

Real Estate

Overview

From manufacturing, health care and transportation to retail, energy and financial services, real property can create risks, opportunities and a competitive advantage for practically every industry. It is because of this broad impact that Munsch Hardt's Real Estate capabilities have been a cornerstone of the Firm since its inception. Not only do we offer our clients one of the largest teams of pure Real Estate attorneys in the Southwest, but our extended, multidisciplinary team is positioned to advise clients with regard to the entire spectrum of their real estate-related legal needs – construction, financing, joint venture structuring, real estate-related disputes, tax incentives, distressed assets and more.

Whether a project focuses on a single office location or the need for distribution centers around the country, we are committed to providing the same level of sophistication and responsiveness to every project. Our clients frequently include public and private companies, banks, private equity firms and other financial institutions, mortgage bankers, equity participants, REITS, developers, contractors, landlords, tenants, operating and services firms, design professionals, consultants, governmental entities and nonprofit institutions.

By working seamlessly together, we are able to provide such clients with efficient and cost-effective services from every angle. Our core competencies include the following practice areas:

BANKRUPTCY, RESTRUCTURING & INSOLVENCY

Recognized by *Chambers USA* since 2005, our Bankruptcy, Restructuring & Insolvency group has extensive experience representing all major constituencies in bankruptcy, restructuring and insolvency matters. We are adept at every facet of the bankruptcy and restructuring process, which allows our clients to better evaluate possible outcomes, develop strategies, assess risks and ultimately plan for the future.

CORPORATE & SECURITIES

We represent dynamic, growing businesses in transactions and other matters that are critical to their success. Our services include mergers and acquisitions; venture capital; private equity; family office investments; business succession planning; technology contracts and intellectual property licensing; corporate governance and special board committees; securities offerings and capital raises; outsourced counsel services; executive compensation; joint ventures; and transactional tax planning and tax controversies.

ENVIRONMENTAL

The environmental condition of a property is an important consideration in commercial real estate. We help clients analyze the environmental risk a property may pose and how to mitigate that risk by proper due diligence; management of conditions; protective language in Asset Purchase, Sales and Acquisition Agreements; or insurance. We also forecast how best to position the property to limit or eliminate ongoing involvement and residual liability upon sale, and to obtain agency approvals letters when necessary. A significant value-added aspect of our work involves the Firm's Condemnation & Eminent Domain practice.

FINANCE

When clients partner with Munsch Hardt, they partner with some of the best and most experienced finance attorneys in the industry. In fact, there are few law firms involved in as many complex lending transactions as Munsch Hardt. Our Finance attorneys represent lenders from a variety of disciplines within the industry, including banking institutions, non-regulated lenders, private equity and hedge funds, as well as domestic and foreign financial institutions in a broad range of transactions.

IMMIGRATION

Our Immigration attorneys assist real estate companies and investors with immigration benefits applications for foreign nationals, as well as immigration compliance.

LABOR & EMPLOYMENT

Our Labor and Employment attorneys are experienced in assisting clients with labor and employment-related issues associated with real estate-related transactions and property management. On the labor side, our attorneys address traditional labor issues involving double-breasting, multiemployer withdrawal liability issues, collective bargaining, project labor agreements, OSHA and unfair labor practice claims. On the general employment side, we counsel clients on hiring, firing and disciplinary decisions, drafting of employee handbooks, interpretation of wage and hour laws, Equal Employment Opportunity Commission (EEOC) compliance, Family and Medical Leave Act (FMLA) leave and disability/accommodations, Americans with Disabilities Act (ADA) access matters, employer issues associated with business transactions and workplace harassment and training programs.

LITIGATION

Munsch Hardt offers commercial real estate owners, lenders, developers, landlords and tenants significant expertise handling complex real estate and construction litigation matters. With a dozen seasoned attorneys focused almost exclusively on real estate litigation, we have built an impressive track record for successfully litigating the following disputes:

- Contract disputes
- Debt and collateral recovery
- Easements
- Condemnation & Eminent Domain
- Foreclosures
- Fraudulent transfer
- Zoning & Land Use
- Mechanic's lien claims
- Partnership disputes
- Real Estate Finance disputes
- Racketeer Influenced and Corrupt Organizations Act
- Title insurance and title disputes
- Tortious interference
- Trespass and nuisance claims
- Wrongful foreclosure actions

REAL ESTATE

Munsch Hardt proudly houses one of the strongest real estate practices in the Southwest, comprised of more than 30 real estate attorneys who truly do it all. Our team of attorneys focus their practices exclusively on commercial property transactions, including acquisitions, dispositions, developments, financings, construction, leasing, zoning and workouts. Additionally, the breadth of our practice enables us to cross boundaries from office, retail and industrial to hospitality, multifamily, senior living and student housing projects. While many of our clients' transactions are Texas-based, companies and investors throughout the United States, Mexico, South America and the Caribbean entrust Munsch Hardt with their largest and most complex real estate endeavors.

TAX

The structuring of any real estate transaction frequently requires input from our Tax attorneys. Tax considerations, both from federal and state perspectives, often include the choice of entity to hold the project, use of debt or equity to finance the project, use of carried interests or "promote" structures to incentivize services partners or key employees, structure of the project sale as a taxable or tax free Section 1031 or "like-kind" exchange, among others. These issues may be impacted by the participation in the project by tax-exempt investors or foreign investors.

Munsch Hardt also offers an extensive practice in the affordable housing, historic rehabilitation and community development areas, representing both capital providers and development sponsors for tax credit projects located throughout the United States. By actively utilizing New Markets Tax Credits (NMTCs), state and federal Historic Tax Credits (HTCs), and Energy Tax Credits – often in combination with each other and with other tax credit incentives – we have helped clients finance a diverse range of projects, including charter schools, theaters, mixed use projects, hotels and nonprofit community centers.

Experience

Corporate Relocation

Represented a publicly-traded manufacturing and distribution company in the relocation of its corporate headquarters from California to Texas, where it constructed an approximately 550,000 square foot headquarters and manufacturing/distribution facility costing approximately \$100 MM. The Firm represented the company in all real estate aspects of the relocation, including selecting the site and developer, performing due diligence, acquiring the land, entering into necessary agreements with the developer, general contractor and other parties, consummating a unique 1031 exchange structure, resolving construction issues and handling a sublease so the company could move personnel to Texas prior to completion of the facility.

Lender Representation

Represented a privately-held real estate lending company, and its affiliates, in connection with programmatic hospitality, multifamily and condominium loans across the United States in excess of \$100 B. Munsch Hardt also represented the same lender, and its affiliates, in connection with the collateral assignments of those loans, leveraging the client's financial position.

Debtor Representation

Represented BHFS I, LLC and certain of its debtor affiliates in their Chapter 11 cases filed in the Eastern District of Texas. The debtors own and operate office, retail and high-end residential space at the highly-regarded project known as "Frisco Square," near Dallas, Texas. The debtors also owned approximately 37.5 acres of fully developed office, retail, multifamily, hotel and parking garage development sites. The debtors' plan was successfully confirmed within six months of filing of the bankruptcy petition.

Professional Liability Coverage

Represented a property management company after a couple suffered brain damage from alleged exposure to carbon monoxide while staying at a hotel. The primary carrier agreed to accept coverage, but the excess carrier refused, pointing to an absolute or total pollution exclusion included in the policy. The Munsch Hardt team facilitated a Coblenz agreement, which included the tender of limits by the primary, an assignment of rights against the umbrella carrier and ultimately a full release (after the insurance litigation) for the property management company and hotel interests.

Sponsor Representation

Represented a sponsor in the development of a \$24 MM affordable housing project as a part of a \$170 MM mixed-use condominium project in the Arts District in Dallas, Texas, utilizing low-income housing tax credits, tax exempt bonds, TIF, grant funds and private donations.

OSHA Investigation

Represented a real estate developer in an investigation by the Occupational Safety and Health Administration (OSHA) into an accident and resulting fatality on client's construction site. Guided client through the OSHA investigation process and defended client's rights and interests in communications with OSHA. OSHA ultimately closed its investigation without issuing any citations.

Practice Leaders



E. David Coligado

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Related People

Logan Adcock
Frederick Addison
Huma Ali
Cristina Ballard
Melanie Bates
Julia Beckman
Will Bell
Thomas Berghman
Sarah Biemer
Mark Biskamp
Josh Botts
Theo Bruton
Joseph Caldwell
Glenn Callison
Claire Carroll
Casey Carter
William Cavanaugh
Greggory Cleveland

E. David Coligado
Sofia Colorado
Eddy De Los Santos
Spencer Diebel
Lindsey Duff
Jacklyn Dyer
Jay Evans
Ian Fairchild
William Finegan
Michael Franklin
J. Blake Glatstein
Charles Guerin
A. Michael Hainsfurther
Steven Harr
Craig Harris
Kathleen "Kitty" Henry
Mason Hester
Peter Hogue
Nathaniel Hopkins
Michael Huddleston
Angela Hunt
Brandon Ihle
Earl Ingle
Katherine Jones
Christopher Jordan
James Jordan
Sameer Karim
Robert Kibby
Nolan Knight
Richard Kopf
Mark Kopidlansky
Lindsay Kramer
Michael Krywucki
Jana Lambro
Kevin Lippman
Nicole Manley
David Mattka
Sydney McCaulley
Andrew McDonald
D. Mitchell McFarland
James McGee
Ryan Mitchell
José Molina
Laura Murray
Gregory Noschese
Jay Ong
Andrew Palmer
Ross Parker
Alexander Perez
Deborah Perry
Daniel Pipitone

Irina Plumlee
Trey Proffitt
Selika Ramirez
James Ray
D. Ronald Reneker
Caitlin Roberts
David Roth
Davor Rukavina
Susan Sample
Courtney Sauer
Carrie Schadle
Zachary Schneider
Aryn Self
Ian Shaw
Dennis Siaw-Lathey
Garrick Smith
Macy Smith
Scott Smith
Christopher Speer
Clifton Squibb
Brandon Stendara
William Swart
William Themer
William Toles
Alexandra Treadgold
Frances Tubb
Melissa Tucker
Glenn Valentine
Julian Vasek
Fred Wahrlich
Adrienne Wall
B. Lee Wertz
W. Phillip Whitcomb
James Wilson
Timothy Word

Related Practices

Bankruptcy, Restructuring & Insolvency
Corporate & Securities
Finance
Immigration
Labor & Employment
Real Estate
Tax
Litigation
Environmental

Related Industries

Financial Services
Construction
Health Care
Hospitality
Insurance
Manufacturing
Retail
Transportation

Achievements

Best Lawyers® “Best Law Firms”, published by Woodward/White, Inc. – Real Estate Law, Metropolitan Tier Ranking (2010-2024)

Best Lawyers® “Best Law Firms”, published by Woodward/White, Inc. – Litigation – Real Estate, Metropolitan Tier Ranking (2020-2024)

Chambers USA – Texas (2009-2023)

Dallas Business Journal – 2021 Best Real Estate Deals of the Year

D CEO – 2021 Commercial Real Estate Awards (Best Redevelopment Award and Best New Industrial Project Award)

Newsroom

Press Release: JPI to Break Ground on Fort Worth Rental Project

Press Release: Best Lawyers® Names Munsch Hardt to 2024 “Best Law Firms” in America List

Speech: What, Like It's Hard? Approaching Law School with Elle-Woods-Style Confidence

Press Release: Texas Lawyer's Best of 2023: Real Estate Law Firms List – Dallas Recognizes Munsch Hardt's Strong Practice

Speech: Capitol Insights Legislative Update

Press Release: Munsch Hardt Shareholder Michael Franklin Relocates From Dallas to Austin, Expanding Local Commercial Real Estate Practice

Speech: Real Estate Law for the Non-Practitioner

Press Release: Munsch Hardt Real Estate Team Assists with Acquisition of a 45 Hotel Property Portfolio

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2023 “Best Law Firms” List by U.S. News - Best Lawyers®

Speech: The Nuts and Bolts of Dallas City Redistricting

Press Release: Munsch Hardt Named to 2022 “Best Law Firms” List by U.S. News – Best Lawyers®

Newsletter: Federal Court Rules on Residential Eviction Moratorium

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2021 “Best Law Firms” List by U.S. News - Best Lawyers®

In The News: Business Interruption Lawsuits Are Not Going Tenants' Way

In The News: The Time To Reinvent The Commercial Real Estate Spaces Of The Future Is Now

Newsletter: COVID-19: Zoning and Permitting Updates for North Texas, Austin, Houston + San Antonio

Speech: Flexible Rentals in Multifamily - What Comes Next?

Speech: The Business Interruption Insurance Maze In the Wake Of Coronavirus

Press Release: Munsch Hardt Announces 2020 Shareholder Promotions

In The News: Texas Is Ready To Reopen For Business, But Tenants May Not Be

In The News: Navigating Multifamily Short-Term Rentals in a Post-COVID World, Part IV: A Call for Industry Standards

Press Release: Munsch Hardt's Chambers USA 2020 Rankings Include Four Practice Groups and Six Attorneys

Speech: COVID Conversations Video Series

Newsletter: COVID-19: Paycheck Protection Program Checklist

Newsletter: COVID-19: Tenant Bankruptcy Issues Facing Landlords in Today's Economic Climate

Newsletter: COVID-19: A Commercial Landlord's Guide to Surviving a Pandemic

Article: Texas Landlords and Tenants: Get Prepared to be Reasonable

Newsletter: COVID-19: Commercial Tenants - Issues To Consider Before Withholding Rent

Newsletter: COVID-19: Interagency Statement

In The News: Winners Revealed: D CEO's 2020 Commercial Real Estate Awards

Newsletter: COVID-19: The Impact on Leases

In The News: Construction Is Mostly Continuing Nationwide, But Firms Need To Beware Of Hidden Liabilities

In The News: Today's CRE Tenants Want Lots Of Parking, But The Future Belongs To The Carless

In The News: Apartments Seller Wins Toss Of 'Bogus' Overpayment Suit

In The News: Michael Krywucki: Helping Others Find Solutions Drives Real Estate Attorney's Career

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2020 "Best Law Firms" List by U.S. News - Best Lawyers®

Press Release: Munsch Hardt Expands Zoning & Land Use Practice

Press Release: Eight Munsch Hardt Attorneys Named on the Super Lawyers 2019 Rising Stars List

Article: Government Shutdown Could Undercut Stability in the Multifamily Market

Article: CRE Opinion: Autonomous Vehicles and DFW Real Estate

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2019 Best Law Firms List

Press Release: Munsch Hardt Launches Blog, Brings Attention to the Latest in Immigration Law

In The News: Uptown's Latest Apartment Pitch Receives Mixed Reaction From Neighbors

In The News: Munsch Hardt's Aryn Self Closes Deal for JPI Multifamily Partners

Press Release: Munsch Hardt's Construction Practice Experiences Significant Growth

In The News: How Angela Hunt Changed Dallas' Mind About Its Divisive Riverside Toll Road

In The News: The Trinity River Toll Road is Dead, and Dallas has Angela Hunt to Thank for it

In The News: How One Firm Helped Navigate A Dozen Texas Hotel Deal Changes

In The News: Munsch Hardt Hires Ex-Dallas City Council Member for Land Use Practice

In The News: Former Dallas City Councilwoman Jumps to Munsch Hardt

In The News: Texas Rule Tweaks Could Help Grow Crowdfunding Market

In The News: Exclusive: Up a billion, Legacy West development value reaches \$3.2 B

In The News: Here's What You Should Know About Open Carry Before Jan. 1

Speech: Historical Tax Credits: How They Work

Speech: Legal Issues in the Texas Hospitality Industry

Article: The Intrastate Crowdfunding Exemption

Press Release: Thirteen Munsch Hardt Attorneys Recognized as 2015 Texas Super Lawyers

In The News: How Landlords, Employers Should Prepare for Open Carry of Handguns in Texas

In The News: 2 old downtown towers transforming into 3 hotels -- all on one Dallas block

Press Release: Munsch Hardt Attorneys Recognized as 2014 Super Lawyers

Press Release: Seventeen Munsch Hardt Attorneys Recognized as 'Best Lawyers in America 2015'

In The News: Dallas Law Firm Moves Into New Houston Digs

In The News: Get Ready For A Brisk Year In DFW Real Estate

Article: REAL ESTATE NOTE SALES

Article: SALES OF REO PROPERTY

Article: SELLING A MULTI-STATE REAL ESTATE PORTFOLIO

Article: Medical Office Space: A Legal Perspective

Article: Naming-Rights Deal Must Strike Balance For Sponsor, Property

Press Release: Chambers USA Award Recipients

Press Release: Munsch Hardt Shareholders Elected as Leaders of The Real Estate Council (TREC)

Article: Commercial Real Estate Contracts Keep Buyers, Sellers On Same Page