

THE FAMILY ENTERPRISE
INITIATIVE SERIES

THE ULTIMATE SUCCESS DECISION GUIDE



- For Family Business Leaders -

Nick Niemann, Esq.
McGrath North Law Firm

Based on our national experience and our affiliations with the country's leading Family Business Strategy, Asset Protection, Business Continuity, Leadership, Succession, Exit and Estate Planning Organizations, we have developed:

THE "ULTIMATE SUCCESS" DECISION GUIDE - FOR FAMILY BUSINESS LEADERS -

Dear Family Business Leaders and Trusted Advisors -

Hundreds of Family Business Leaders (and their Trusted Advisors) have trusted us to "look into the future" with them for a very specific reason.

Whether they are a startup or already well into many years with their business, they want to achieve remarkable success in all "Four Quarters" of their life as a business leader and owner.

And they want to avoid the Fourth Quarter "Train Wrecks" which derail even the best Business Leaders.

None of us want to let down those who depend on us. We all want to keep the promises we have made to ourselves, to our families, to our colleagues, to our stakeholders, to our customers and to our communities.

The Family Business Leaders we work with deploy a Pioneer Mindset. In this age of massive disruption, they know that if they and their team are not amongst today's pioneers, the odds of continuing their Family Business success are remote.

These Leaders are today's Pioneers. You are eager to explore and create new opportunities. You look for new ways to advance the lives of your colleagues, customers and families. You begin with a specific, thoughtful end in mind in everything you do. And you set a course for winning all of your "Four Quarters".

You know your plan so far has worked well, may not be perfect and is subject to change. You are proceeding every day with your end objectives in mind. You have a very good idea of where you want to head, how to get there, and who you won't let down.

Our Family Business Continuity Team has worked with over 1,200 Business Leaders/Pioneers on achieving real world "Fourth Quarter" results. We are working together with today's Family Business Leaders/Pioneers to grow, develop and strengthen family companies throughout the U. S.

This all begins with understanding what you value most. And then moving ahead with speed, clarity and purpose to deploy what's needed to stay successful throughout the whole game.

You were successful before we showed up. We invite you to learn more about the 4 Powerful Playbooks which we are deploying with Family Business Leaders/Pioneers who want your hard work and efforts to continue to pay off by seeing and starting with your "Fourth Quarter First."

Sincerely,

Nick Niemann

Chair, Family Business Practice Group, McGrath North Law Firm
1601 Dodge Street, Suite 3700
Omaha, NE 68102
www.FourthQuarterFirst.com
402-633-1489
nniemann@McGrathNorth.com

This Is Your Decision Guide.

Mark it up however you wish.

Name: _____

Company: _____

Date: _____

Together with your other Trusted Advisors, we address the answers to . . .

The 3 Key Questions:



1. **Discover.** What will be the probable, almost certain, future outcome of our present course, if left unchanged?



2. **Decide.** What's missing - the presence of which will make a substantial difference in producing a better future outcome?



3. **Deploy.** What do we need to do next to move ahead with speed, clarity and focus to deploy what's missing?

"Why is this "Fourth Quarter" Game Plan Program so effective?"

Because it wasn't created by a lawyer sitting in an office reading law journals.

Over many years I've worked with hundreds of Family Business Leaders and been a part of some great national business organizations which focus on what is needed for Companies and their Leaders to become and to remain extremely successful.

These have included:

- Vistage International Family Business Network
- Business Enterprise Institute
- CEO Space International
- John Maxwell Executive Leadership Program
- Family Firm Institute
- Secret Knock
- Strategyzer AG
- Exit Planning Institute

As a member of these organizations, and having taught business design and innovation to Vistage CEO Boards across the U.S. and Canada, I've learned from hundreds of the country's best and brightest CEOs dedicated to building and growing companies which endure.

I've learned from them what is important to them and what isn't important.

That is what I've been bringing to other Family Business Leaders around the U.S. by developing and deploying our "Fourth Quarter" Game Plan Program.

When we work with Family Business Leaders, we ask about your story and the story of your Family Business. We get to see the heart and soul of America's family entrepreneurs, that is, America's new breed of Family Business Pioneers. We get to see your passion and your excellence. We get to see the love and respect you have for your colleagues and for those you serve. We get to see the grit, determination and pioneer spirit which drive you and your team. Just as it has driven me ever since growing up in the Niemann Family Businesses.

Now with over 60 attorneys deployed in over 80 practice areas, we are partnering with families, their businesses and their other Trusted Advisors throughout the U.S. to help create incredible, lasting value.



"Nick, it's important that I say 'THANK YOU'. I know the work that goes into mastering something—and you are a master!"

Cathy Fitzhenry. Omaha Chair, Vistage International—the world's leading CEO peer group and private advisory board organization.



"Nick Niemann is a great planner and thinker and a leader in this entire field."

John Brown. Founder, Business Enterprise Institute, one of the two leading Succession and Exit Planning Organizations in the U.S.

THE “ULTIMATE SUCCESS” =

“FOURTH QUARTER FIRST” MINDSET + DEPLOY THE RIGHT PLAYS + AVOID THE 24 “TRAIN WRECKS”

Achieving The Ultimate Success Needs More Than Just Basic Planning

This requires what we call “Fourth Quarter” Planning. This is a mindshift which Family Business Leaders/Pioneers have been asking us to deploy with them. It is a belief in the need to “begin with the end in mind” if you really intend to be and stay successful.

It is a combination of Strategic, Asset Protection, Business Continuity, Leadership, Succession, Exit and Estate Planning. It is the deliberate, adaptable and customized process for working with Business Leaders and your families and colleagues to continue to profitably build your Business. And to deploy early on what’s needed to achieve a successful future transition and eventual exit from your Company. It addresses how to protect what you’re building and how to take control of your legacy.

It’s About Seeing And Starting With Your “Fourth Quarter First”

For this reason, “Fourth Quarter” Planning addresses your planned, foreseeable growth and future exit. Ideally, your future Fourth Quarter will occur on your terms and timetable. However, sometimes unforeseen events (such as unexpected death or disability or the loss of key employees) will frustrate the best laid plans. So, “Fourth Quarter” Planning comes with back up plans in case of an unexpected owner, partner or key employee death, disability, departure, dispute, divorce or business downturn.

To Be And To Stay Successful For The Whole Game

Many Family Business Leaders/Pioneers have heard us say that our job is to “look into the future” with you. And then work together on what is needed to avoid foreseeable pitfalls and to achieve the outcome you want.

That is the essence of “Fourth Quarter” Planning. To look ahead. To see it coming. To avoid “Train Wrecks.” To deploy what’s needed to keep the promises you’ve made to yourself, your family, your colleagues, your stakeholders, your customers and your communities.

By Deploying Some Very Powerful, Yet Simple, Concepts

“Fourth Quarter First” thinking is a very simple mindset. Yet, in practice, it’s often overlooked. Too many business owners are on the journey, but have no clear destination in mind (or they are missing the steps needed to get there).

Together we simply focus on both the journey and the destinations you want for yourself, your family, your colleagues and your Company. We then address what’s needed to actually get there. We “Begin with the end in mind” (i.e. “Fourth Quarter First”). And we live by the flexibility principle that “All plans are firm...until changed.”

“Are we a “Family Business”?”

“Every business is a family business. To ignore this truth is to court disaster.”

Michael E. Gerber,
Best-Selling Author of
The E-Myth Revisited

So... What do you want to see?

Family Business Leaders tell us they most want to **achieve**:

- Profitable Growth** for our business
- Wealth Protection** for what we’re building
- Lifestyle Continuity** for us and our family
- Personal Freedom** on our terms

Family Business Leaders tell us they most want to **avoid**:

- “Train Wrecks”**

Can Family Business Failure Be Avoided?

• Top 5 Reasons Why Family Business Successions Fail

Exit-Planning-Institute.org

• Why So Many Family Businesses Fail

INC.com

• Do Most Family Businesses Really Fail By The Third Generation?

HBR.org

• How To Turn A Family Affair Into A Global Business

Vistage.com

• Ten Reasons Why Family Businesses Fail

theglobeandmail.com

• Strategies For Family Business Success

forbes.com

• How To Win Where 70 Percent Of Family Businesses Fail

netsuite.com

• Why Business Succession Plans Fail And How To Beat The Odds

ypo.com

• 11 Reasons Why Family Businesses Fail

score.org

• Professionalizing The Business Family

ffi.org

The “Ultimate Success”

What Does The “Ultimate Success” Look Like For You?



Colleague Careers.

We helped create careers for our colleagues who pitched in with their own blood, sweat and tears.

Incredible Culture.

We created an incredible Culture that attracted and retained trusted colleagues and loyal customers.

Family Careers.

We helped develop family member Careers in the Family Business for those who dedicated themselves to this.

Inspirational Legacy.

We will look back and be fully satisfied with the Legacy we built.

Business Model Success.

We overcame yesterday’s Business Model disruptions and pivoted to capture great new value and opportunities.

Dynamic Successor.

We developed great, dynamic Leaders and at least one great, dynamic Successor CEO.

Leadership Team.

We built a Leadership Team which can successfully take on tomorrow’s adventures.

Community & Charities.

We supported our Community and favorite Charities in a big way with time, talent and resources.

Bloodline Opportunities.

We created Family Bloodline Opportunities beyond the Company.

Successful Transition.

We handled a successful Internal Transfer of the Company to those who can lead it forward to continued great success.

Successful Sale.

We handled a successful External Sale of the Company on our price and terms.

Peace & Financial Security.

Peace of Mind, Family Peace, and Family Financial Security—accomplished with tremendous grace, style and perseverance.

The best future outcomes occur when we begin well ahead of your personal "Fourth Quarter." Ideally, don't wait until the "Two-Minute Warning" or Overtime.

AM I IN OR NEAR MY "FOURTH QUARTER" YET?

HOW MANY OF THESE MAY APPLY TO YOU?

- Ready, Just In Case.** I plan to keep working on growing our Company for some time yet, but I am seeing it needs to be better structured for my unexpected death, disability or other unexpected exit or opportunity.
- Retirement. Yeah. Maybe.** I am seeing retirement at some point even though I intend to own our Company until my death or disability.
- Partner Options.** I am seeing the need for me and my partners to agree (or revise our agreement) on future ownership buy-sell options.
- Business Model Heading South.** I am seeing or feeling (or being told of) the need to change, pivot, fix or improve our Business Model, but I just won't act on it like I used to.
- Get Ready. Get Set. Go.** I want to work towards achieving a certain level of success quickly because I want to be able to exit soon.
- Just In Case.** I'm not ready to exit yet, but I am seeing the need to have a plan in place.
- Get Successor Ready.** I would like to still run our Company for a while, but want to start developing a successor so I can spend more time doing something else, such as traveling with my spouse and family.
- Did It. Next.** I've achieved my goals as a business owner and would like to leave when and if the best opportunity comes up.
- Ready To Coach.** I would like to give an adult child or key colleague the opportunity to start leading the Company (and perhaps be able to coach them for a while).
- Will Team Stick?** I am wondering whether our key colleagues or possible successor will stick with me.
- Slow It Down.** I am ready to retire or slow down as soon as feasible.
- They Grow Up Fast.** I would like to spend more time with my children or grandchildren.
- Spouse Actually Loves Me.** My spouse would like me to retire or slow down.
- So Do My Children.** My children would like me to retire or slow down.
- But Stay Invested. Ok?** I would like to retire from most active duties, but remain as owner for a while.
- New Stuff! Really!?!?** I am not sure whether I am able or willing to keep up or catch up with the new technologies or Business Models demanded in our industry.
- Thinking. Thinking.** I am spending more time thinking about what our Company is worth than how to grow it.
- It's The Economy. Again !?!** I am not sure I want to fight another economic down cycle.
- Window Closing.** I recognize that valuation multiples or business sector consolidation today may present a temporary window of opportunity for my exit.
- Find Out.** I want to take some time to test the market for the sale of our Company.
- Uncle Sam.** I still love our country but I don't want to leave 40-60% to our Uncle Sam.
- Not Investing More.** Taking our Company to the next level will require a new level of debt or equity investment which may not be desired or feasible.
- Time To Diversify.** As I've reached this point in my life, I have a decreasing tolerance for risk and a desire to remove some financial chips from the table.
- Customers Thinking.** I realize that some customers may start wondering whether I have a capable successor to continue our great service for them.
- Enough.** Fatigue and boredom may be starting to set in.
- Turn The Page.** I can start to see getting ready to start a new chapter in my life or have just lost the "fire in the belly" to continue pursuing our business.
- Someone Is Stepping Up.** I never thought I would sell, but someone is offering me the right price and the right terms.
- Anyone? Anyone?** I am wondering whether anyone will be interested in buying our Company at the price and terms I want.
- Keeping Healthy.** I or my spouse or other family member are starting to encounter some health concerns or I want to take some steps to head off the development of health concerns.
- Staying Step Ahead.** I realize our banker and surety may start wondering if my Fourth Quarter will impact their comfort level with our Company.
- I Mentored Them.** I have some adult children or key colleagues who are starting to insist on leadership or ownership if they are to remain with the Company.
- Want To Help Others.** I have community or charitable ventures I would like to spend more time pursuing.
- Next Game.** I want to exit our Company and invest in a new venture.
- Won't Wait Till Too Late.** I realize waiting for the "Two Minute Warning" or Overtime won't be the best route for anyone impacted by my decisions.
- I'm Cashing Out.** I am ready to sell our Company and cash out now.
- DIY? No.** I realize my expertise is in running our Company, not in do-it-yourself Succession and Exit Planning or Estate Planning.
- Family.** I am increasingly aware certain actions are needed to be sure our family is taken care of.
- Gotta Protect Others As Well.** I know I am in my "Fourth Quarter" and I don't want our Company, family, colleagues, or customers to be at risk from the changing personal, business and financial dynamics that will hit in my personal "Fourth Quarter".
- Best Course.** I have come to realize that the best course for our family, our long term colleagues, and our valued customers, is for me to lay in the ground work and the planning for my exit. This is whether my exit occurs sooner or later, so that I have best provided for the well being of our family, the continuity of our business, the continuity of employment for our valued colleagues and the continuity of products and services for our valued customers.

THE 3 KEY QUESTIONS



1. Discover Probable Outcome

What will be the probable, almost certain, future outcome of our present course, if left unchanged?

Profitable Growth

On our Present Course, will we achieve our Profitable Growth Objectives and avoid the 6 Profit Train Wrecks?

- Yes. Got It. No. Not Yet.
- Get On It. ([Profit Playbook](#))
- Get Second Opinion.

Wealth Protection

On our Present Course, will we achieve our Wealth Protection Objectives and avoid the 6 Wealth Train Wrecks?

- Yes. Got It. No. Not Yet.
- Get On It. ([Protection Playbook](#))
- Get Second Opinion.

Lifestyle Continuity

On our Present Course, will we achieve our Lifestyle Continuity Objectives and avoid the 6 Lifestyle Train Wrecks?

- Yes. Got It. No. Not Yet.
- Get On It. ([Estate Playbook](#))
- Get Second Opinion.

Personal Freedom

On our Present Course, will we achieve our Personal Freedom Objectives and avoid the 6 Personal Freedom Train Wrecks?

- Yes. Got It. No. Not Yet.
- Get On It. ([Succession Playbook](#))
- Get Second Opinion.



2. Decide What's Missing

What's missing - the presence of which will make a substantial difference in producing a better future outcome?

Find out, beginning on the Next 3 Pages.



3. Deploy What's Needed

What do we need to do next to move ahead with speed, clarity and focus to deploy what's missing?

Reach out, to begin our discussion.

Invest 24 minutes to sketch your Action Plan.

“QUICK START ACTION PLAN”

(Also Known As “The Second Opinion Protocol”)



Main Goal : Profitable Growth (Your Profit Plan)



1. Profit Strategy.

You have developed an Active Board of Directors and an internal, dynamic Profit Strategy Team that takes on precisely what you need to do to profitably grow your business.

Priority ? Low Mid High

Status?

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

2. Pioneer Mindset.

Your Leadership team deploys the “Pioneer Mindset” absolutely needed today for addressing business innovation opportunities, decisions and issues.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

3. Business Model.

Your Leadership team works to overcome the disruptive Business Model, Technology and Demographic realities threatening all companies today.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

4. Company Culture.

You have the right positive Company Culture that drives your Leadership team and builds loyal personal relationships.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

5. Strategic Thinking.

Your Leadership team is trained to use the Strategic Thinking Tools which Companies around the world are using to achieve remarkable innovative growth and to stay successful.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

6. Business Expansion.

Your Leadership team keeps seeking growth opportunities to acquire other businesses, expansion sites and new technology rights and to joint venture with others.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

Main Goal : Lifestyle Continuity (Your Estate Plan)



1. Lifestyle Continuity.

You have clear direction and controls as to who receives your Estate (and when) and who will be in charge of your Company and Estate when you can't be.

Priority ? Low Mid High

Status?

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

2. Bloodline Success.

You have preserved your Family Business and wealth for your family's bloodline opportunities (e.g. business continuity, health, “family bank”, entrepreneurship, charitable, and education).

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

3. Family Ownership.

You have allocated future Company ownership (value and control) to the right family members (either by sale, bonus, gift or inheritance).

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

4. Family Peace.

You are set up to avoid Family Business and Estate disputes (such as regarding careers, family employment, compensation, dividends, control and opportunities).

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

5. Family Business.

You are able to buy out Company ownership in the future from family members who shouldn't (or don't want to) remain owners.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

6. No Estate Taxes.

You will avoid Estate Taxes because you have timely deployed the tax planning strategies permitted by law to reduce or eliminate Estate Taxes.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

Main Goal : Wealth Protection (Your Protection Plan)



1. Business Protected.

You have protected your business expertise, intellectual property, proprietary data and key relationships from being wrongfully taken by competitors, former colleagues and cyber hackers.

Priority ? Low Mid High

Status?

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

2. Ownership Protected.

You have clear guidelines and funding for the future purchase and sale of co-owner's shares when life's events happen (e.g. retirement, death, disability, dispute, divorce).

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

3. Continuity Protected.

You are set up to avoid disputes between your present and future co-owners by addressing potential conflicts before they develop or erupt.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

4. Team Protected.

You effectively incent and reward the loyalty of your Leadership team who you want to keep working to build their careers with you (rather than with your competitor).

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

5. Stability Protected.

If the present CEO gets hit by the “beer truck”, you have a capable successor immediately pre-designated so your Leadership team can move ahead without missing a beat.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

6. Wealth Protected.

You have dealt with the reality that the personal wealth of business leaders is subject to more risks than those not in business.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

Main Goal : Personal Freedom (Your Succession/Exit Plan)



1. Business Value.

You will have enough cash (at the right time) from Company value, cash flow, insurance, recap dividend and sale options to fund your business and family objectives.

Priority ? Low Mid High

Status?

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

2. Capable Successor.

You are set to accomplish leadership transition to a successor who is fully capable of leading and sticking with your Company into the future.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

3. Always Ready.

You have your Company always in prime condition and structure to be transferred or sold for when you decide to transfer or sell.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

4. Minimize Taxes.

You have timely deployed the Tax Planning Strategies being used by others to minimize your income taxes if you sell the Company.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

5. Internal Transfer.

You have one or more key persons, partners, ESOP or family who can acquire your Company and take it forward with great success, based on acceptable and workable price and terms.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.

6. External Sale.

You are positioned to sell your Company at full fair market value to an acceptable outside buyer on very favorable terms.

Priority ? Low Mid High

- Yes. Got It.
 No. Not Yet.
 Get On It.
 Get Second Opinion.



THE PROFIT PLAYBOOK

WHAT IS IMPORTANT TO YOU?



“Ultimate Success” for me =
Avoid these “Train Wrecks”
which derail
Profitable Growth:



- 1. **No Profit Strategy Team.** Your leadership team doesn't effectively deal with business innovation roadblocks
- 2. **No Pioneer Mindset.** A “fear of change” mindset is overtaken by today's massive Business Model disruptions
- 3. **Declining Business Model.** Your Business Model misfires, declines or fails
- 4. **Poor Company Culture.** Poor Company culture deflates your team performance and customer loyalty
- 5. **No Strategic Thinking.** External forces (competitors, insurgents, economy, technology, government) start to beat you
- 6. **Business Static.** Business expansion opportunities start to be lost or ignored

“Ultimate Success” for me = Achieve these Results:

1. Profit Strategy

Develop an internal, dynamic Profit Strategy Team that knows how to take on precisely what we need to do to profitably grow our business and beat the disruptors.

Main The Profit Strategy Team
Play:

3. Business Model

Overcome the disruptive Business Model, Technology and Demographic realities threatening all companies today.

Main The “Business Model Command” Initiative
Play:

5. Strategic Thinking

Make sure our team is trained to use the strategic thinking tools which companies around the world are using to achieve remarkable growth and to stay successful.

Main The “We Refuse To Be Netflixed” Initiative
Play:

2. Pioneer Mindset

Make sure our leadership team deploys the “Pioneer Mindset” absolutely needed today for addressing business innovation opportunities, decisions and issues.

Main The “Pioneer Mindset” Initiative
Play:

4. Company Culture

Make sure we have the right positive company culture that drives our team and builds lasting customer relationships.

Main The “Root Force Culture” Initiative
Play:

6. Business Expansion

Keep seeking growth opportunities to acquire other businesses, expansion sites and new technology rights and to joint venture with others.

Main The “Find It” Expansion Protocol
Play:



THE ESTATE PLAYBOOK

WHAT IS IMPORTANT TO YOU?



“Ultimate Success” for me =
Avoid these “Train Wrecks”
which derail
Lifestyle Continuity:



- 1. **No Lifestyle Continuity.** Inadequate Estate Plan controls damage your Company and deplete family wealth
- 2. **Bloodline Failure.** Bloodline wealth opportunities wasted
- 3. **Family Ownership Misallocated.** Wrong family members become Company owners or receive control
- 4. **Family Disputes.** Business and estate disputes damage your family
- 5. **Family Ownership Not Controlled.** Wrong family members remain Company owners or remain in control
- 6. **Estate Taxes.** Estate tax hit

“Ultimate Success” for me = Achieve these Results:

1. Lifestyle Continuity

To have clear direction and controls as to who receives my Estate (and when) and who is in charge of my Company and Estate when I can't be.

Main The Business Owner Estate Plan
Play:

3. Family Ownership

To allocate future Company ownership (value and control) to the right family members (either by sale, bonus, gift or inheritance).

Main The Family Ownership Matrix
Play:

5. Family Business

To be able to buy out Company ownership in the future from family members who shouldn't (or don't want to) remain owners.

Main The Family Buy-Sell Agreement
Play:

2. Bloodline Success

To preserve our Family Business and wealth for our family's bloodline opportunities (such as business continuity, “family bank”, health, entrepreneurship, charitable, and education).

Main The Family Bloodline Opportunities Trust
Play:

4. Family Peace

To avoid Family Business and Estate disputes (such as regarding careers, family employment, compensation, control and opportunities).

Main The Family Peacekeeper Protocol
Play:

6. No Estate Taxes

To avoid Estate Taxes by timely deploying the tax planning strategies permitted by law to reduce or eliminate Estate Taxes.

Main The Estate Tax Reduction Strategy
Play:



THE PROTECTION PLAYBOOK



WHAT IS IMPORTANT TO YOU?

**“Ultimate Success” for me =
Avoid these “Train Wrecks”
which derail
Wealth Protection:**



- 1. **Business Not Protected.** Business disputes and litigation losses deplete your business resources
- 2. **Ownership Not Protected.** Company ownership is not correctly controlled or funded with the right buy-sell-hold options
- 3. **Continuity Not Protected.** Avoidable co-owner disputes crush you
- 4. **Team Not Protected.** Leadership team members leave to find better opportunities elsewhere
- 5. **Stability Not Protected.** Company hits the skids if CEO/President is lost unexpectedly by illness, accident or death
- 6. **Wealth Not Protected.** Personal risk exposures deplete your personal resources

“Ultimate Success” for me = Achieve these Results:

1. Business Protected

Protect our business expertise, intellectual property, proprietary data and customer relationships from being wrongfully taken by competitors, former colleagues and cyber hackers.

Main Play: The Business Asset Protection Protocol

2. Ownership Protected

Clear guidelines and funding for the future purchase and sale of co-owner's shares when life's events happen (e.g. retirement, death, disability, disputes, divorce).

Main Play: The Company Buy-Sell Agreement

3. Continuity Protected

Avoid disputes between our present and future co-owners by addressing potential conflicts before they develop or erupt.

Main Play: The Business Continuity Agreement

4. Team Protected

Incent and reward the loyalty of our leadership team who we want to keep working to build their careers with us.

Main Play: The Leadership Recognition & Reward Program

5. Stability Protected

If I “get hit by the beer truck”, I want a capable successor immediately pre-appointed so our team can move ahead without missing a beat.

Main Play: The Emergency Succession Plan

6. Wealth Protected

Deal with the reality that the personal wealth of business leaders is subject to more risks than those not in business.

Main Play: The Personal Limited Liability Company



THE SUCCESSION PLAYBOOK



WHAT IS IMPORTANT TO YOU?

**“Ultimate Success” for me =
Avoid these “Train Wrecks”
which derail
Personal Freedom:**



- 1. **Business Value Insufficient.** Insufficient cash-in-pocket to meet your business and personal needs or objectives
- 2. **No Capable Successor.** Wrong successor, no successor, or great successor leaves (to go help your competitor)
- 3. **Not Always Ready.** Company not always in prime condition to be operated, transferred or sold
- 4. **Income Taxes.** Income tax hit
- 5. **No Viable Internal Transfer.** No effective inside route exit
- 6. **No Viable External Sale.** No effective outside route exit

“Ultimate Success” for me = Achieve these Results:

1. Business Value

Enough cash (at the right time) from Company value, cash flow, insurance, recap dividend and sale options to fund our business and family objectives.

Main Play: The “Rubber Meets The Road” Report

2. Capable Successor

A leadership transition to a successor who is fully capable of leading and sticking with our Company into the future.

Main Play: The Leadership Development Program

3. Always Ready

To have our Company always in prime condition and structure to be transferred or sold for when we decide to transfer or sell.

Main Play: The “House-In-Order” Checkup

4. Minimize Taxes

To timely deploy the tax planning strategies being used by others to minimize our income taxes if we sell the Company.

Main Play: The Income Tax Reduction Strategy

5. Internal Transfer

To have one or more key persons, partners, ESOP or family who can acquire our Company and take it forward with great success.

Main Play: The Inside Route Exit Plan

6. External Sale

To be positioned to sell our Company at full fair market value to an acceptable outside buyer on very favorable terms.

Main Play: The Outside Route Exit Plan

FAMILY BUSINESS LEADERS

**Results Not
Wanted**



**Results
Wanted**



**Results
Achieved By**



**What Is The Financial + Personal Cost
of Being Too Late or Out of Time?**

**What Is The Financial + Personal Value
of Each Great Play Deployed In Time?**

Inspired By Excellence. Committed To Your Success.

When we work with Family Business Leaders, we ask about your story and the story of your Family Business. We get to see the heart and soul of America's Family entrepreneurs, that is, America's new breed of Family Business Pioneers.

We get to see your passion and your excellence. We get to see the grit and determination which drive you. We get to see the love and respect you have for your colleagues and for those you serve. In short, we get to see the pioneer spirit which drives you and your team. Just as it has driven me and our team.

For over 60 years we have been working with our nation's food companies, restaurants, farmers and ranchers to feed people better. We have been working with contractors and companies to build better and more affordable homes and new business facilities.

We have been working with technology companies to develop new ideas that improve lives. We have been working with inventors, startup companies and health care providers to develop patented medical devices, leadership teams and joint ventures that save lives. We have been working with energy companies to help fuel our homes and the businesses we all rely on.

We have been working with bankers, key partners, manufacturers,

distributors, retailers and transportation companies to finance, produce and deliver better products and services to communities around the world. We have been working with Family Business Pioneers and their other Trusted Advisors to transform, grow, carry on and transition the Family Business Dream, the backbone of our great country.

We have been working with our community leaders to improve our cities and our schools. We have been working with our elected leaders to improve the business climate to create and attract new and better jobs for Families.

For over 60 years, this has been the McGrath North Law Firm.

Working quietly behind the scenes closely with the talented leaders of great organizations around the world to make lives better.

Working together. Working stronger. Working faster. Working better. Overcoming Roadblocks. Avoiding Train Wrecks.

Inspired by Excellence. Committed to your Success.

Our diverse team isn't waiting for the future. We are helping to produce new, incredible, sustainable results right now.

We invite you to join us as we move quickly ahead towards the next 60 years.



Nick Niemann, JD
Family Enterprise Attorney and
Exit Planning Attorney
Chair, Family Business Practice
Group, McGrath North Law Firm
1601 Dodge Street, Suite 3700
Omaha, NE 68102
402-633-1489
nniemann@mcgrathnorth.com
www.McGrathNorth.com
www.TheFamilyEnterpriseInitiative.com

Membership Experience with:
Vistage International Family Business Network
Family Business Advisors Alliance
Family Firm Institute
CEO Space International
Business Enterprise Institute
Exit Planning Institute

Maxwell Leadership
Strategyzer AG
Secret Knock

Our Vision (Ultimate Goal)

That every Family and Family Business we serve will build a lasting Family Enterprise of generational wealth, leadership, and legacy.

Our Culture & Code of Conduct

- Tenacity—We never give up on Families.
- Respect—We honor both tradition and innovation.
- Trust— We earn and safeguard trust in every relationship.
- Enthusiasm—We bring energy and optimism to every challenge.
- Courage—We face difficult issues with clarity and resolve.
- Generosity—We offer our best ideas and efforts.
- Compassion—We remember that Family is always at the heart.

Our Mission (Why, What and How)

We "look into the future" with Family Business Leaders and your Trusted Advisors to discover, decide and deploy what's missing and still needed for you, your family, and your colleagues to achieve the full greatness of the Family Business Dream.

Our Mission Mindset

- "Begin with the end in mind."
- "Start with simple. Only add what's needed."
- "Go for great. Don't wait for perfect."
- "All plans are firm...until changed."

Copyright © 2009-2025 Nick Niemann. All Rights Reserved. This Guide is intended for information purposes and is not to be considered by the reader as business, legal, tax or other advice. We are fortunate to have many clients give us positive feedback about working with us. We have included some of their Testimonials in this Guide or on our website. Please keep in mind that the success of any business or legal matter depends on the unique circumstances of each matter. We do not guarantee particular results for future clients based on the successes we have achieved in the past. Please also note the descriptions of attorney practice areas contained in this Guide are for illustration, as the actual scope of practice for any attorney can vary greatly. The description of attorney practice areas contained in this Guide (and the designation as a Family Enterprise Attorney or Startup/Exit Planning Attorney) does not mean any agency or board has certified such attorney as a specialist or expert. See www.McGrathNorth.com Disclaimer and Legal Notice page for additional important information. (Rev. 10-20-25).