



# FUTURE KIND CASE STUDY

Strategic Legal Framework to Secure a  
Seven-Figure Sale



PREPARED BY



Experience You Can  
Trust. Excellence  
You Can Rely On!



**How Faison Law Group Navigated Legal Protections That Safeguarded Future Kind's High-Value Deal.**

## CLIENT BACKGROUND

Future Kind is an online vegan supplements store with a strong mission to provide sustainable, plant-based nutrition to health-conscious consumers. Founded by brothers Shaun and Eliot Cunningham, Future Kind has built a reputation within the wellness industry for ethical, high-quality vegan products.

## REASON FOR SALE

Having grown Future Kind to a seven-figure valuation, the co-founders aimed to monetize their business and achieve financial returns for themselves and their equity holders.



# LEGAL PROCESS

## Timeline & Communication

- **Turnaround Time:** The entire legal process, from initial structuring to final sale, was completed within an efficient 2-3 weeks.
- **Initial Outreach:** Future Kind was recommended to Faison Law Group by a colleague.
- **Communication Method:** Primarily via email, with additional communication through WhatsApp to accommodate Shaun and Eliot's location in Australia.



## Objectives

The co-founders, Shaun and Eliot, along with the equity holders, had two primary goals:

- **Maximize Sale Price:** They aimed to secure the best possible financial outcome from the sale.
- **Minimize Liabilities Post-Sale:** This included limiting ongoing obligations to the buyer, reducing potential liabilities, and ensuring a limited hold-back period.

2-3  
WEEK

Turnaround Time for  
entire business sales  
process.



## APPROACH & LEGAL PROTECTIONS

Several critical protections were structured to prioritize the co-founders' interests and meet their objectives:

- **Legal Structure:** An asset deal was chosen, meaning that only specific liabilities and contracts would be assumed by the buyer, keeping the co-founders' personal liabilities minimized.
- **Purchase Price**
  - Added cash from the business bank accounts to the total amount the sellers received.
  - Added inventory pre-payments to the amount that the sellers would receive.
  - Maximized purchase price by excluding accounts payable from deductions.
- **Key Protections**
  - **Limitation on Survival of Representations and Warranties:** The agreement ensured that representations and warranties had a defined survival period, so liabilities wouldn't carry forward indefinitely.
  - **Minimized Indemnifications:** Indemnification<sup>1</sup> provisions were structured to protect the co-founders from excessive post-sale financial exposure.
  - **Limited Hold-back Period:** A 60-day hold-back period was negotiated, allowing the buyer to hold a portion of the sale price to address any unforeseen issues, with terms allowing deductions only within the specified timeframe. This was an atypical hold-back period in favor of the seller because most periods are 12 to 24 months long.

<sup>1</sup> "Indemnification agreements, or "hold harmless" clauses, shift risks or potential costs from one party to another. One party to the contract promises to defend and pay costs and expenses of the other if specific circumstances arise (often a claim or dispute with a third party to the contract).

## OUTCOME

The sale was successfully completed within the target timeline, with a seven-figure deal secured for Shaun, Eliot and their investors. The structured protections offered the co-founders peace of mind and limited their ongoing obligations, allowing them to exit with maximized returns.



## CLIENT TESTIMONIAL

“James is an astute operator and was quick to identify unobvious legal pitfalls for us. He successfully helped us to navigate our Asset Purchase Agreement in an efficient and affable manner. I wouldn't hesitate to recommend working with him.”



**Shaun Cunningham**  
Co-Founder of Future Kind

## CONCLUSION

Future Kind's sale is an example of how strategic legal planning can benefit founders and stakeholders in high-stakes transactions. By focusing on robust legal protections and an efficient communication process, Faison Law Group supported the co-founders in securing a high-value sale while minimizing risks. For founders looking to sell, Faison Law Group offers a structured approach to ensure a successful outcome. Contact our team today to help structure your next deal.

## CONTACT US

-  [www.faisonlawgroup.com](http://www.faisonlawgroup.com)
-  [mjames@faisonlawgroup.com](mailto:mjames@faisonlawgroup.com)
-  667-423-5625

