

# real estate

## A nimble and well-rounded real estate boutique within a much larger firm.

Our Real Estate team comprises a creative group of attorneys who understand the complex calculus of the various legal and business factors involved in real estate matters, as well as the human dynamics that manifest in each and every transaction. We draw on our team's deep institutional knowledge while often deploying innovative strategies to get deals done and resolve litigation matters.

Drawing on years of experience, we're able to anticipate and address all of the many issues that arise in the real estate arena, from tax implications to regulatory, financial, and environmental obstacles. In turn, our attorneys respond by structuring real estate transactions that protect clients' interests, have integrity, and close on time.

We frequently sit across the table from the largest and most respected law firms in the nation in representing our clients in real estate matters and are recognized by our institutional clients and our professional counterparts as leaders in this dynamic field of law. Our attorneys are recognized by *Chambers USA*, *Best Lawyers*, and *Super Lawyers*. They instruct and lecture on real estate issues and are active in industry and professional associations, including the American College of Real Estate Lawyers, the American College of Mortgage Attorneys, and the American College of Commercial Finance Lawyers.

### What We See on the Horizon

Contact the McGlinchey Real Estate team for our latest insights about the following current and horizon topics and others:

**COVID-19 (Coronavirus).** As fears of the Coronavirus spread, it is likely that all commercial real estate may see a decline. Retail businesses may find that their regular flow of customers is substantially reduced. Service businesses may find that their hours are curtailed because employees are quarantined or because customers do not want to come to a place where they have to physically interact with employees, such as barbershops, restaurants, and beauty parlors. Commercial property values may decline, rent rates may

## related people

Charles L. Adams  
Rudy Aguilar  
Tarush Anand  
Thomas J. Anastos  
Sam A. Bacot  
J. Patrick Beauchamp  
Steve Beiser  
Magdalen Blessey Bickford  
Michael R. Blumenthal  
Chris A. Bottcher  
Timothy G. Byrd, Jr.  
Allyson C. Byrd  
Marilyn Scanlan Cayce  
Douglas W. Charnas  
Steven Christianson  
Kathy Conklin  
Susanne Veters Cooper  
Colin T. Dean  
Susan Fahey Desmond  
Pamela B. Gautier  
Matthew Gordon  
Will L. Grimsley  
R. Marshall Grodner  
Thomas L. Henderson  
Cole Hodge  
Zeeshan "Zee" Iqbal  
Courtney T. Joiner  
Aukse Joiner  
Allen S. Katz  
Heejoong Kim  
Hillary Barnett Lambert  
Paul S. Leonard  
Matt D. Manning  
Michelle M. McCliman  
Jim Milano  
Jon-Kaden Guthrie Mullen  
Jay O'Brien  
Brian A. Paino  
Gary L. Pate

decrease, and the ability of tenants to make their lease payments may increase loan default rates.

**Market fluctuations.** Companies that ignore the ebb and flow of economic conditions do so at their peril. While no one can predict the exact shifts of the economy, many metrics do reduce market uncertainties, shedding light on upcoming developments that affect real estate decisions. Our lawyers maintain a strong network of experts – real estate brokers, lenders, investors, economic forecasters, and others – and constantly exchange information with them. We stay up-to-date on such current topics as the continued rise of online retailers and their effect on brick-and-mortar businesses, and the supply and demand of student housing and health care facilities. As soon as trends begin to emerge, we're quick to advise our clients.

**Getting in on green.** As the demand for renewable energy continues to escalate, clients in a wide range of industries worry that they may not be well-positioned to seize market share in this growing sector. Our attorneys monitor the developments on this front and keep clients abreast of possible opportunities to grow their enterprises and counsel them on that expansion as well counseling clients on environment concerns and opportunity zones. For example, we advise on acquisitions and sales for solar and wind farms, helping clients manage the complexities related to easements, surface rights, and mineral rights.

**Real estate finance – defaults.** Financing for certain types of commercial real estate – for example, student housing and health care facilities – has slowed, amid increasing numbers of distressed loans. We advise both creditors and borrowers on how to navigate this dynamic environment.

**Opportunity Zones.** The newly-developed federal tax program created by the 2017 Tax Cuts and Jobs Act, and related spin-off programs at the state level, create dynamic, complex investment possibilities for a variety of investors, developers, and others. Our team has a deep understanding of the program's nuances and is adept at advising based on each client's respective goals.

#### Industry Strengths Sought After by McGlinchey Clients

Our lawyers regularly represent businesses and individuals on all sides of real estate-related transactions, including developers, lenders, purchasers, sellers, title insurers, financial institutions, individuals, and corporations. Our commercial and residential projects include:

Jean-Paul Perrault  
Shaun Ramey  
Louis Rossitto  
Michael H. Rubin  
Perry Salzhauer  
Justin K. Sauls  
Camille Singh  
Hannah Claire Marie Stierwald  
Alyssa Lynn Szymczyk  
Kere K. Tickner  
Heidi Urness  
David Waxman  
Thomas White  
Edmund "Ed" Whitson  
Thomas J. Wisecarver  
Will Wojcik  
Katherine A. Zellner  
Melisa Zukic

#### related industries

Chemical and Industrial Services  
Construction  
Insurance  
Financial Services  
Retail, Restaurants, and Recreation  
Technology  
Cannabis  
Energy

#### related services

Litigation  
Appellate  
Commercial Finance and Lending  
Commercial Litigation  
Corporate and M&A  
Environmental  
Government Relations, Contracts, and Lobbying  
Insurance Regulatory and Compliance  
Intellectual Property  
Labor and Employment  
MACSTAM  
Tax

- Affordable Housing Projects
- Agriculture and Farming
- Bond Financing
- Casinos and Gaming
- Cell Tower Leasing and Acquisitions
- Chemical and Energy Plants
- Community Development Districts
- Condominiums
- Economic Development Districts
- Golf Courses
- Historic Rehabilitation Tax Credits
- Hospitality, Hotels, Resorts, and Timeshares
- Hospitals and Healthcare Facilities
- Leases
- Mixed-Use Developments
- Motor Vehicle Dealerships
- Multifamily High-rises
- Office Buildings
- Oil and Gas (Mineral) Leasing
- Residential Subdivisions
- Restaurants
- Retailers
- Shopping Centers
- Tax Credit Purchases

Government and Internal  
Investigations  
Mortgage Lending Compliance

- Tax Increment Financing
- Timberland Sales and Purchases

We routinely negotiate, document, and close single-bank, club deal, syndicated middle-market, and larger transactions. These deals include loans in both syndicated and single-financial-institution transactions with both multiple and single-entity borrowers in connection with multistate credit facilities. Our experience includes all types of credit facilities secured by all types of collateral, including industrial, office, and multifamily real estate, personal property, and intellectual property.

Our counsel ranges from guidance on project tax incentives and skillful navigation of administrative and governmental procedures, to property lease and sales negotiations, title insurance services, and efficient documentation drafting. Seeking deep domain expertise, a background in their industry, creativity, and intellectual curiosity, real estate owners, developers, lenders, and investors hire McGlinchey's Real Estate team around the U.S. to address the full range of real estate and business needs. Our services include:

- Asset Securitization
- Collateral Analyses
- Commercial Financing - National and International Lenders, Comprehensive Compliance, Regulatory, UCC Opinion Counsel, Data Privacy
- Commercial Leases
- Condominium Documentation
- Construction Contracts
- Creditors Rights, Workouts, and Bankruptcy
- Development – Industrial and Retail
- Due Diligence
- Enforcement of Standards and Requirements of Lenders
- Environmental Site Assessment - CERCLA, RCRA
- Financing and Refinancing Documentation

- Land Use and Rezoning Counsel
- Leasing Counsel - National, Retail, High-Rise, Stand-Alone, Pop-Ups
- Litigation
- Multi-state Transactions
- Insurance – All Policies, including Cybersecurity
- Purchase and Sales Agreements
- Servitudes and Restrictions
- Site Remediation
- Survey Process Oversight
- Tax Credit and Tax Incentive Advice
- Tax Counsel
- Temporary Real Estate and Pop-Ups
- Title Agent Services
- Walk-away Provisions

#### MACSTAM<sup>SM</sup> Title Insurance Agency Services

A distinctive aspect of our real estate practice is McGlinchey's affiliation with its wholly-owned title insurance agencies, MACSTAM Title Company LLC in Louisiana and MACSTAM Title Company (Florida), LLC in Florida. [Learn more.](#)

#### what our clients say

According to *Chambers USA 2020*, clients commend the firm's "responsiveness, comprehensive knowledge, and focus on deals getting done."

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- Bond Financing
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- Cell Tower Leasing and Acquisitions
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- Condominiums
- Economic Development Districts
- Golf Courses
- Historic Rehabilitation Tax Credits
- Hospitality, Hotels, Resorts, and Timeshares
- Hospitals and Healthcare Facilities
- Leases
- Mixed-Use Developments
- Motor Vehicle Dealerships
- Multifamily High-rises
- Office Buildings
- Oil and Gas (Mineral) Leasing
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- Due Diligence
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