

## **Real Estate and Construction Cases**

The Firm has acted as draftsmen and litigators (including arbitrations) of many real estate and construction matters. Numbered among experience of The Firm is title examination. The experience remains useful although title examination is rarely used, except for oil and mining lands, and has been largely replaced by title insurance.

The Firm assists clients who are purchasing or selling their real estate (with or without real estate agents). The Firm has also been involved in condemnation cases, including the acquisition of property for private ways or easements. The Firm has been involved in intricate sales of property for home, commercial, industrial, and public purposes. Often, clients have easement or boundary disagreements or disputes or need drafting and legal help in these areas. In virtually every case, the effect of a potential bankruptcy is a necessary consideration.

The Firm has drafted construction contracts and litigated construction matters in large private and public projects. Issues have included breach of contract, negligence in construction, fraud and concealment, and breach of express and implied warranties. Most cases are a result of the quality of work. Still, there are those cases involving incompetency, mistake, or outright dishonesty. In addition, The Firm handles issues concerning mechanic's liens, both for the contractor, subcontractor, and owner alike.

In its representation of financial institutions, private individuals, and contractors, The Firm has drafted contracts, leases, and security instruments and handled mortgage and deed of trust foreclosures, quiet titles, and lien drafting and litigation. It handles partition of properties in a variety of circumstances, including dissolution of marriage actions and estate administration. Lawyers at The Firm have handled zoning matters before administrative boards and courts. The Firm drafts private and commercial leases and litigates issues between landlords and tenants. In addition, The Firm provides assistance for complex real property exchanges with the view of deferring capital gains taxes.

A developing area of the law practiced by The Firm is the granting of development easements while retaining residential use of a property, either for financial profit or for gift purposes, in order to capitalize on certain tax advantages.