SHULMAN ROGERS

Homebuilder/Residential Land Developer

Homebuilder/Land Developer Practice Group

For more than 25 years, the Shulman Rogers Homebuilder Practice Group has provided national and regional homebuilders and land developers with exceptional transactional and litigation counsel. We develop solutions that are industry-specific and laser-focused on protecting our client's legal and financial interests in the heavily regulated (and sometimes litigious) residential land development and new home marketplace. Our transaction documents for land/lot acquisitions and land development, and in regard to outsale contracts and consumer warranties, ensure compliance with state and local laws and licensing requirements. The solution algorithms we incorporate into those documents protect against costly disputes. Our Homebuilder Team ensures that any controversies that do arise are quickly, cost-effectively and permanently resolved, successfully avoiding any potential recurrence of such disputes.

We also carefully draft our construction/contractor agreements to help our builder/developer clients avoid costly disputes and ensure that contractors and their insurance carriers will stand behind their work. Homebuilder clients appreciate that our outsale documents result in reliable closings, even with the most difficult of customers, thereby minimizing the potential adverse impact of carrying interest on built homes in their inventory.

We boast an extremely successful record for resolving land deal disputes with negotiated restructures – whether with or without the need for *lis pendens* litigation, when that proves necessary.

Transactions and Liability Avoidance and Litigation Services

As a result of our extensive experience defending clients in all forms of disputes and litigation, our team has developed a well-tested liability avoidance/containment "playbook" specific to our homebuilder clients' businesses and the predictable, yet largely avoidable, disputes they may encounter. Many of these algorithms derive from our successful defense of client disputes and litigation which have informed our experience-based form document revisions over many years. These include condominium public registration (POS) documents, HOA documents and unit outsale documents. As a result, our clients can typically and reliably avoid and/or resolve any such claims in their infancy in each of these important and frequently contentious practice areas.

Condominium Specific

We structure these deals to lawfully avoid the aggregation of disparate unit transaction-based consumer claims into class-type claims that might otherwise reduce our clients' ability to successfully defend those claims on an individual basis. When necessary, our team provides further support by drafting homeowner and master associations documentation for our land developer and homebuilder clients – again, with the benefit of our unique homebuilder/land developer perspective and an emphasis on liability avoidance/containment.

Lot/Land Deals and Entitlement Approvals

Our Homebuilder Transaction Team has handled thousands of contracts for the acquisition and development of both raw and/or partially entitled land/lots and for the acquisition of finished lots as well –– all from the homebuilder/land developer perspective. These transactions range from contract negotiations and execution, to intercreditor and subordination agreements, to chasing and obtaining the required/necessary entitlements, to bulk and/or takedown closings.

The same is true with respect to our land use entitlement work, where we have significant successes securing approvals for our builder-developer clients, whether concerning subdivision and/or permit approvals, appeals and, when necessary, litigating to enforce our clients' property use and development rights. This also encompasses redress of any governmental abuses, including "takings" of vested property rights, in all local jurisdictions.

Litigation Services – All Builder/Developer Specific

While litigation services at other law firms are ancillary to their transaction work, Shulman Rogers' Homebuilder Practice includes well-known attorneys who have served as formidable dispute resolution and litigation counsel for many homebuilder and land developer clients. We handle outsale disputes, post-closing warranty and construction disputes and construction litigation defense (in both the fee simple and condominium contexts, including third party claims against more culpable contractors, suppliers and their insurance carriers), as well as land deal disputes and *lis pendens* litigation to assure land seller compliance. We provide successful outcomes by using result-tested strategies to distill and eliminate disputes in their infancy, and lawfully using our clients' legal positions and rights to leverage cost-effective results for our homebuilder/land developer clients. A prime example can be seen in our condominium construction defect and consumer protection defense work, where we continue to grow our market share across the industry based on reliable efficiency and excellent results.

Our continued success on the litigation front led to more and more of our homebuilder and land developer clients looking to the Firm for recommended business planning and deal structures, as well as liability avoidance revisions to form documents, which resulted in increased contract and closing work for both.