

Practice areas - Real Estate Developers

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From condos to contractors, I've seen it all.

Especially in real estate deals, the devil is in the details. What can a developer or contractor or operator do under the provisions of leases and loans? How can the legal documents be written so as to avoid future litigation? I've worked with clients on both sides of these deals so I understand the economic and personal stakes involved. I advise my clients as to the proper moves in these negotiation and litigation ballets.

For example

Condo Purchaser

Problem: Represented purchasers of condo units in rescinding their contract to purchase and obtaining a full refund of the down payment

Strategy: We demonstrated that the sponsor or developer had failed to comply with the disclosure requirements of a federal statute.

Result: We were able to significantly control the litigation costs by successfully negotiating with the attorneys for the sponsor.

Developer

Problem: Represented a theater developer which sought to recover damages it sustained and avoid liability to sub-contractors after the main contractor was terminated for poor performance. A surety company that issued bonds covering the contractor's performance sought to avoid payment claiming the developer had misrepresented the contractor's performance in order to obtain the bonds.

Strategy: We demonstrated that the surety company had not done a proper investigation prior to issuing the bonds and was on notice that the contractor would not be able to meet its obligations to complete performance and to pay its sub-contractors.

Result: We presented sufficient proof to surety and its attorneys so that they settled by payment of approximately \$1 million. Our client was able to avoid litigation that would have exposed it to substantial legal fees and significant claims for monetary damages.

Commercial developer

Problem: Represented a developer/operator of a commercial building in which a tenant undertook a substantial renovation of its premises. When it encountered financial difficulties the tenant filed for bankruptcy and the contractor and its subcontractors filed millions of dollars in mechanic's liens not just against the tenant's interest in the premises but also against the owner's interest.

Strategy: We undertook a complete legal and factual investigation.

Result: The landlord was able to resolve the claims for substantially less than the amounts being claimed by the lienors.