



**Murray Guarí**  
Trial Attorneys PL

**Personal Injury | Wrongful Death | Auto Accidents | Premises Liability | Product Liability**

# Driveway Dangers

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# Driveway Dangers - Frontover Car Crashes

## Blindspots in the Front of Vehicles

Many drivers have never heard of a **frontover** accident and many drivers believe they can see everything in front of their vehicle.

A frontover accident is when a slow-moving car, truck, SUV, or other automobile drives forward and strikes a child due to a **front blind zone**, usually resulting in death.

The blind zones can vary widely based on a number of factors, such as the height of the driver, the size of the object in front of the vehicle, the position of the driver's seat, and the incline (or decline) of the driving surface. In some instances, a blind zone could be five to ten feet or more in length.

Frontovers often take place in a driveway where children are playing or in parking lots where children run out in front of a vehicle (dart outs). In the majority of accidents, a family member or relative is behind the wheel.

Janette Fennell, the founder of Kids and Cars, says, "It's impossible to avoid hitting something you can't see." She adds, in some instances, "Little ones see a parent get into a vehicle, they think they're leaving. They don't want to be left behind. We actually call it the 'bye-bye syndrome.'"

The National Highway Traffic Safety Administration says frontovers are responsible for 366 deaths a year and over 15,000 injuries. Children are most often the victims.

While new vehicles are required to have back-up cameras, which has resulted in a dramatic drop in backover injuries and deaths, front-facing cameras are not required. Some automakers are now offering front-facing cameras to help drivers, but very few vehicles have them. Even if your vehicle is equipped with front-facing cameras, safety experts say they can give you a false sense of security.

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# Safety Matters

## Do You Use Your Mirrors?

Did you know that the National Highway Traffic Safety Administration reports that 840,000 blind spot accidents occur each year in the United States resulting in 300 fatalities? This is a result of drivers not adjusting their mirrors properly, or not properly checking their blind spots while driving.

Most vehicles have three mirrors — a side mirror at the front of each of the front doors and a rear-view mirror inside the car at the top of the windshield. These mirrors help you see your surroundings and safely navigate the roadways.

You should always adjust your mirrors before putting a vehicle into gear and moving. Older vehicles adjust manually, while modern cars have an electronic adjustment with controls inside the vehicle.

### Mirror Adjustments

Your rear-view mirror should show your vehicle's entire rear window. If you do not see your entire rear window, only by eye movement, you need to adjust your mirror.

To adjust your driver's side mirror (left side), sit in the driver seat and put your head against the window, then set the left mirror so that only a part of the vehicle's left side is visible.

To adjust your passenger's side mirror (right side), sit in the driver seat and lean to the center of your vehicle, then set the right



mirror so that only a part of the vehicle's right side is visible.

Your rear-view mirror reveals vehicles directly behind you. The mirror shows only a small part of the vehicles that are driving parallel to the driver behind you. The purpose of your side mirrors is to make up for the blind spots that your rear-view mirror leaves and to reveal any vehicles beside you.

**When you properly adjust and use your mirrors, you will greatly reduce blind spots by increasing your visibility of the road.** Better visibility reduces your risk of causing a car accident by crashing into another driver beside you. ■

### Blindspots in the Front of a Vehicle

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Kids and Cars and other child safety advocates are pushing for mandatory 360 degree cameras and Pedestrian Automatic Emergency Braking on all cars.

If your vehicle does not have a front camera, KidsAndCars recommends that you:

- **Walk in front of your vehicle to check for potential dangers before you get in and start the ignition.**
- **Roll down your window and listen for children.**
- **Avoid distractions by putting down your cellphone and turning off the radio.**
- **Account for all toddlers any time someone is arriving or leaving your home to reduce the risk of an unattended child accidentally running into the path of a vehicle.**
- **Talk to your children about the dangers of vehicles, but never rely on them to protect themselves.** ■





**GUEST  
COLUMNIST****Attorney David Steinfeld of Law Office of David Steinfeld, P.L.**

## What You Need to Know Before Buying a Home in Florida

In 1985, the Florida Supreme Court decided that buyer beware does not apply to residential real estate. From then, Florida law placed an affirmative duty on sellers to disclose to buyers all material defects that they actually know about and that are unobservable to the buyers. As a consequence, buyers can rely on a seller's representations about the house. But whether a particular representation is material under Florida law depends upon the circumstances of the transaction.

### What disclosures does a seller have to make?

Generally, residential real estate transactions in Florida use standard forms approved by the Florida Association of Realtors and the Florida Bar. These are called appropriately FarBar contracts. They address the required material disclosures that sellers must make. However, buyers are not limited to the disclosures in these forms and can ask for additional information they deem important to the purchase. Even though a buyer has legal right to rely on the disclosures, a prudent purchaser will use engage professionals like home inspectors to verify the information. Proactively validating disclosures before closing is one of the best ways to avoid post-sale disputes.

### Do I have to disclose something I fixed?

Whether a seller must disclose a material and unobservable defect that the seller believed was remedied or fixed by the seller or a third party is not clear under Florida law. The circumstances of the particular situation will control. A better approach is simply to inquire of the seller whether any significant work has been performed recently. Oftentimes real estate agents use their own forms for sellers to disclose any recent work and whether permits were required so it is best to look for that information.

### What does as-is mean in a contract?

Sellers cannot avoid their disclosure obligations with an as-is



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disclaimer. To do so would run counter to Florida law. That would also allow a seller to unilaterally obviate or limit its legal disclosure obligations. But whether a specific fact is material and whether the seller has an obligation to disclose it depends on the transaction.

### How do I prove a failure to disclose?

A seller is only obligated to disclose material defects of which it is actually aware. If the seller does not know, then the seller cannot and need not disclose that defect. A buyer must prove that the seller actually knew about the material defect. That is not that the seller probably or should have known, but that the seller actually knew. Without disclosures, inspections, and documentations, if the defect is truly unobservable then that may not be an easy proposition. Thus, a better approach is to trust but verify.

### Title issues in residential real estate

With regard to title issues when purchasers obtain financing through a commercial lender, the institution generally requires a pre-closing title report and title insurance for their protection. This ensures that the lender's mortgage will be in a priority position. Conditions of a loan may even require the satisfaction of all existing liens at closing to guarantee the lender's priority. Even for cash transactions, the buyer should still know that it can obtain or ask the seller to provide a title review report as part of the buyer's due diligence.

The title review process may often be imperceptible to the buyer. Even though the buyer may be focused on the physical condition of the property, the buyer should still receive and review the title report before closing.

### Who can help me with buying residential real estate?

Board Certified lawyers are those who have demonstrated their experience and expertise. You can easily search for a Board Certified attorney in real estate, construction, or business litigation on the website of the Florida Bar. ■



# Firm News



## Partner Scott Perry Sworn in as Director

Attorney Scott Perry was sworn in as a 2021-2022 Director of the Board of the Palm Beach County Bar Association. The Palm Beach County Bar Association was founded in 1922. Its mission is to serve its members, foster professionalism and enhance the public's understanding of the legal system. It is very active in providing numerous public service activities and giving back to the community. ■

## Supporting a Great Cause

Light The Night Walk is scheduled for **Friday, November 5, 2021**, at the FITTEAM Ballpark of the Palm Beaches! Registration begins at 5:30 p.m. **The Walk starts at 7:00 p.m.** Please consider a donation and help Jason raise funds for the Leukemia & Lymphoma Society which funds medical advances and innovative research that saves lives. To donate visit: <https://www.facebook.com/donate/4070663939668382/10226158346046538> ■



## Murray Guari Trial Attorneys' Light The Nig...

Fundraiser for The Leukemia & Lymphoma Society by Jason Guari · 🌐



## Meet Tara Bradshaw

Tara Bradshaw joined Murray Guari as a Paralegal/Investigator in 2021. Before she began her career assisting clients with their injury cases, Tara served as a Licensed Insurance Adjuster with State Farm Mutual Automobile Insurance Company.

Tara's in-depth knowledge of the insurance claims process has allowed her to best serve clients in their automobile accident cases, other personal injury, and wrongful death claims. ■

## Thank You For Your Confidence And Trust In Us

We at Murray Guari are thankful and humbled by the **positive feedback from our clients**. We remain strong on our focus – helping our clients when they need it most. **Here is a recent review provided by our client:**

*"This is the firm other lawyers use for personal injury cases. I would highly recommend Scott Murray, Jason Guari, Scott Perry, and the entire staff. They are professional, ethical, and compassionate attorneys." ~AB*

# Recognitions

Our attorneys have been recognized on the local and national levels for their achievements in law, as well as their community leadership and other activities.



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## Murray Guari Trial Attorneys PL

### How Can We Help?

At Murray Guari Trial Attorneys PL, we **represent victims** throughout Florida who have suffered serious personal injuries due to the negligence of others. At our firm, you will find a team that is **truly concerned about your well-being and getting justice for you.** We are proud that our clients come to us based on a personal recommendation from past clients and from other attorneys in the community who respect our reputation and the quality of our work. We would be honored to put our experience, skill and integrity to work for you. ■



Keith Hedrick, Scott Murray, Jason Guari, and Scott Perry

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