

Land Use and Real Estate

Real Estate

Contacts

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Solving your legal problems involving real estate requires a lawyer who understands the law, the real estate market and your business needs.

Our real estate clients include developers, landlords, tenants, banks and other lenders. Over the years, we have represented these clients on a broad range of real estate matters involving commercial, industrial and multifamily residential projects. This experience enables us to deliver practical, cost-effective services to clients like you.

These services include advice about the following:

- ▶ Construction
- ▶ Development
- ▶ Financing
- ▶ Leases
- ▶ Real estate and construction litigation

Keeping You Current on the Law and the Industry

We regularly update clients about changes in real estate law and on industry trends. This includes briefing clients on legislative proposals in the federal tax, housing and other legal areas affecting their businesses. Staying current enables you to anticipate and prevent legal problems as well as capitalize on new developments.

Responsiveness

Most law firms tout their "responsiveness." But clients constantly tell us that the lawyers at Garvey Schubert Barer are exceptional when it comes to reacting immediately to client communications and needs.

Construction

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Even in tough economic times, real estate construction continues. So does the need for skilled lawyers to represent lenders, owners and others on construction projects such as shopping centers, casinos, hotels, office buildings and residential complexes.

Our services including helping clients resolve issues arising during construction, including

- ▶ Construction loan disbursement and draw requests
- ▶ Lien priorities
- ▶ Stop notices
- ▶ Subordination
- ▶ Holdbacks
- ▶ Retainage

We also help owners, contractors and others negotiate and prepare contracts. Even with the most carefully drawn contract, however, disputes can surface during construction. When this happens, we help clients favorably resolve them.

Development

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Real estate development involves multiple phases, and each often raises difficult business and legal issues. Drawing on our understanding of the law and the development process, our real estate lawyers help developers like you successfully resolve these issues.

Our legal services for developers include negotiating, reviewing and preparing

- ▶ Partnership and operating agreements
- ▶ Private placement memoranda
- ▶ Earnest money and option agreements
- ▶ Construction and permanent loans
- ▶ Architect and construction contracts
- ▶ Easements and restrictive covenants
- ▶ Leases

When property is being developed by a partnership or a limited liability company, issues of control, contributions, priority returns and distributions must be raised. Our real estate lawyers help identify, negotiate and resolve these issues. We also prepare the agreements needed to document the parties' decisions on the issues.

Examples of projects on which our group has worked include the following:

- ▶ Bellevue Galleria Shopping Center, Pacific Village Shopping Center, and Summit office complex in Bellevue, Washington
- ▶ Greenwood Shopping Center, Promenade Shopping Center, and Galleria Shopping Center in Seattle
- ▶ Pickering Square in Issaquah, Washington
- ▶ Twin City Shopping Center in Chehalis, Washington
- ▶ Poulsbo Village Shopping Center in Poulsbo, Washington
- ▶ InFocus Corporate Headquarters in Wilsonville, Oregon

Financing

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Financing usually is essential for development projects. We represent both lenders and developers in negotiating, documenting and administering the following:

- ▶ Acquisition loans
- ▶ Construction loans
- ▶ Permanent loans

Lenders like working with our real estate lawyers because we understand the criteria used by lenders to approve, administer and enforce loans. Lenders do not spend money educating our lawyers about the criteria.

We also represent clients in workouts and deed-in-lieu of foreclosure transactions.

When borrowers default, we work with lenders to develop strategies to collect the loan, including foreclosing and disposing of collateral.

Examples of Financings

Financings our real estate lawyers have worked on include

- ▶ \$25 million construction loan for the renovation of the old Nordstrom building in downtown Seattle
- ▶ \$12 million joint venture with a real estate acquisition company
- ▶ \$42 million construction loan for a major regional shopping center

- ▶ More than \$125 million in 75 separate transactions on behalf of a single lender
- ▶ Over \$200 million in construction and land loans on behalf of three cross-border banks
- ▶ Synthetic leases, which provide the tax advantages of property ownership without the assumption of liability for purposes of accounting and securities regulation reporting

We also act as local counsel in rendering third-party legal opinions on loans and other secured transactions. Our lawyers, for example, served as local counsel for a \$70 million refinancing of a shopping center.

In addition to representing lenders and borrowers in traditional financing transactions, we represent developers raising equity financing through private placements. This representation includes negotiating financing terms and preparing disclosure documents required by the securities laws.

Leasing

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Our real estate lawyers structure, negotiate and prepare leases, including office and shopping center leases, on behalf of both landlords and tenants.

Examples of lease matters for which our lawyers have provided services include the following:

- ▶ On behalf of landlords, leases involving the following national or regional tenants: Applebee's; Big 5 Sporting Goods; Blockbuster; Cold Stone Creamery; Dollar Tree; Fred Meyer; Gene Juarez Salons; Grocery Outlet; Home Depot; Jiffy Lube; Kinko's; McDonald's; Men's Wearhouse; Michaels Stores; Office Depot; Radio Shack; Sleep Country USA; Starbucks; Subway; Tully's Coffee; Walgreens; and Wendy's
- ▶ For a landlord, shopping center leases for more than 50 stores nationwide totaling over one million square feet
- ▶ Ground lease of a 250-acre parcel enabling it to become one of the region's largest business parks
- ▶ \$20 million purchase of a subleasehold interest in a Seattle business park

Our services include enforcing commercial leases, through litigation if necessary. We also prepare estoppel certificates, subordination agreements and attornment agreements.

Real Estate and Construction Litigation

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The lawyers representing you in real estate or construction litigation should have excellent litigation skills. Just as importantly, they should be familiar with both the business environment in which you operate and the technical side of your industry.

In real estate litigation, for example, your lawyer should understand the structure of development deals, the various types of financing arrangements, and the costs and benefits of different strategies for collecting debts and recovering collateral or defending against claims of creditors.

In construction litigation, your lawyer should understand the allocation of risks and the different types of construction agreements among owners, contractors, subcontractors, and design professionals.

Garvey Schubert Barer lawyers have both the litigation skills and the industry understanding needed to obtain favorable results for real estate and construction litigation clients. Our successes have earned us a reputation as a leading law firm in these matters.

Real Estate Litigation Services and Clients

We have represented clients in virtually every type of real estate litigation. That includes representing lenders in foreclosures, both judicial and nonjudicial, and helping clients analyze the risks and advantages of bankruptcy. We have obtained title to real property securing construction and land loans by foreclosures and deed-in-lieu agreements.

In addition, our litigation services include disputes involving rescission, specific performance of earnest money agreements, partnership disputes, adverse possession claims, unlawful detainer proceedings, condemnation, partition and workouts.

Construction Defect Litigation Services and Clients

We defend clients in both commercial and industrial construction defect cases. Some cases solely involve claims of economic loss. Other cases also involve claims that defects caused personal injury or death. We have the expertise and resources to skillfully handle these cases, even the largest ones.

Often, our clients are major contractors and engineering firms. We also represent construction managers. For instance, we represented a construction management firm overseeing construction of a large parking structure in Portland that collapsed and killed four iron workers. We helped our client get dismissed from the case by settling for a very nominal sum.

In a recent case, we achieved a complete dismissal for a major engineering firm sued for the asbestos-related death of a worker from one of the client's electric generating plant construction projects.

When you need excellent legal services for a real estate or construction litigation matter, consider drawing on the experience and expertise of Garvey Schubert Barer.