

# Real Estate

## ATTORNEYS

Zack R. Andrews  
Samuel J. Banks  
David C. Canfield  
Joseph P. Corish  
Andrea Campbell Davison  
Timothy Dugan  
Juanita F. Ferguson  
Leo S. Fisher  
Blake W. Frieman  
David S. Houston  
Timothy R. Hughes  
John G. Kelly  
Jonathan C. Kinney  
Matthew G. Roberts  
Jennifer O. Schiffer  
Charles B. Thomas  
Mark M. Viani

## RELATED PRACTICES

Bankruptcy, Creditors Rights,  
Enforcement & Collection  
Commercial & Civil Litigation  
Commercial Leasing  
Commercial Lending  
Construction

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

Taxation  
Zoning & Land Use

- 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

### **PUBLISHED ARTICLES**

Planning Commission approves Final Development Plan for multifamily building in Bailey's Crossroads  
*the Annandale Blog*, October 15, 2021

Supervisors support consolidation for storage facility expansion  
*the Annandale Blog*, July 28, 2021

Madeira School campus plan wins county approval  
*Sun Gazette*, June 21, 2021

Commercial Foreclosure Alternatives (VA)  
*LexisNexis/Practical-Guidance*, January 21, 2021

Kasa Living, a pop-up hotel startup, is coming to Rosslyn  
*Washington Business Journal*, December 28, 2020

Developer targets Days Inn along Route 50 in Arlington for mixed-use

*Washington Business Journal*, October 29, 2020

BUILDING BLOC: How the Construction Industry Can Use the Vote to Shore Up the Foundation of Democracy

*Virginia Bar Association Construction Law Blog*, October 1, 2020

Force Majeure and the Doctrine of Impossibility

*Business Crimes Bulletin, LJN*, April 20, 2020

Understanding the Available Tax Credits Under Families First Coronavirus Response Act

March 23, 2020

Coronavirus Force Majeure and Real Estate Leases

March 16, 2020

Assignment and Consent Standards in Commercial Leases

*Commercial Leasing Law & Strategy*, March 6, 2020

Mechanics Lien Flowchart (DC)

*Practical Law*, June 29, 2019

Mechanic's Lien Flowchart (VA)

*Practical Law*, June 29, 2019

Mechanic's Lien Workflow Checklist (DC)

*Practical Law*, June 29, 2019

Mechanic's Liens in Practice (DC)

*Practical Law*, June 29, 2019

Mechanics' Lien Workflow Checklist (VA)

*Practical Law*, June 29, 2019

Mechanics' Liens in Practice (VA)

*Practical Law*, June 29, 2019

Dissecting Opportunity Zone Fund Structures

*Opportunity Zone Magazine*, May 6, 2019

D.C.'s Historic Preservation Laws – Not the Zoning Regulations

– Remain the Biggest Impediment for Pop-Up Development  
*BKK Construction & Land Use Newsletter*, September 1, 2015

A Patriotic Partnership: The Construction Industry and the Military  
*BKK Construction & Land Use Newsletter*, June 4, 2015

Fairfax County's Plans for the Route 1 Corridor  
*BKK Construction & Land Use Newsletter*, June 4, 2015

Arlington County Board Revisits the Retail Action Plan  
*BKK Construction & Land Use Newsletter*, March 3, 2015

When's it OK to Re-record a Deed?  
*VLTA Examiner*, April 7, 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 24, 2014

1031 Exchanges with a Twist  
*BKK Wills, Trusts & Estates Newsletter*, November 2, 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

Misplaced Trust  
*VLTA Examiner*, July 1, 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 1, 2013

Abstract Problems and Concrete Solutions

*VLTA Examiner*, April 1, 2013

Court Rules CPL Doesn't Insure Title

*Title Insurance Law Newsletter*, February 1, 2013

Condemnation Changed (Permanently?) in Virginia

*AIA Northern Virginia News*, January 1, 2013

Landlords' Liens and Waivers

*Commercial Leasing Law & Strategy*, December 1, 2012

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

November 1, 2012

Understanding Landlords' 'Self-Help' Rights

*Commercial Leasing Law & Strategy*, September 1, 2012

Asset Protection Trusts in Virginia

*BKK Wills, Trusts and Estates Newsletter*, August 1, 2012

Landlords' Rights to Self-Help with Defaulting Tenants

*Real Estate Financial Intelligence*, June 1, 2012

Curing Title Defects During Foreclosure

*The Fee Simple*, April 1, 2012

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

*BKK Construction & Land Use Newsletter*, March 1, 2012

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

*BKK Construction & Land Use Newsletter*, March 1, 2012

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

*Title Insurance Litigation Committee News*, December 18, 2011

Title Insurer Not Liable for Approved Attorney's

Misrepresentation, but Policy's "Unsuccessful Cure" Provision Did Not Apply

*The Title Insurance Law Newsletter*, December 18, 2011

Preserving National Historic Treasures

*Masonry Magazine*, November 18, 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 1, 2011

EPA Storm Water Regulations – Potential Impediment to Development

*AIA Northern Virginia News*, September 1, 2011

Virginia Plays TDR Catch-Up

*OnSite Magazine*, August 1, 2011

Transferable Development Rights: Now in Action in Arlington

*Commonwealth Contractor*, May 1, 2011

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

*The Fee Simple*, May 1, 2011

Title Insurer's Duty to Defend Addressed in Several Court Cases

*Title News, American Land Title Association*, March 18, 2011

The Legal Impact of Green Codes

*AIA Northern Virginia News*, January 28, 2011

How to Defend Avoidance Actions in Bankruptcy Litigation

*The Practical Real Estate Lawyer*, January 18, 2011

Top 10 Claims for 2009

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

Practice as a LEED Accredited Professional

*Virginia Lawyers Weekly*, May 1, 2010

How Not to Get Sued

*AIA Northern Virginia News*, March 1, 2010

Mortgage Purchaser Can't Hold Title Insurer Liable for Fraudulent Conspiracy Between Originating Lender and Settlement Agent

*Title Insurance Law Newsletter*, February 18, 2010

New RESPA Rules Impact Loan Quotes and the Settlement Statement

*VLTA Examiner, Volume 15, Number 2*, July 1, 2009

Recouping Losses Due to Settlement Agent Wrongdoing  
*Litigation Commentary & Review*, June 1, 2009

Averting Foreclosure with a Deed-in-Lieu  
*Virginia Builder*, May 1, 2009

Court Dismisses Foreclosure Rescue Suit Against Title Insurers  
*The Title Insurance Law Newsletter of the Land Title Industry Litigation News & Comment*, December 18, 2008

The Effect of Electronic Filing of Cover Sheets in Virginia  
*The Fee Simple*, November 1, 2007

Court Rules Title Insurer Must Defend Trespass Suit  
*E-Dirt, The Latest Information in Real Estate Law, Issue 2004.1*, April 19, 2004

Know Your Entity: How to Reduce Risks When Insuring Titles Granted by Corporations, Other Legal Entities, Trustees and Churches (Part Two)

*VTLA Examiner, Volume 7, Number 1*, June 1, 2001

The Law of Closing Protection Letters

*Tort and Insurance Law Journal, Volume 36, Number 3*, April 18, 2001

How Bankruptcy Affects Real Estate Titles and Bankruptcy Risks Covered by Title Insurance

*Title Insurance Litigation Committee Spring Meeting*, March 18, 2001

## **NEWS**

Bean, Kinney & Korman Represents Finley Asphalt in a Transaction with Shoreline Equity Partners  
Friday July 2, 2021

County Board Approves Red Top Cab Project Amendments  
Tuesday June 15, 2021

Contracts for Contractors  
*TRUSTED ADVISOR PODCASTS BY THE IROQUOIS GROUP • EPISODE 59*, Tuesday March 16, 2021

Charles (Chas) McAleer, Dean Luo and Harrison Clinton Join Bean, Kinney & Korman  
Friday February 12, 2021

Bean, Kinney & Korman Named a 2021 “Best Law Firm” for Tenth Consecutive Year  
Thursday November 5, 2020

John Kelly was quoted within article: Inside the hardball legal tactics retail landlords are using against tenants  
*The Real Deal*, Thursday July 23, 2020

Timothy Dugan Elected 2020-2021 Chair of the Real Property Section Council of the Maryland State Bar Association  
Thursday May 21, 2020

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

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

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

Lori Murphy Presented an Update on Proposed Great Falls TD Bank  
*Alexandria Gazette Packet*, Tuesday June 11, 2013



Attorney James Bruce Davis' Article Cited in Recent Maryland Court of Special Appeals Opinion  
Friday March 9, 2012

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

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

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

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

## **SEMINARS & EVENTS**

Creative Approaches to Increasing the Housing Supply  
online, Wednesday, October 20, 2021

Land Use Institute 2021  
online, Tuesday, October 5, 2021

Investing in Richmond Highway  
Online, Wednesday, May 19, 2021

Renegotiating Office Leases in a Work-From-Home World: Contract, Common Law, Context Issues, Standstill Agreements  
Online, Tuesday, December 8, 2020

Negotiating and Drafting Secured Real Estate Finance Transactions  
Online, Thursday, November 5, 2020

Shared Workspace Leases in Wake of COVID-19: Risk Mitigation, Insurance, Negotiating Key Provisions  
Online, Thursday, July 16, 2020

ULI Washington, D.C. Young Leaders Presentation “Northern Virginia Land Use”  
Monday, May 25, 2020

Comparative Zoning and Land Use Laws in Northern Virginia and Suburban Maryland  
University of Maryland, Monday, May 25, 2020

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

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

Maryland State Bar Association Land Use Institute: “Recent Federal and State Land Use Court Decisions”  
Saturday, May 25, 2019

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

“Lunch With...Metro General Manager and CEO Richard Sarles and Arlington County Board Member Mary Hynes”  
Navy League Building, 2300 Wilson Blvd., Arlington, VA 22201,  
Monday, August 5, 2013

Raighne Delaney presents at a Northern Virginia Association of Realtors meeting.  
Wednesday, March 13, 2013

3rd Annual Rosslyn-Ballston Corridor Summit  
Renaissance Arlington Capital View Hotel in Arlington, Virginia,  
Thursday, May 31, 2012