Another Real Estate Contract Succumbs to Inadequate Property Description

InsightsThis post details what is required for a sufficient legal description.

Broward Attorneys Face Charges in Scheme to Steal Foreclosure Surplus Checks

NewsTwo Broward attorneys were arrested this week for their involvement in a nearly $750,000 fraud scheme to rip off unsuspecting victims of foreclosure surplus checks.

Jennifer Dulos’ Family Sues CT Judge Over Court Delays Due to COVID

News

A lawyer representing Jennifer Dulos’ family has filed a federal complaint seeking to require the state Judicial Branch to foreclose on Fotis Dulos’ former Farmington residence even

though housing proceedings have been halted due to the coronavirus pandemic.

Is A Poorly Written Force Majeure Clause Worth the Ink?

Insights

We've all seen, or perhaps been assaulted by, a surfeit of articles about force majeure clauses and how all of our agreements should include one. Other pundits have gotten way ahead of this one by explaining how we will have a better world if the advice to include such clauses would be taken by all.

Faulty Jury Instruction Wipes Out $740 Million Verdict

News

The Fourth Court of Appeals of Texas overturned a jury verdict awarding HouseCanary, Inc. ("HouseCanary") $740 million in damages for trade secret theft and fraud against Title Source, Inc., now known as Amrock.

Appeals Court Overturns Record $706M San Antonio Jury Verdict

News

A state appeals court Wednesday overturned a record $706 million verdict rendered by a San Antonio jury more than two years ago.

Use Precise Draftsmanship to Avoid or Obtain a Brokerage Commission Payment

Insight

When negotiating exclusive listing agreements or other forms of commission agreements any right to a commission after a broker’s agency has expired must be discussed and memorialized in a contract.

When a “Time of the Essence” Closing Date Keeps Rolling

Like a Stone for 60 Days

Insight

Sellers need to consider the effect of the automatic bankruptcy extension when negotiating with buyers over the terms of a consensual closing extension even if the contract does not have a financing contingency.

Can a Lien Exist Without A Debt for it to be Secure?

News

The question of does a lien exist without a debt for it to secure is a complicated issue that unfortunately does not have a universal answer.

Tightening Up Contracts in a Hardening Insurance Market

Insight

Jason Reeves and Helen Campbell of Zelle LLP offer some advice on commercial property insurance contracts in the firm’s Articles.

Effectively Using Letters of Intent in Real Estate Negotiations

Insight

An LOI that is unclear as to what, if anything, it obligates the parties to do can invite uncertainty, disagreements and even litigation.

Five Strategies to Increase Buyer Leverage in Sign-and-Go-Hard Transactions

Insight

A post on the website of Allen Matkins offers five strategies for real estate buyers to increase their leverage when dealing with a seller who requires a sign-and-go-hard transaction.

Real Estate Executives Remain

Bullish as Tax Reform Measures Take Shape, Akerman Reports

Insight

The tenth annual Akerman U.S. Real Estate Sector Report shows that developments such as federal tax reform and evolving technology have taken root and spurred growth, even amid mounting uncertainty and the likelihood of a market correction.

Court Refuses to Reform Contract Failing to Find a Scrivener's Error

Insight

A Delaware court refused to reform a contract with clear language, finding the argument of a scrivener's error unconvincing, according to K&L Gates.

Why Do I Want/Need a Waiver

of Subrogation?

Insight

Ira Meislik of Meislik & Meislik, writing in the firm's Ruminations real estate law blog, examines the use of subrogation clauses in real estate leases in relation to insurance policies.

Best Practices in Commercial Real Estate: Commitment Letter

Insight

While a commitment letter in the real estate lending process fleshes out any issues or misunderstandings between the parties prior to the preparation of the ultimate loan documents, it is important to be aware of some potential pitfalls and issues that it can present.

'Gross Up' Provisions in Office Leases

Insight

Contrary to a tenant's natural reaction, the "gross up" of operating expenses in a multi-tenant office building is

neither nefarious nor inappropriate, according to William Hof of Husch Blackwell.

Houston Office Vacancies Raise Concerns for Owners Making Loan Payments

News

Estimates are that more than a fifth of Houston office space sits empty as landlords struggle to find new tenants and existing tenants struggle to sublease unused space.

Capital Outlook for U.S. Real Estate Sector on the Rise, Annual Akerman Report Finds

Insight

Increased confidence in the commercial real estate market has taken hold since the U.S. presidential election, according to a report released today by U.S. law firm Akerman LLP.

Bankruptcy Trustee Dismisses Case After Expert Fails On Cross Examination

News

The trustee for a bankrupt company decided to drop his lawsuit after watching his expert witness cross examined by an attorney from Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C.(AZA), clearing AZA’s clients of claims that they received fraudulently transferred company assets, the firm reports in a news release.