results.

From left: **Adam Looney**, associate attorney; **Royce Lanning**, associate attorney; **Wendy Lambie**, associate attorney; **Bret L. Strong**, attorney, founder, and managing shareholder; **Eric R. Thiergood, Sr.**, senior associate attorney; **Kyla Wilder**, associate attorney; **Brian Albert**, associate attorney.



Left. At **Marcus & Millichap Retail Real Estate Forum: Houston** held Sept. 18, Bret Strong was among the panel who spoke about massive development in The Woodlands that will create new retail opportunities in Houston. Pictured from left are Gil Staley, Bret Strong and Alex Sutton.



Left. Jessica Caldwell and her husband Tony at the Firm's sponsor booth at **The Memorial Hermann Ten for Texas The Woodlands** race.



Right. The Strong Firm was a table sponsor for the 2014 **In the Pink of Health Luncheon** held Oct 10th. Pictured left to right are Amy Fry and Angela Strong.



Left. As part of The Strong Firm's "No Snack November" we donated 648 mini pecan pies to the **Tiny Turkey Drive** hosted by **Interfaith of The Woodlands**. Laura Juneck is pictured showing off her ware.

A Season of Giving Back

The Strong Firm was a bronze sponsor of the **Rayburn Oilmen's Golf Classic** oilfield fishing tourney held Oct. 9 at The Umphrey Family Pavilion, Sam Rayburn Reservoir. The event benefited **St. Jude**.

In October, The Strong Firm sponsored and Bret Strong rode in the **Tour de Woodlands** hosted by **Interfaith of The Woodlands**.

The Strong Firm was a table sponsor of **The Woodlands Area Chamber of Commerce's Cards & Cocktails**; and a bar sponsor of **The Halloween Bash** benefiting **Breast Cancer Charities of America**.

For the eighth year in a row, The Strong Firm was a major sponsor of the pre-opening sponsor event of **The Ice Rink** at The Woodlands Town Center.