



Real legal concerns and risks to building your business

Let's see if we can resolve them

Pick your top 4 to 6 areas below or write down others you might think of and return this sheet to me in confidence.

Protecting / Realizing Assets

- Having a limited liability entity to hold the assets and employ the personnel for the business to be transferred
- Making sure that an effective buy-sell agreement is in place
- Assuring the IRS will accept the company as real
 - Effective company agreement
 - Resolutions reflecting major business done
- Effect of community property laws on estate planning and property division
- Maximizing the sale price and value for the company, whether
 - Straight sale
 - Leveraged buy-out or owner financing
 - Merger
 - Intra-family transfer
 - Greater good cause

Buyer Requirements for Company

- Protection for my company's trade secrets
- Customer agreements with conditions that address how my company does business and that will satisfy a buyer's requirements
- Assuring that relationships with suppliers are properly documented so as to satisfy a buyer's requirements
- Business lease that that will satisfy a buyer's requirements
- Making sure that my company's brand and intellectual property are protected as will be required by a buyer
- Whether my company has proper insurance coverages for claims, including general liability, products, errors and omissions, casualty, fidelity bonds, travel, out-of-country medical
- Making sure the books and financial statements for my company properly reflect company results
- Understanding criteria that potential buyers require of my business
- Proper documentation for transfer of business

Buyer Requirements for Personnel

- Making sure my employees will assist in any transition to new ownership
- Assuring that key employees have contracts
- Assuring that my employees properly present the business in emails and social media postings
- Whether my personnel have been properly trained as needed for their positions
- Assuring that no overtime claims might be lurking even for salaried employees
- Satisfying a purchaser that my company's contractors should not be considered employees

Partners

- Assuring that my partners' interests are aligned with mine in transferring the business

Family Succession

- Assuring that company agreements effectively set out role for next generation
- Assuring that next generation has tools, training, and appreciation to manage business in current era

Compliance

- Knowledge of and compliance with federal and state regulatory requirements for my business
- Ability to certify compliance with any of
 - Federal Corrupt Practices Act
 - Export restrictions
 - Anti-Boycott laws

Dispute Resolution

- My business has a dispute with a customer, supplier, landlord, investor, or banker that requires resolution

After marking, please return it to me in confidence at the fax number or email address above, or you can mail it to me at the office address shown on www.TrustedLawAdvisor.com.