

## Contact

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## Real Estate

### Real Estate

Real estate law involves a distinct set of challenges and time frames. Our real estate practice matches our legal skills with clients' need for fast, cost-effective assistance.

The typical developer may have access to many resources, but one element is always lacking -- Time. When developers need the assistance of a lawyer, they require prompt attention, flawless execution, and decisive counsel. We understand real estate, and we know what it takes to help you move a development from concept to reality.

With two of our offices in Houston and Atlanta, Chamberlain Hrdlicka is ideally positioned to serve clients with real estate assets or developments throughout the South and Southwest. We know that developers and portfolio managers do not need a lawyer who is an impediment; they want a lawyer who will listen and help them find ways to achieve their goals. We understand the distinction, and we work to make things happen.

### What Do You Want To Develop Today?

Name your project: apartment complex, shopping center, resort development, office building, industrial facilities, medical facilities, residential subdivisions, movie theaters, fast food franchise sites. If it involves real estate, we can help you be off and running with speed and efficiency. Rather than shunting work to junior associates, our practice is built around senior lawyers who have strong real estate backgrounds and who can become part of your development team. Our skill pays off in strategies and actions that are targeted to meet your goals. When the inevitable obstacle arises, we know how to keep it from becoming a deal-breaker. Clients can turn to us with a challenge and be confident we will respond with solutions that merit attention, consideration, and action.

Working in concert with our construction group we assist owners in the pre-construction phase of a project with preparing and reviewing requests for proposals and contracts in the selection and engagement of owner's representatives, designers, and contractors for all types of construction delivery methods. We also advise clients during the construction and close-out phases on common conflict issues, such as: change orders, scope of work disputes, delays, defective design/work, labor disputes, accidents, payment disputes and lien removals.

The only certainty in today's real estate market is that tomorrow's cycle is heading in this direction. We are skilled in workouts and foreclosures, and know how to secure the best returns for troubled developments. We are adept at responding to all market

## **Real Estate, Continued**

conditions -- robust or reeling -- with the service our clients require.

### **A Resource For In-House Counsel**

Real estate can be more than an asset to a corporation -- sometimes it can also be a headache. We work with a number of in-house counsels, helping them with the complex real estate issues they do not customarily see in their corporate practice. Our background in tax-related issues is an asset that can help identify the proper way to book transactions, finance and structure acquisitions or dispose of property.

### **Knowing The Questions, Having The Answers**

Risk is an inherent part of all real estate projects -- and the last thing a developer or portfolio manager needs is a problem cropping up at an inopportune time. We manage our real estate practice with a "big picture" view, and we are always looking ahead for elements that could delay or detour a project. Adding us to your development team will provide an important asset that extends beyond deal-making abilities and transactional expertise. We are risk managers who can maximize the opportunities for success in every phase of a development.

### **Areas of Expertise**

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Development, Financing, Purchase, Leasing, and Disposition of:

- For Sale and For Rent Multi-Family Projects
- Shopping Centers
- Office Buildings
- Manufacturing Facilities
- Resort Developments
- Land for Development
- Corporate Real Estate and Assets

Negotiation and Drafting of Real Estate Contracts, Leases, Complex and Reciprocal Easement Agreements, Joint Venture Agreements, Construction and Design Contracts including:

- Title and Survey Review and Curative Actions
- Closing Agreements and Documentation
- Structuring and Documenting Safe-Harbor and Non-Safe-Harbor §1031 Forward, Reverse and Reverse Construction Exchange Transactions
- Advice to Documentation to Protect Environmentally Sensitive and Significant Properties through Conservation Easements and Mitigation Bank Transactions
- Advice to In-House Counsel on Complex Real Estate Issues

## **Real Estate, Continued**

- Workouts and Foreclosures
- Eminent Domain and Condemnation

## **Representative Matters**

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- Represent closely-held owner in development and implementation of “competitive bid” marketing plan to expose highly sought after multi-property in-fill assemblage to national multi-family REIT developer market and in the documenting and closing of sale to national apartment REIT.
- Represent owner of historically significant undeveloped 76 acre tract in North Atlanta in connection with competitive bid marketing, rezoning, and disposition process.
- Represented Church in negotiations with and sale to the Georgia World Congress Center Authority, City of Atlanta and Atlanta Falcons of the Church property required for Falcons New Stadium.
- Represented large land owner in the sale of 288 acres to a joint venture developing USA based movie and TV sound stages for Pinewood Studios, of London, England.
- Represent closely held owner of grocery-anchored shopping center in the Buckhead area of Atlanta to engage national retail brokerage firm and market in “competitive bid” process to national REIT buyers and to close transaction within highly accelerated timeframe.
- Represent founder of multi-state restaurant franchisor in the sale of the company to a private-equity firm, which included the transfer of over 200 owned or leased multi-state restaurant locations.
- Represent developer/owner in disposition of six-property multi-family portfolio located throughout the greater Atlanta area.
- Real estate counsel working with tax counsel representing multi-state owner of apartment projects to resolve title and ownership status in dispute with IRS over income tax claims.
- Assist general counsel of national corporation with disposition of company headquarters building and a “built to suit” project with national office developer to build a new headquarters building in a reverse construction exchange under Section 1031.
- Represented land owner in annexation and master rezoning by City of Fayetteville.
- With condemnation counsel closed motel refinancing midstream in condemnation litigation value impairment dispute of lender's collateral.
- Serve as counsel to purchaser of a 230 room hotel to be constructed by seller within a master mixed-use condominium comprised of retail, residential and hotel components located in Allen Plaza, a major new downtown Atlanta complex near Olympic Park.
- Counsel to development joint venture that has acquired an 80 acre tract assemblage from 12 different landowners for development as a 500,000 square foot outdoor retail mall, with concurrent sell off of building sites to J.C. Penney and Kohl's with client completing all horizontal and vertical development.
- Represent owner of in-fill shopping center in a forward Section 1031 tax deferred exchange transaction to facilitate redevelopment, expansion and upgrade with new national health foods grocery store, subsurface parking deck and other high-end tenant space.
- Represent developer of a 1,000 acre North Georgia mountain resort project located on the Chestatee River which included an 18 hole Jack Nicklaus designed golf course in the acquisition, development, financing and ultimate sale of the project.
- Facilitated client's acquisition, rezoning and development of highly sensitive 165 acre tract on the Chattahoochee River into a high end “cluster” residential development designed to maximize green space and limit development impact through utilization of conservation easements and other design and planning techniques.