



You worked – and continue to work – hard to build your business.

You weathered the ups and downs, made the tough day-to-day decisions, and grew a successful business that impacts you and your family, your employees and their families, and your community. If you are like many business owners, however, you might have been remiss in one very important aspect of your business – a thoroughly evaluated and regularly updated business succession plan.

Business owners have many goals when it comes to their businesses, including supporting yourself and your family, growing the business to maximize value upon a sale, preserving the business for future generations, creating an environment for your employees to thrive, or all of the above. You work hard to realize these goals, sometimes so hard that decisions on other important matters tend to be postponed, such as a plan to ensure management succession and ownership succession; talent acquisition, retention, development, and incentive; and exit planning. Addressing these aspects of your business through a carefully evaluated and regularly updated plan is the key to a successful business succession plan.

Your business should not have to end when you're ready to retire or can no longer run it. An ongoing business succession plan provides the protection your company needs to navigate and manage life's many obstacles to preserve, and grow, what you've built. The business succession planning attorneys at Ward and Smith can help craft tailor-made plans to keep your company on its path to success.

What's at Stake?

A business succession plan is often associated with an owner's retirement. However, unexpected life events, such as death, disability, or divorce, or unanticipated developments such as lawsuits or industry changes, can force businesses out of operation. Without a plan, business owners and other stakeholders risk leaving the company in a dire situation.

Consequences may include:

- Time-consuming disputes between family members over ownership and management of the company;
- Failure to realize full value of the business during the exit process;
- Loss of business value;
- Loss of your retirement security;
- Loss of key employees because of the company's uncertain future;
- Loss of customers that have lost faith in the business's ability to continue to provide the same quality of products and services; and
- Significant federal and state tax reporting and payment obligations that could have been minimized or avoided with proper planning.

Protecting your Business's Legacy

At Ward and Smith, P.A., we know that business succession planning is a challenging, high-stakes endeavor – and even

more so when family is involved. We work hard to learn the objectives, industry considerations, and market dynamics that are important to our clients and their businesses. We understand the complex intersection of business and estate planning, and we help clients attain the desired level of security with appropriate flexibility. A carefully considered, well-integrated plan almost always optimizes the outcomes for our clients.

Our team of attorneys regularly counsels owners of closely-held and privately-owned businesses of all sizes in all facets of succession planning. We will work with your team of accountants and financial advisors to develop and implement a plan that achieves your company's goals and respects the transition timeline.

We leverage the experience of attorneys in areas of business, mergers and acquisitions, labor and employment, securities, trusts and estates, tax, and employee benefits to create, implement, and modify plans by:

- Assessing our client's goals, including retirement goals, goals with respect to family members and employees, and exit goals;
- Assessing business valuation;
- Drafting and negotiating partnership and operating agreements, shareholders' agreements, buy-sell agreements, asset purchase agreements, and stock purchase agreements;
- Advising on issues related to controlling and non-controlling, involved and uninvolved, family member owners, including how to fund any intra-family transition;
- Identifying, retaining, and incentivizing key employees;
- Creating transition plans for new leaders;
- Developing exit strategies whether internal, external, or a combination;
- Addressing – in addition to drafting wills and trusts – the range of trusts and estates considerations, including federal estate, gift, and generation-skipping transfer tax planning; asset protection; and charitable planning that balances the owner's philanthropic and income tax goals;
- Understanding federal and state tax strategies to maximize return on the sale of the business.

We routinely assist companies in a range of industries, including agribusiness, breweries, construction, distribution, health care, hemp, manufacturing, technology, and real estate development. Businesses in all industries need a succession plan because there's much is at stake.

Let us help you protect your future and legacy. Contact our experienced Business Succession Planning team to discuss any questions you may have about the transition or succession of your business.