

REAL ESTATE

Developers, public and private businesses with commercial operations, retailers and utilities all rely on Doerner's capabilities to handle every aspect of real estate purchase, sale and lease transactions. From environmental and title due diligence, to land purchase and financing, and through the approval process with local governments and agencies, we offer comprehensive real estate counsel in Oklahoma, throughout the surrounding states and nationally. Our lawyers are known and respected by all the municipal land use and zoning boards, lenders and developers with whom we work.

We represent real value for clients in all types of real estate transactions, including residential, retail, office and industrial. In addition, our transactional work with a national telecom leader on hundreds of properties and our work with a major public utility typifies our breadth and reach. Further, we routinely assist clients with the coordination and representation needed to accomplish multiple-property acquisition projects.

Clients say that one of the most important differentiators setting Doerner apart from competitor firms is that we are fully versed in public-private real estate transactions. We have experience with some of the biggest tax increment financing (TIF) incentives in state history, and while we typically assist developers with such transactions, we also advise municipalities. Our understanding of the political realities behind TIF projects as well as the legal requirements means that we can help all parties realize their business objectives.

In energy sector real estate work nationwide, Doerner has done significant work in transactions valued at hundreds of millions of dollars involving Marcellus Shale mineral rights. For all transactions involving energy properties we understand the complex tax, leasing and title issues. Often our work is an extension of the firm's in-depth real estate litigation skills, which encompass title, easement, right-of-way and land use disputes.

A true strength of our real estate lawyers is their collaboration with Doerner colleagues focused on environmental, foreclosure and construction law, particularly in the development of brownfield properties. Equally important, the firm's strength in commercial law puts us on the short list of counsel to money-center banks that finance real estate projects in major Oklahoma cities.

Essential to our successful real estate counseling is the market knowledge and common sense of Doerner's team. We are hands-on and always available to keep deals moving. We get all parties to closing so they can meet their business objectives, and add value by anticipating problems and developing solutions up-front.

Recent Doerner Experience

- Represented a major cellular telecommunications provider in acquiring hundreds of real estate properties throughout the U.S.
- Advised an international non-profit professional organization in connection with zoning, construction, development and financing issues related to its new international headquarters building.
- Obtained the largest Tax Increment Finance (TIF) economic development incentive awarded in Tulsa history, for a national retail developer of the first retail power center in Tulsa.
- Represented purchaser in connection with the acquisition and financing of a 300,000 square foot retail shopping mall.
- Assisted an international manufacturing company with its sale of a substantial manufacturing facility and the leasing of a replacement building.
- Represented an Indian tribe in connection with the development of wind energy facilities, including matters related to real property leasing.
- Counseled a national electric utility company on real estate matters related to acquisition of easement (including eminent domain) and other property rights for the construction of new transmission facilities.

- Advised a national real estate brokerage company on all matters related to real estate brokerage contracting and state laws and regulations related to brokerage.
- Resolved title issues related to dissolved business entity affecting marketability of real estate through judicial action allowing for the successful transfer of real estate that was otherwise unmarketable.
- Represented a Native American Tribe in connection with acquisition of easements and resolution of title issues necessary to secure federal financing for a project.

Top Areas of Focus

- Purchase, sale, leasing and foreclosure on a full range of real estate properties.
- Structuring of tax increment financing and other economic development incentive projects.
- Environmental impact reviews and related due diligence in property transactions.
- Judicial and non-judicial (power of sale) commercial real estate foreclosure and receivership proceedings, including recovery of deficiency judgments, receiverships and lien proceedings.
- Comprehensive land use, development, title and zoning assistance.

Case Study: Resolving Complex Title Issues for a Hospital

- **Opportunity:** The planned sale of a hospital and related property was put on hold because a religious order that owned part of the property was unsure of its ownership status, including that of conveyances that had never been recorded.
- **Solution:** Our lawyers conducted a forensic investigation on the property and title records to define the real estate interests of the hospital itself and the religious order, which was not participating in the property sale. The goal was to determine which parties had ownership and title rights and how those affected the final sale.
- **Result:** With our help, the title and ownership ambiguities were resolved and the sale of the hospital proceeded successfully.

Case Study: Structuring the Sale of Multiple Energy Properties

- **Opportunity:** We advised a private oil and gas company that needed to sell separate parcels of its substantial oil shale holdings. The goal was to sell the real estate assets, including mineral rights and leasing interests, to the highest bidder in a series of time-sensitive transactions.
- **Solution:** With in-depth understanding of the combined real estate and energy issues, our lawyers negotiated and drafted all the necessary mineral rights, lease and royalty documents to minimize risks and tax consequences in the allocation of revenues and expenses. We addressed all related title and financing issues, and structured the distribution of the proceeds.
- **Result:** In little more than a year, our firm handled all the details in selling more than \$200 million of leasing and mineral interests to brand-name energy companies in three separate transactions.

Case Study: Acquisition of Multiple Parcels For Telecommunications Company

- **Opportunity:** Our client, a national cellular telecommunications company, is expanding its real estate holdings throughout the country.
- **Solution:** We developed relationships with client's internal workforce allowing for effective and timely processing of acquisition process. Our real estate practice group provided cost effective services across the entire acquisition process, including, zoning review, title review, environmental review, drafting of documents, and closing of transaction.
- **Result:** Added value for our client at more predictable cost.

Case Study: Acquisition of Retail Shopping Mall

- **Opportunity:** An out-of-state client and an additional entity wished to purchase a 300,000 square foot retail shopping mall with private equity financing in a short time frame.
- **Solution:** Our real estate practice group facilitated the timely closing of the property. We drafted the necessary real estate and loan documents, including a tenant-in-common agreement regarding the nature of the parties individual interests in the property, and an ancillary property management agreement.
- **Result:** We successfully navigated the legal and administrative issues from contract to closing in approximately one month.

Case Study: Drafting a Form Listing Agreement

- **Opportunity:** A national commercial real estate brokerage was expanding its practice throughout United States and a sought uniform listing agreement to be employed by its agents.
- **Solution:** We drafted a uniform listing agreement and state specific addenda within the timeframe provided by client and at a controlled cost per addenda.
- **Result:** Met the deadline while allowing our client to effectively budget for project costs.

Take Action

For a Fortune 500 company, a large bank or a property developer, every real estate transaction represents a major investment in time and of money. Our lawyers know the industry and are recognized leaders in completing large and complex projects. We understand what's at stake, and work efficiently for fast action and successful results.

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