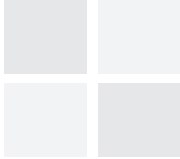


# Real Estate



## REAL ESTATE ATTORNEYS

- Jonathan Kinney
- David Canfield
- Joseph Corish
- Charles Thomas
- Leo Fisher
- John Kelly
- Timothy Hughes
- Juanita Ferguson
- Matthew Roberts
- Vikram Agarwal
- Zack Andrews
- Samuel Banks
- Andrea Davison
- Timothy Dugan
- Blake Frieman
- David Houston
- Jennifer Schiffer
- Mark Viani
- Matthew Weinstein
- Zachary Williams

## RELATED PRACTICES

- Commercial & Civil Litigation
- Commercial Leasing
- Commercial Lending
- Construction
- Credit Enforcement & Collection
- Taxation
- Zoning & Land Use

Real estate has long been a powerful component of the Washington metropolitan economy, and extensive knowledge of real estate law has always been a strong suit of Bean, Kinney & Korman. Whatever part you play in this dynamic industry – owner, seller, purchaser, lender, developer, broker, landlord, tenant, investor, title insurer, property manager or community association – we offer seasoned, practical and responsive legal support to help you succeed in any economic environment.

Although many of the fundamental principles of real estate law originate from centuries of law and custom, the complexity of issues affecting real estate has grown exponentially. Yet at the same time, effective representation in real estate transactions demands practical, real world advice and counsel, not academic analysis. Real estate industry clients want more than legal answers, they want legal solutions. Bean, Kinney & Korman understands how to identify issues and risks while putting them into context for our clients without losing sight of their goals. But we keep an objective view and are always prepared to advise candidly when the risks may outweigh the benefit of the deal.

We welcome the opportunity to put more than 50 years of experience and accumulated wisdom representing clients in all aspects of the real estate industry at your service.

### *Transactional*

- Contract formation
- Venture entity / joint venture formation
- Title examination and title issues
- Real estate private equity fund formation
- Evaluation of environmental risk assessment
- Zoning, land use and development rights, land subdivision, density rights transfers
- Distressed asset scenarios and workouts
- Financing
- Affordable housing tax credit financing
- Construction services and contracting
- Commercial leasing
- Tax-deferred exchanges
- Community association matters

### *Litigation and Contested Actions*

- Construction litigation; mechanic's liens
- Commercial landlord/tenant litigation

- Business bankruptcy
- Business and commercial contract litigation
- Tax assessment contests
- Condemnation

## Reported Cases

16th & K Hotel, LP v. Comm. Land Title Ins. Co., 2011 U.S. Dist. Lexis 85243 (D.D.C. 2011)

Crosby v. First Bank, 77 F. Supp. 2d 1 (D.D.C. 1999)

Dysart v. Sunnyside Dev., LLC, 73 Va. Cir. 210 (2007)

Estate of Patterson v. Sharek, 924 A.2d 1005 (D.C. 2007)

Family Fed. Sav. & Loan v. Davis (In re Davis), 172 B.R. 437 (Bankr. D.D.C. 1994)

Flick Mortg. Investors, Inc. v. Chi. Title Ins. Co., No. 3:09CV125-MR-DSC, 2009 U.S. Dist. LEXIS 127187 at \*1 (W.D.N.C. June 18, 2009)

Gallimore v. Washington, 666 A.2d 1200 (D.C. 1995)

GMAC v. Flick Mortgage Investors, Inc., 2010 U.S. Dist. Lexis 53595 (W.D.N.C. 2010)

M & R Inv. Co. v. Fitzsimmons, 484 F. Supp. 1041 (D. Nev. 1980)

Matrix Mech. Corp. v. Harrison, Nos. 2068-96-4; 2069-96-4, 1997 Va. App. LEXIS 176 at \*1 (Mar. 25, 1997)

Mega Int'l Commerce Bank v. MCAP Capital, L.L.C., 74 Va. Cir. 132 (2007)

Mercantile-Safe Deposit & Trust Co. v. Chi. Title Ins. Co., No. CCB-05-2217, 2006 U.S. Dist. LEXIS 65428 at \*1 (D. Md. Aug. 30, 2006)

Mercantile-Safe Deposit & Trust Co. v. Chi. Title Ins. Co., No. CCB-05-2217, 2007 U.S. Dist. LEXIS 23685 at \*1 (D. Md. Mar. 20, 2007)

Noor v. Centreville Bank, 193 Md. App. 160 (2010)

Ortiz v. Flattery, 63 Va. Cir. 309 (2003)

Quality Properties v. Trump, 2012 U.S. Dist. Lexis 115225 (W.D. Va. 2012)

Roy J. Bucholtz, P.C. v. Computer Based Sys., 255 Va. 349 (1998)

Smith v. Miller & Smith, 2011 Va. Cir. Lexis 186 (Fairfax Cir. Ct. 2011)

Sport & Health Co. v. Club Props. Co., No. 98-628, 1999 Va. Cir. LEXIS 563 at \*1 (Apr. 27, 1999)

Twin Towers Plaza Tenants Ass'n v. Capitol Park Assocs., L.P., 894 A.2d 1113 (D.C. 2006)

Wilson v. Moir (In re Wilson), 359 B.R. 123 (Bankr. E.D. Va. 2006)

## Published Articles

Dissecting Opportunity Zone Fund Structures  
*Opportunity Zone Magazine*, May 6, 2019

A Patriotic Partnership: The Construction Industry and the Military  
*BKK Construction & Land Use Newsletter*, June 2015

Fairfax County's Plans for the Route 1 Corridor  
*BKK Construction & Land Use Newsletter*, June 2015

Arlington County Board Revisits the Retail Action Plan  
*BKK Construction & Land Use Newsletter*, March 2015

When's it OK to Re-record a Deed?  
*VLTA Examiner*, Spring 2014

John Kelly was interviewed regarding "Lease Acceleration Clauses: Top Issues & Concerns" on Commercial Real Estate Radio with Howard Kline.  
*Commercial Real Estate Radio with Howard Kline*, February 2014

1031 Exchanges with a Twist  
*BKK Wills, Trusts & Estates Newsletter*, November 2013

Of Boats, Dining, and Zoning: Virginia Supreme Court Decides Old Dominion Boat Club v. Alexandria City Council  
*Virginia Real Estate, Land Use & Construction Law Blog*, November 1, 2013

Sansotta v. Town of Nags Head: Localities Cannot Manipulate the Litigation Process to Avoid Taking Claims  
*Virginia Real Estate, Land Use & Construction Law Blog*, July 27, 2013

What the SCOTUS Opinion in Koontz v. St. Johns River Water Management District Means for Virginia Property Owners  
*Virginia Real Estate, Land Use & Construction Law Blog*, June 25, 2013

Zoning Ordinance Revisions Affecting Arlington County's By-Right Outdoor Cafés  
*BKK Construction & Land Use Newsletter*, June 2013

Abstract Problems and Concrete Solutions  
*VLTA Examiner*, Spring 2013

Proposed Update to Arlington County's Noise Control Ordinance  
*BKK Construction & Land Use Newsletter*, March 2013

Condemnation Changed (Permanently?) in Virginia  
*AIA Northern Virginia News*, January 2013

Landlords' Liens and Waivers  
*Commercial Leasing Law & Strategy*, December 2012

It's A Family Affair: Family Subdivision Ordinances  
*BKK Construction & Land Use Newsletter*, December 2012

Estate Tax Savings and Increased Creditor Protections When You Incorporate LLCs and Limited Partnerships into Your Estate Plan

*BKK Wills, Trusts and Estates Newsletter*, November 2012

Understanding Landlords' 'Self-Help' Rights

*Commercial Leasing Law & Strategy*, September 2012

Asset Protection Trusts in Virginia

*BKK Wills, Trusts and Estates Newsletter*, August 2012

Landlords' Rights to Self-Help with Defaulting Tenants

*Real Estate Financial Intelligence*, June 2012

Curing Title Defects During Foreclosure

*The Fee Simple*, Spring 2012

D.C. Jobs Bill has Far-Reaching Implications for Contractors

*BKK Construction & Land Use Newsletter*, March 2012

Proposed Amendment to Virginia's Constitution Could Limit Government's Use of Eminent Domain

*BKK Construction & Land Use Newsletter*, March 2012

Wrestling with the Trustee's Strong Arm: Defending Avoidance Actions Under Section 544 of the Bankruptcy Code

*Title Insurance Litigation Committee News*, Fall 2011

A Landlord's Duty to Mitigate in The District Of Columbia, Maryland and Virginia

*Commercial Leasing Law and Strategy, Volume 24, Number 4*, October 2011

EPA Storm Water Regulations - Potential Impediment to Development

*AIA Northern Virginia News*, September 2011

Virginia Plays TDR Catch-Up

*OnSite Magazine*, Summer 2011

The Drafting of Property Settlement Agreements: *DeMayo v. DeMayo* - A Cautionary Tale

*The Fee Simple*, May 2011

Transferable Development Rights: Now in Action in Arlington

*Commonwealth Contractor*, May 2011

The Legal Impact of Green Codes

*AIA Northern Virginia News*

How to Defend Avoidance Actions in Bankruptcy Litigation

*The Practical Real Estate Lawyer*, January 2011

Top 10 Claims for 2009

*Virginia Land Title Association Examiner, Volume 16, Number 1*, Fall 2010

How Not to Get Sued

*AIA Northern Virginia News*

New RESPA Rules Impact Loan Quotes and the Settlement Statement  
*VLTA Examiner, Volume 15, Number 2, Summer 2009*

Recouping Losses Due to Settlement Agent Wrongdoing  
*Litigation Commentary & Review, 2009*

Averting Foreclosure with a Deed-in-Lieu  
*Virginia Builder, May 2009*

Court Dismisses Foreclosure Rescue Suit Against Title Insurers  
*The Title Insurance Law Newsletter of the Land Title Industry Litigation News & Comment, December 2008*

The Effect of Electronic Filing of Cover Sheets in Virginia  
*The Fee Simple, November 2007*

Court Rules Title Insurer Must Defend Trespass Suit  
*E-Dirt, The Latest Information in Real Estate Law, Issue 2004.1, April 2004*

The Law of Closing Protection Letters  
*Tort and Insurance Law Journal, Volume 36, Number 3, Spring 2001*

How Bankruptcy Affects Real Estate Titles and Bankruptcy Risks Covered by Title Insurance  
*Title Insurance Litigation Committee Spring Meeting, March 2001*

## News

Timothy Dugan Joins Bean, Kinney & Korman as a Shareholder  
October 16, 2019

David S. Houston Joins Bean, Kinney & Korman as a Shareholder  
February 13, 2019

Bean, Kinney & Korman Attorneys Win Virginia Supreme Court Appeal Involving Local Taxation of Transferable Development Rights  
January 9, 2017

Lori Murphy Presented an Update on Proposed Great Falls TD Bank  
*Alexandria Gazette Packet, June 2013*

Bean, Kinney & Korman Represents Winning Defendant DeMayo in a Case Involving A Complicated Property Settlement Agreement  
April 4, 2011

Timothy Hughes featured in "No Word Yet From JBG After Judge Dismisses Convention Hotel Lawsuit"  
*Washington Business Journal, March 30, 2010*

Arlington Law Firm Puts a Focus on Supporting Energy-Efficient Design  
*Sun Gazette, May 10, 2009*

Arlington Circuit Court Dismisses Lawsuit Challenging Arlington County Board's Approval of Views at Clarendon  
July 11, 2007

## Seminars & Events

Future of Arlington County  
Arlington, VA, November 14, 2019

2019 Advanced Real Property Institute  
Columbia, MD, November 7, 2019

Transferable Development Rights - What They Are and Why You Need to Know  
Bean, Kinney & Korman, January 27, 2017