SHULMAN ROGERS

Condominium and Mixed-Use Development

Helping Developers Minimize the Risk Of Developing and Owning Condominium, HOA, and Other Multifamily and Mixed-Use Projects in Maryland, Virginia & Washington DC

Shulman Rogers is an industry leader in Condominium and Mixed-Use Development creation. Our practice group is dedicated to meeting your goals in the formation of condominium regimes, homeowner's associations and other multifamily and mixed-use projects located in Maryland, Virginia and the District of Columbia. We navigate the state and local approvals required for your project and provide legal documentation designed to preempt or limit condominium common element disputes, warranties, litigation and other liability.

Our significant homebuilder litigation experience gives Shulman Rogers a unique advantage in creating protections and limitations in order to minimize developer liability exposure. Leveraging our vast experience, we add specific, industry leading language to all of our documents and agreements to provide the protection our clients want and need in order to address problem areas before they occur.

Decades of real estate experience and representation of owners, developers, lenders and purchasers enable our team to provide a unique perspective and creative solutions to structure your condominium and homeowner's association project, including multifamily and mixed-use projects. We adeptly deal with every element of your project – from analyzing and structuring the project needs, to the formation of the development entity, drafting, finalizing and recordation of industry leading public offering statements, declarations, bylaws, ancillary documents and condominium plats, through declarant turnover and full conveyance of the project to individual unit owners.

Attorneys in our Condominium and Mixed-Use Development practice group handle a full range of complex issues facing owners, developers and lenders in residential and commercial projects, land condominiums and HOAs including:

- Liability and litigation avoidance
- Reciprocal easement agreements
- Public private partnership
- Cost sharing agreements
- Prepare and register public offering statements for condominiums
- Declaration and bylaws (including land condominiums, master associations and sub-associations, as appropriate, for the project)

- Outsale condominium contracts
- Ownership legal entity advice
- Phasing plan advice
- FHA/VA/FNMA opinion letters
- Condominium plat review
- Conversion of rental project to condominium and vice versa
- Acquisition, development and operation financing

Our team has significant experience dealing with existing and failed condominium projects. We provide analysis of the complex issues related to distressed condominium and homeowner's association projects, including the following professional services:

- Due diligence – failed projects
- Review existing public offering statement
- Common element warranty issues
- Assignability of declarant's rights
- Status of amenities
- Conversion to rental units
- Foreclosure/deed in lieu of foreclosure
- Tax liability
- Project management
- Resignation of association board members
- Guarantor liability
- Amending or terminating regimes and associations
- Review of existing financing and negotiation of new financing

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