

Real Estate

The Real Estate Practice Group is devoted full-time to commercial real estate related matters including:

- Acquisitions and dispositions;
- Development and construction;
- Financings and investments, including construction and permanent mortgage loans, syndicated loan transactions, mezzanine loans, sale-leaseback transactions, and the formation of joint ventures, partnerships of all types and limited liability companies;
- Leasing and property management; Loan workouts, restructurings, foreclosures and bankruptcies; and
- Environmental matters.

The Real Estate Group's goal is to provide innovative and outstanding legal services and to devise creative solutions to help clients achieve their objectives. We focus on understanding our clients' business plans, providing responsive and result-oriented representation and counseling our clients in order to avoid or reduce risk and liabilities.

Fowler White Boggs's Real Estate Group, while centered in Tampa, has significant capability in other offices, particularly Fort Myers, Jacksonville and Tallahassee.

Real Estate/Acquisitions and Dispositions

Fowler White Boggs Real Estate attorneys have extensive experience in the acquisition and sale of virtually every kind of real property, including office buildings, shopping centers, multifamily housing developments, condominium housing projects, commercial condominiums, industrial properties, hotels, vacant land, golf courses, country clubs and planned unit developments. Our attorneys have assisted clients with acquisition and disposition transactions in all regions of the State of Florida.

Partnerships, limited liability companies and joint ventures form the basis for many acquisitions, and are also an important element of most development projects and many financing transactions. We have significant experience in forming these entities and work closely with the Firm's Tax Group to maximize the tax benefits of these ownership structures.

Real Estate Development and Construction

Development and construction issues are often substantially interrelated, requiring close cooperation and a consistent approach among counsel. Fowler White Boggs provides development and construction services to its clients.

Fowler White attorneys assist clients in evaluating development opportunities. We provide pre- transaction counseling to structure deals, prepare requests for proposals and analyze responses by developers, financial institutions, tenants and others, and then identify appropriate contract structures and negotiate the agreements.

We take a comprehensive approach to construction, beginning at the initial stages of a project. We assist the client to engage an owner's representative and other consultants, with the goal of timely completion of planning, budgeting and scheduling processes. We assist clients in selecting a construction manager or general



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contractor, preparing bidding documents and construction agreements which are protective of the owner.

We have extensive experience in negotiating construction management agreements and general contractor agreements. In addition, we regularly assist clients with the selection of an architect and the negotiation of the architect's agreement. We have considerable experience in resolving construction disputes, including claims relating to scheduling and cost of the work, warranty work and construction liens.

Real Estate Finance

Fowler White Boggs Real Estate attorneys represent lenders, borrowers and investors in a wide range of real estate financings and investments, involving properties throughout the State of Florida and the United States. These include construction loans, permanent loans, revolving-credit agreements, shared-appreciation or participating mortgage financings, partnership and limited liability company investments, structured financings, and various types of syndications and other capital market transactions. We represent various banks and other financial institutions in their lending activities on office buildings, shopping centers, hotels, multifamily residential rental and for sale housing developments, and other property types.

Leasing and Property Management

Fowler White Boggs Real Estate attorneys have a broad range of experience in leasing and lease-related transactions. We have prepared, on behalf of owners and management companies, space leases in office buildings, ground leases, retail leases, and related documents, including consents, non-disturbance agreements, license agreements, letters of credit and brokerage agreements. We have also represented large numbers of office and retail tenants.

With our knowledge of landlord-tenant laws, we also have successfully represented commercial landlords on numerous occasions in their efforts to enforce the terms of their leases.

In addition to leasing, we represent owners of leased properties in the negotiation of property management agreements, and leasing and brokerage agreements. We also advise owners of leased properties in connection with various operational issues.

Work-outs and Restructurings

Fowler White Boggs Real Estate Group has significant experience in dealing with distressed real estate and troubled and defaulted loans, including participated loans. Alone and in conjunction with the Firm's Bankruptcy, Tax, Environmental and litigation attorneys, we have represented institutional lenders, real estate owners and developers, and trustees in loan work-outs, foreclosures, bankruptcies and dispositions of distressed and "REO" properties.

Environmental

Environmental law plays a significant role in our Real Estate Practice. Attorneys from Fowler White's Environmental Law Practice frequently collaborate with the Firm's Real Estate attorneys, supplementing the environmental law expertise of the Real Estate Group.

We undertake analysis of both the risk of environmental liability and the best manner in which to eliminate or manage that risk in virtually every financing, acquisition, development and leasing transaction. At the inception of a project, we counsel our clients to structure the transaction in a manner which minimizes environmental risks. During the negotiation process, we work with clients to understand and allocate remaining risks in ways that minimize client obligations and liabilities.

Where local, state and/or federal environmental review procedures are required, we assist clients with the preparation of environmental assessments, environmental impact statements and reports, and environmental decision-making documents.

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Fowler White Boggs Real Estate and Environmental attorneys work together to develop innovative solutions to environmental issues, which often pose significant obstacles to real estate conveyance, development and construction. While such risk allocation can be accomplished through traditional contractual negotiations using representations, warranties and indemnities, environmental laws also present creative public/private partnership opportunities with environmental agencies for voluntary clean-up, site-specific risk assessment and brownfield funding mechanisms. Together, the Real Estate and Environmental Groups offer comprehensive resources to clients in environmental matters affecting real estate.

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