SHULMAN ROGERS

Real Estate Litigation

Boundary Disputes

Our litigation team works closely with attorneys in our Real Estate Department to enforce and defend clients' property rights. We understand the many ways boundary disputes, including encroachments, property line discrepancies, adverse possession claims and easement issues, can severely impact the value of real property. We evaluate the situation and take whatever action is called for to ensure our client's rights are protected and their investments are safeguarded.

Boundary disputes can develop as a result of inadequate deeds, improperly marked property lines, natural or man-made changes to property, poorly written title transfers, inaccurate surveys or the misunderstandings or lack of awareness of previous owners. Whatever the reason for the dispute, we develop iron-clad strategies, gathering comprehensive evidence and applying applicable county and/or state laws, to deliver successful outcomes to our clients, including:

- Obtained summary judgment for national and regional builders in several land dispute cases in Maryland invoking and enforcing rule against perpetuities.

Construction

Known for our vast litigation experience and successes in the construction industry, our clients trust us to achieve successful outcomes on their behalf. Property owners, general contractors, architects, engineers, subcontractors, suppliers, sureties and insurers come to us when disputes arise and litigation may be imminent. The issues they face surround bid disputes and protests, non-insured commercial contract disputes, claims and requests for equitable adjustment, insurance coverage, construction defects and losses, including bodily injury and property damage cases.

We have significant experience resolving these matters through arbitration and litigation on a local, regional, national and international level.

Our recent successes include:

- Obtained summary judgment in a $10,000,000 condominium construction defect case, making new precedent in defending tort negligence in purely economic loss context.

Homebuilder

The Commercial Litigation Department also boasts a premier team known for representing homebuilders and land developers in all kinds of dispute resolution, including alternative dispute resolution and courtroom litigation if necessary. We have extensive experience in successfully resolving real property and construction-related disputes for a large roster of national and regional homebuilders and developers, including defense of both consumer and commercial disputes and enforcement of land and construction deal points through the courts.

Our Homebuilder Practice Group is also conversant in lien claims (defense and prosecution), as well as claims and defenses important to the Firm's many contractor and owner clients. In addition, we regularly provide litigation services and support to the firm's many real estate and corporate clients when controversies arise, and we are frequently engaged by both regional and national corporations and other institutions seeking authoritative and experienced litigation counsel – both to handle their litigation and trials, and also to assist with merit-based restructuring of deals and in contract drafting consultation for maximum litigation avoidance and containment terms within those important deal documents. Our successful outcomes include:

- Serve as outside litigation and dispute resolution counsel for leading U.S. homebuilder, handling all disputes arising out of development and acquisition real estate transactions in the Washington metropolitan area.