

## Real Estate Law

With the imposition of stricter governmental conditions and by necessity, it is now generally impractical to utilize standard forms which attempt to generically address all concerns of a purchaser and seller, landlord and tenant, and other parties dealing in the real estate field.

### REAL ESTATE NEGOTIATIONS

Negotiations in respect to real estate matters have taken on a different flavor over the years as the hot real estate market and the level of sophistication of those dealing in both commercial and residential properties has increased significantly. The negotiations and knowledge that one takes into initial dealings in respect to real estate must also be of a significantly higher level. Our firm offers counsel, negotiation skills and drafting experience in both commercial and residential transactions involving real property.

### REAL ESTATE LEGAL ISSUES

- Environmental Conditions - Lenders of commercial properties are now requiring Phase I Environmental Audits to be certain that the property being acquired is free of potential environmental conditions. Anticipate significant delays in respect to closing on commercial property due to environmental audits not being ordered well in advance of the closing date.
- Disclosure of Defects - While not applicable to commercial transactions, residential property purchasers are now subject to a disclosure statement required by the State of Ohio. Disclosure of known or expected defects and/or shifting the burden to a prospective purchaser to conduct an inspection and accept the property in as-is condition, is one approach you must consider.
- Zoning and Other Governmental Regulations - Proper due diligence is required by both purchaser and seller to be certain that the property meets your particular needs and can be occupied as anticipated. What looks like a good deal may turn sour if the property cannot be used for the anticipated purposes. Communicate with the building and zoning departments of the individual municipalities in advance to determine governmental regulations impacting use and the history of the property in respect to violations.
- Selling by Owner/Purchasing from Owner Without Brokers - A significant number of our clients have either sold their properties without the benefit of a broker or learned of the existence of a property and commenced negotiations without the use of a broker. A sophisticated, knowledgeable seller or purchaser can acquire an ultimately better outcome in respect to contract negotiations with the benefit of appropriate counsel. Should you wish to utilize a broker, our experience is such that we can provide you the names of extremely competent real estate brokers or agents, whether your transaction involves the purchase/sale or leasing of real property.
- Use of Tax-Free Exchanges - By, in essence, exchanging one real property for another, the detrimental application of capital gains can be deferred such as to allow for your ability to purchase a higher valued property. Though somewhat complicated by the Internal Revenue rules, this vehicle is finding more and more favor with all levels of sellers of real estate.