

## Real Estate

### Real Property, Real Professionals

Commercial real estate law is a complex, multi-faceted field encompassing a wide range of issues. Brooks Pierce is proud to have one of the most experienced, full-service commercial real estate practices in North Carolina. We have a team of more than 20 attorneys who regularly assist clients on large, complex transactions throughout the United States, including joint ventures and multi-use projects. In addition to our transactional capabilities, we routinely represent clients in commercial leasing matters and real estate litigation matters including condemnation actions, partnership disputes, construction litigation and title actions.

We work on behalf of real estate investors, developers, lenders, higher educational institutions, health care providers, corporate owners and tenants, franchisees and contractors across a wide range of industries and sectors, with a special focus in hospitality, office, multifamily, finance, education, agribusiness, retail, construction, telecommunications and media.

Our services include:

- **Sales and Acquisitions:** In all steps of purchasing and selling real estate, we provide representation to investors, developers and landowners. Our lawyers draft and negotiate purchase and sale agreements, perform title and survey review and other due diligence, conduct closings and structure ownership entities for investment properties.
- **Entity Formation and Joint Venture Structuring:** We are skilled at structuring limited liability companies and other joint venture entities in a manner that balances the need to protect our clients with the practicalities of the particular deal.
- **Financing:** We assist borrowers and lenders in closing loans secured by commercial real estate including construction and permanent financing.
- **Leasing:** We have deep expertise in drafting and negotiating commercial leases for both landlords and tenants, with a particular focus on office and retail.
- **Development:** Our lawyers draft and negotiate easements, declarations, and covenants, conditions and restrictions (CC&Rs) for multi-use, retail, and residential projects.
- **Land Use Counsel:** We assist clients with land use planning and development, including rezoning, annexations, subdivisions, site plan approval, permitting and variances.
- **Environmental:** We regularly advise clients on complex environmental issues in connection with the acquisition, development and financing of commercial real estate.

- Construction: We draft and negotiate construction contracts on behalf of owners and contractors.
- Litigation: Our team resolves disputes between landowners, developers, lenders, contractors, and real estate buyers and sellers, including title matters, lien claims, landlord tenant disputes, loan workouts and foreclosures. We are practiced in mediation and arbitration as well as trial litigation.

Representative experience includes:

- Representing one of the nation's largest commercial real estate developers with respect to its development of commercial real estate properties, including multi-family, office and mixed use, in North Carolina.
- Representing a real estate private equity fund in the formation of an \$80 million open-ended fund with the simultaneous acquisition and financing for a \$21.5 million project consisting of Phase I for the fund's objectives.
- Serving as outside counsel to one of North America's largest Marriott and Hilton franchisees. In the past few years, we have handled dozens of hotel and asset acquisitions around the country, some of which were portfolio acquisitions worth hundreds of millions of dollars. As an example, we represented the client in an \$200 million sale of a portfolio of hotels in 7 states.
- Representing an S&P 500 company with a stock purchase transaction, including conducting real estate due diligence for over 30 sites.
- Representing franchisee clients in the acquisition, sale, leaseback and financing of retail locations in Arkansas, Florida, Illinois, Iowa, Massachusetts, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania and Vermont.
- Representing an investor in a \$69 million acquisition and related financing for Class A office buildings in North Carolina.
- Representing a client in a \$45 million acquisition and related financing for multifamily properties in North Carolina.
- Representing a charter school in a \$20 million bond financing transaction to purchase real estate.
- Representing a local developer with entity formation and construction financing in connection with the acquisition and development of a medical office building.
- Representing a hotel developer in a joint venture for a \$58 million hotel project involving senior financing, EB-5 financing and C-PACE financing.
- Representing a client in \$29.5 million acquisition and related financing for 2,600 acres in Washington.

- Representing a client in \$20 million acquisition and related financing for hotel in Florida.
- Representing a developer in the acquisition and development of \$100 million mixed-used development in North Carolina.
- Representing a lender in \$23 million foreclosure and related loan workout in Maryland.
- Representing a client in the \$10.6 million acquisition of approximately 100 acres for the development of a new educational campus in North Carolina.
- Representing a hospitality company in the joint venture for a \$60 million mixed-use commercial real estate asset located in Florida. The transaction involved multiple institutional investors with covenant regimes, cross-guaranties and forward commitments in the master project.

How can our professionals help you?

## EXPERIENCE

Wake Technical Community College  
08.21.2020

## PEOPLE

Charles S. Baldwin IV

Anthony J. Barwick

Camden C. Betz

John Cross Jr.

Mark Davidson

Alexander Elkan

David W. Green

George W. House

Robert King III

Steven M. LaSota

Joshua Lingerfelt

Brian McMillan

William G. McNairy

Clint S. Morse

Benjamin R. Norman

Jeffrey E. Oleynik

Joseph A. Ponzi

S. Leigh Rodenbough IV

William Ross Jr.

John H. Small

Adam P.M. Tarleton

Walter L. Tippet, Jr.

Anna H. Tison

Randall A. Underwood

Sara R. Vizithum

Thomas E. Walls

S. Kyle Woosley

## AREAS OF CONCENTRATION

Construction & Development

Construction Litigation

Hospitality

Land Use & Zoning

## NEWSROOM

### News

Brooks Pierce Receives 40 Tier-One Rankings in 2022 Edition of “Best Law Firms”  
*U.S. News – Best Lawyers*® “Best Law Firms”, 11.04.2021

Brooks Pierce Welcomes Four New Associates  
09.28.2021

Brooks Pierce Announces Five New Partners  
09.23.2021

72 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2022 Guide  
*The Best Lawyers in America*®, 08.19.2021

Brooks Pierce Receives 38 Tier-One Rankings in 2021 Edition of “Best Law Firms”  
*U.S. News – Best Lawyers*® “Best Law Firms”, 11.05.2020

### Events

Brooks Pierce Sponsors ULI Carolinas Meeting  
02.06.2020

Brooks Pierce Partner Speaks at 2015 Real Property Hot Topics Program  
02.24.2015

### Publications

COVID’s Lasting Impacts on Construction and Real Estate Trends  
*COVID-19 Response Resource Center: Timely Counsel for your Business*, 08.10.2020

Hurricane Florence Disaster Recovery FAQ  
09.21.2018