

David M. Kochanski

Senior Counsel

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Clients turn to David Kochanski when they require practical and cutting edge approaches to efficiently and economically achieve their business objectives. Clients hire him for their complex real estate transactions because he is not only a recognized leader within the field, but also because he is not afraid to make unconventional suggestions that he can back up with solid legal and business rationale. David's clients trust his judgment and have confidence in his advice.

David's ability to create and offer truly effective solutions stems from the success he has produced for his clients over the course of his many years of practicing real estate law. He acts as lead counsel for national and regional real estate developers, builders and related clients during the boom cycles and, more importantly, during the challenging periods. His use of alternate structures and innovative strategies enable his clients to achieve economic success without having to start from the beginning in each transaction.



BAR & COURT ADMISSIONS

District of Columbia

Maryland

U.S. District Court for the
District of Maryland

U.S. Supreme Court

EDUCATION

University of Maryland School
of Law, J.D., 1973

University of Maryland
College Park, B.A., 1969

Clients consult with David when they acquire, develop and operate income-producing property, including office buildings, shopping centers and related retail operations, apartment complexes, industrial warehouse and flex properties, and especially mixed use projects. He monitors and reviews due diligence, prepares and negotiates contract documents, evaluates and negotiates financing, and conducts real estate closings with special emphasis on survey, entity and title aspects. Simultaneously, he advises his clients about construction and development documentation and administration, as well as reciprocal easement and operating agreements. Clients seeking to dispose of real estate consult with him to analyze tax deferred alternatives, such as like kind exchanges and installment sales, as well as to minimize risk and maximize returns.

A significant aspect of David's practice is serving as local counsel in Maryland, Virginia and the District of Columbia for national and international clients who require both his real estate and related business legal acumen. He advises these clients on local custom and practice relating to due diligence such as title, survey, entitlement and zoning matters, local taxation, including transfer and recordation tax strategy, and issues local counsel legal opinions on multi-regional transactions. Among his many clients have been two or three generation families of regional developers and builders who own or control a substantial inventory of the real estate and business assets in Maryland, Virginia and the District of Columbia.

David is recognized as a leading lawyer in addressing matters related to various aspects of the construction and development industry. He utilizes and enhances the American Institute of Architects contract documents, as well as other documents addressing the relationships and obligations between the owner and the design professional, contractor, project manager and lender.

Over the course of his 40-plus year career, David has been acknowledged by his peers, colleagues, clients and the leading trade groups in the industry for his knowledge, leadership and contributions to both the real estate profession and the legal community. David is a member of The American College of Real Estate Lawyers (ACREL), the invitation-only, premier organization of U.S. real estate lawyers. He has been ranked by *Chambers USA*, where researchers found that David is “whip smart, experienced and sharp” according to his clients and peers. He was unanimously selected the “*Distinguished Maryland Real Property Practitioner*” by the Section of Real Property, Planning and Zoning of the Maryland State Bar Association.

David has been engaged to provide expert testimony in legal proceedings relating to real estate in general as well as standard of care and legal ethics. He has also been personally responsible for planning, chairing, authoring and presenting a substantial portion of continuing legal education in the real estate area for over twenty-five years. He has appeared on local and national television discussing current real estate topics. David has served as an adjunct professor at both the University of Maryland, University College and Montgomery College; and served as a mentor to members of the Firm, young Maryland lawyers, and to incoming members of the American College of Real Estate Lawyers.

In keeping with the practice and philosophy of the Firm, David has been a leader in pro bono and community activities. He has served as a vice-chair and member of citizen's advisory commissions, which advise the County Executive and County Council on local matters. He is a fellow of the Maryland Bar Foundation and has been active in the Maryland State Bar Association, serving as a member of its Board of Governors and Chair of the Section Council for Real Property Planning and Zoning. David also chaired the Bar Association of Montgomery County's Real Estate Section. He also chairs Attorney Discipline – Peer Review Panels, which recommend sanctions to the Maryland Attorney Grievance Commission. He is currently vice chair of the American Bar Association's Legal Opinions Subcommittee and served on the seven member steering committee which produced the Maryland State Bar Association Report on Lawyer's Opinions in Business Transactions.

Results

Multi-use and Ownership Developments

- Preparation of Reciprocal Easement and Development agreement for 1,500,000 square feet of mixed use separate ownership transit station project, including parking garage and public amenities.
- Design and documentation of common ownership community organizational documents for 5,000 residential units and local retail.
- Agreements for the acquisition and development of 20-acre transit-oriented development with mixed use and diverse ownership.

Property Acquisition

- Disposition of two properties in like kind exchange to acquire and develop new headquarter and operations facility, together with preparation of all documentation to design and construct entire buildout and structure bond financing for acquisition and construction.

- Acquisition, development, construction and financing of 20 acre site into major regional church and senior housing project.
- Acquisition of office building from regional public utility and conversion to church with international acceptance and bond financing.
- Lead counsel for acquisition and financing of largest trophy office building in the District of Columbia in less than 30 days for 120 million dollars as part of a like kind exchange.
- Handled the acquisition of major residential development project for purchaser and personally designated, contracted for and acquired 40 replacement properties to complete exchange for seller.
- Prepared and negotiated joint acquisition and development agreements for national homebuilders allocating risk and responsibility.

Development and Construction

- Joint development agreement between builder and national grocery chain to demolish existing inner city store and rebuild modern structure topped by seven stories of residential construction.
- Designed model program whereby homebuilder constructed residential units on property owned by unrelated third parties for sale to consumers. Development, construction, financing, marketing and sales were all addressed in a single package.
- Represented receiver for lender in Opus bankruptcy to acquire partially constructed and abandoned office building being constructed for government agency on public land, and satisfied existing obligations, contracted with new general contractor and subcontractors to complete and warrant the building, arranged for sale to third party for 75 million dollars who became landlord to government agency.
- Negotiated construction contracts for 50 million dollar development of raw land into building lots, multi-family apartment complexes and retail ranging from office building to restaurants.

- Preparation of residential outsale contracts, custom home contracts and home improvement contracts for builders, as well as consumers.
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Recognition

- Maryland Super Lawyers, 2007–2026
 - The Best Lawyers in America®, 2007–2026
 - Distinguished Member of The American College of Real Estate Lawyers (ACREL)
 - Chambers USA – America’s Leading Lawyers for Business
 - Distinguished Maryland Real Estate Practitioner
 - AML – Top Rated Lawyer
 - Martindale–Hubbell AV Preeminent Rating
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