

# John G. Kelly

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## PRACTICE AREAS

Business Organizations & Transactions

Commercial Lending

Mergers & Acquisitions

Commercial Leasing

Real Estate

## INDUSTRIES

Bank & Lender Services

Real Estate Development & Investment

Small, Emerging & Growing Businesses

John Kelly is a shareholder of Bean, Kinney & Korman and focuses his practice on general corporate law and real property law, including commercial real estate leasing, financing and acquisitions, and business mergers and acquisitions.

With respect to leasing, John represents both landlords and tenants nationwide in substantial office, retail, industrial and government leasing transactions. John serves on the Board of Editors of Commercial Leasing Law & Strategy, a national publication. He has also served as a featured guest on real estate leasing topics on Commercial Real Estate Radio.

His lending experience includes representing both lenders and borrowers in complex financial transactions secured by real or personal property, including the negotiation of the initial loan documents and advising with respect to workout strategies and foreclosures.

John represents sellers, lenders, and developers in connection with real estate investments throughout Virginia and Maryland. These transactions involve the construction and development of office buildings, shopping centers, hotels, and other investment-grade

## **BAR AND COURT ADMISSIONS**

Virginia, 2005

Maryland, 1995

District of Columbia, 2000

## **EDUCATION**

University of Miami, LL.M.  
in Real Property  
Development, 1999

University of Maryland,  
J.D., 1995

Virginia Polytechnic  
Institute and State  
University, B.S., 1992

## **ACADEMIC APPOINTMENTS**

properties, including negotiating agreements and the review of due diligence on behalf of both lenders and purchasers.

John also has extensive experience with respect to representing both property owners and telecommunication providers in connection with the drafting and negotiation of antenna tower leases and license agreements on a nationwide basis.

John's sales and acquisition experience includes the representation of sellers and purchasers of large office properties, hotels, and undeveloped land throughout Virginia, Maryland and Washington, D.C.

With respect to general corporate law, John serves as outside general counsel for many mid-size local businesses. John also represents business buyers and sellers in connection with sophisticated asset purchase and stock purchase transactions as part of the firm's mergers and acquisitions practice group.

Before joining the firm as a shareholder, John was an associate with the international law firms Holland & Knight, LLP and then Reed Smith, LP.

## **AWARDS AND HONORS**

Best Lawyers in America, Real Estate Law, 2020-2023

Arlington Magazine, Top Attorney – Real Estate, 2019, 2021-2022

## **AFFILIATIONS**

Advanced Commercial Leading Institute, Georgetown Law

International Council of Shopping Centers

Small and Emerging Contractors Advisory Forum

Commercial Leasing Law & Strategy (Board of Editors)

Shelter House, Inc. (Board of Directors)

NOVACO (Chair of the Board of Directors)

## EXPERIENCE

- Represented a national tenant with the leasing of Reston, VA regional headquarters office space (over 230,000 square feet).
- Represented a national association tenant in connection with headquarters space in Washington, D.C. for premises of approximately 25,000 square feet.
- Represented a tenant in connection with a lease for over 12,000 square feet for premises located in downtown Washington, DC.
- Represented a tenant in connection with a lease for over 30,000 square feet for premises located in Arlington, Virginia.
- Represented a tenant in the negotiation and drafting of its headquarters office lease for premises located in suburban Maryland consisting of over 100,000 square feet.
- Represents institutional lenders in numerous real estate and asset based loan transactions in amounts ranging from \$5 million to \$100 million.
- Represents sellers and purchasers in merger and acquisition transactions with sales price amounts from \$3 million to \$60 million.
- Represents landlords in the negotiation and drafting of office leases for Class A office buildings throughout Virginia and Maryland.
- Represents national retailer tenants in connection with the negotiation and drafting of retail leases throughout the country for premises from 2,500 square feet to over 25,000 square feet.
- Represented Arlington and Alexandria landlords with office leasing transactions of 20,000 square feet and 25,000 square feet, respectively.
- Represented an Arlington tenant on a 24,000 square feet leasing transaction and a Reston tenant on a 30,000 square feet lease amendment.
- Represented retail leasing transactions including a Falls Church brewpub landlord and large national retailers with

dozens of transactions ranging in scope from 2,000 square feet to over 20,000 square feet.

- Represented a seller in connection with the asset sale of a local Maryland business.
- Represented a seller in connection with the stock sale of a local Virginia business.

### **PUBLISHED ARTICLES**

- Commercial Foreclosure Alternatives (VA)
- Force Majeure and the Doctrine of Impossibility
- Coronavirus Force Majeure and Real Estate Leases
- Assignment and Consent Standards in Commercial Leases
- John Kelly was interviewed regarding “Lease Acceleration Clauses: Top Issues & Concerns” on Commercial Real Estate Radio with Howard Kline.
- Landlords’ Liens and Waivers
- Understanding Landlords’ ‘Self-Help’ Rights
- Landlords’ Rights to Self-Help with Defaulting Tenants
- A Landlord’s Duty to Mitigate in The District Of Columbia, Maryland and Virginia
- Averting Foreclosure with a Deed-in-Lieu

### **BLOGS**

- Updates and Suggestions: Business Interruption Insurance *Real Estate, Land Use & Construction Law*, Thursday March 26, 2020
- Force Majeure in Commercial Leases: Doctrine of Impossibility and Business Interruption Insurance *Real Estate, Land Use & Construction Law*, Wednesday March 18, 2020
- How is the Local Office Leasing Market Doing a Year After the Amazon HQ2 Announcement?

- Real Estate, Land Use & Construction Law*, Thursday January 16, 2020
- What will be the Impact of Amazon HQ2 to the Hotel Industry?  
*Real Estate, Land Use & Construction Law*, Friday July 19, 2019
- Landlord's Liens in Commercial Leases – Part 2  
*Real Estate, Land Use & Construction Law*, Wednesday June 19, 2019
- Landlord's Liens in Commercial Leases – Part 1  
*Real Estate, Land Use & Construction Law*, Tuesday June 11, 2019
- Guaranty of Leases: Landlords and Tenants – Part 2  
*Real Estate, Land Use & Construction Law*, Wednesday May 22, 2019
- Guaranty of Leases: Landlords and Tenants – Part 1  
*Real Estate, Land Use & Construction Law*, Thursday May 16, 2019
- Issues with HVAC – Part 2  
*Real Estate, Land Use & Construction Law*, Wednesday July 8, 2015
- Issues with HVAC – Part 1  
*Real Estate, Land Use & Construction Law*, Wednesday July 1, 2015
- Acceleration of Rents: Part 2, Drafting Reasonable Acceleration of Rent Provisions  
*Real Estate, Land Use & Construction Law*, Friday January 31, 2014
- Acceleration of Rents: Part 1, How to Ensure It's Enforceable?  
*Real Estate, Land Use & Construction Law*, Tuesday January 21, 2014
- A Tenant's Right to Offset. Proceed with Caution. Part 2  
*Real Estate, Land Use & Construction Law*, Monday January 13, 2014
- A Tenant's Right to Offset. Proceed with Caution. – Part 1  
*Real Estate, Land Use & Construction Law*, Sunday January 5, 2014

- Lien Rights of Lenders and Landlords – Part II  
*Real Estate, Land Use & Construction Law*, Sunday March 10, 2013
- Lien Rights of Lenders and Landlords – Part I  
*Real Estate, Land Use & Construction Law*, Tuesday January 29, 2013
- Right to Self-Help in DC, MD and VA  
*Real Estate, Land Use & Construction Law*, Thursday July 12, 2012
- A Landlord's Duty to Mitigate. Part IV  
*Real Estate, Land Use & Construction Law*, Friday June 22, 2012
- A Landlord's Duty to Mitigate. Part III  
*Real Estate, Land Use & Construction Law*, Monday June 4, 2012
- A Landlord's Duty to Mitigate. Part II.  
*Real Estate, Land Use & Construction Law*, Monday January 30, 2012
- A Landlord's Duty to Mitigate. Part I.  
*Real Estate, Land Use & Construction Law*, Tuesday January 10, 2012
- Tenant Issues in Real Estate Leases Part II  
*Real Estate, Land Use & Construction Law*, Friday November 19, 2010
- Tenant Issues in Real Estate Leases  
*Real Estate, Land Use & Construction Law*, Friday October 29, 2010
- Letters of Intent Explained  
*Real Estate, Land Use & Construction Law*, Friday October 8, 2010
- New Financial Reforms to Change Real Estate Market?  
*Real Estate, Land Use & Construction Law*, Friday July 30, 2010
- Part II – Review of your Form Purchase Agreement  
*Real Estate, Land Use & Construction Law*, Monday July 12, 2010

- Review your form Purchase Agreement  
*Real Estate, Land Use & Construction Law*, Tuesday June 29, 2010
- Part II: Subordination, Non-disturbance and Attornment Agreements  
*Real Estate, Land Use & Construction Law*, Tuesday June 1, 2010
- Subordination, Non-disturbance and Attornment Agreements  
*Real Estate, Land Use & Construction Law*, Friday May 7, 2010
- Deed in Lieu Transactions: Taxes and Bankruptcy  
*Real Estate, Land Use & Construction Law*, Friday April 23, 2010

### **SPEAKING ENGAGEMENTS**

- Accelerated Rent Clauses in Commercial Leases: Drafting and Enforcing Liquidated Damage Clauses  
online, Monday, April 25, 2022
- Renegotiating Office Leases in a Work-From-Home World: Contract, Common Law, Context Issues, Standstill Agreements  
Online, Tuesday, December 8, 2020
- Shared Workspace Leases in Wake of COVID-19: Risk Mitigation, Insurance, Negotiating Key Provisions  
Online, Thursday, July 16, 2020
- Webinar: Understanding Your Leases and Contracts in the COVID-19 Landscape  
Webinar, Friday, March 27, 2020
- Negotiating Key Provisions in Shared Work Space Agreements  
Webinar, Tuesday, November 12, 2019
- SECAF Awards Gala  
McLean, VA, Thursday, May 2, 2019

### **NEWS**

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- Twenty-one Attorneys from Bean, Kinney & Korman Recognized as Top Attorneys for 2022 by Arlington Magazine Thursday October 13, 2022
- Sixteen Attorneys from Bean, Kinney & Korman Listed in 2023 Best Lawyers in America and Six Attorneys Listed in Best Lawyers: Ones to Watch Thursday August 18, 2022
- Twenty-eight Attorneys from Bean, Kinney & Korman Recognized as Top Attorneys for 2021 by Arlington Magazine Thursday October 21, 2021
- Fifteen Attorneys from Bean, Kinney & Korman Listed in 2022 Best Lawyers in America and Five Attorneys Listed in Best Lawyers: Ones to Watch Thursday August 19, 2021
- Bean, Kinney & Korman Represents Finley Asphalt in a Transaction with Shoreline Equity Partners Friday July 2, 2021
- Bean, Kinney & Korman Represents Farm Market iD in Acquisition by DTN Friday February 26, 2021
- Thirteen Attorneys from Bean, Kinney & Korman Listed in 2021 Best Lawyers in America and Three Attorneys Listed in Best Lawyers: Ones to Watch Thursday August 20, 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
- Twenty-six Attorneys from Bean, Kinney & Korman Recognized as Top Attorneys by *Arlington Magazine* Friday October 18, 2019
- Eleven Attorneys from Bean, Kinney & Korman Listed in 2020 Best Lawyers in America Thursday August 15, 2019
- John Kelly and Christian Lapham Appointed Equity Shareholders Friday January 17, 2014



- John Kelly Selected for Commercial Leasing Law & Strategy's Editorial Board  
Tuesday June 19, 2012
- Attorneys John Kelly, Sara Leiner Schuler and Tad Lunger Named Shareholders of the Firm  
Thursday December 1, 2011
- Bean, Kinney & Korman Appoints John Kelly as Of Counsel to the Firm  
Monday March 15, 2010

### **BEYOND THE SUIT**

John lives in Vienna, Virginia. He has two daughters and enjoys skiing, traveling, reading about history and archaeology, biking to work (occasionally) and following the Baltimore sports teams (Orioles & Ravens).