

Real Estate Litigation

Atlanta Real Estate Litigation Attorney

Sophisticated real estate litigation is a major practice area of our firm. Robbins Firm attorneys are knowledgeable and experienced in all aspects of real estate development and litigating real estate disputes. We represent property owners, developers, builders, management companies, brokers, and investors. Our Atlanta real estate litigation attorneys have handled – and tried to conclusion – many lawsuits and legal disputes in areas such as the following:

- Financing disputes
- Contract disputes regarding purchase and sale of land
- Land use, zoning, and permit disputes
- Landlord-tenant disputes
- Homeowners association disputes
- Partnership and LLC disputes
- Environmental contamination issues

Representative Matters

- Our firm represents Roswell Mayor Jere Wood in a lawsuit against the city of Roswell over whether Mayor Wood may be allowed to renovate his property in the Roswell historic district. Wood previously sought approval from the city's Historic Preservation Commission to build a 1.5-story, 3,000-square-foot frame house on his property. The commission initially approved the plans, but the city council overturned the decision. Mayor Wood is challenging the council's authority to override the commission's decision.
- We represent a high tech manufacturer who sought a city zoning variance to expand its facilities, but faced opposition from a neighboring property owner. We advised our client on the permitting process and dealt directly with the city attorney to address the potential objections, and the client's permit was approved.
- Our firm represents a residential builder whose major real estate development in the northern suburbs of Atlanta was threatened by a third party in the chain of title who asserted an interest in the property to be developed. On behalf of our client, we filed an action to remove the cloud on title, then *within six weeks* conducted discovery and tried the case before a Special Master on a Saturday and Sunday, ultimately paving the way for the development to go forward.

- Our firm secured a unanimous decision in the Court of Appeals that reversed a trial court's final judgment in a dispute between business partners for misappropriation of partnership assets. Our client, a real estate developer, retained the Robbins Firm to handle the appeal after prior counsel obtained a \$0 judgment against his business partner following a bench trial. After reviewing the evidence on appeal, the Court of Appeals reversed the trial court, finding no evidence to support the \$0 judgment and instead agreeing with our client that approximately \$1.2 million remained unpaid by his business partner. The Court of Appeals also rejected the defense of mutual departure from the terms of the partnership's operating agreement, holding that the defense did not preclude our client from recovering under a separate claim for breach of fiduciary duty. 335 Ga.App. 507 (2016)
- The Fulton County Superior Court awarded a key victory to Robbins Firm clients when it agreed to grant our motion to dismiss the bulk of the claims filed against our clients in a case involving a commercial real estate transaction in Florida. The transaction at issue involved the financed sale of a hotel, and the plaintiff's suit sought a portion of the proceeds of that sale. In agreeing with our position, the court recognized that there was no basis for the plaintiff to assert many of its most potentially lucrative claims, including a cause of action under Georgia's RICO statute.
- Robbins Firm attorneys won a judgment worth more than \$500,000 on behalf of an individual lender on a claim for breach of personal guaranty. The firm's client originally lent money to a real estate investment company controlled by its principal, an acquaintance of the lender. When the company, through her acquaintance, made it clear that they would not repay her, the Firm arbitrated the dispute before JAMS, securing an award against the company. When enforcement of that award against the company, which had been stripped of its assets, proved infeasible, the Firm brought suit in superior court against the company's principal, who had personally guaranteed the loan. The court granted the Firm's motion for summary judgment on the lender's breach of personal guaranty claim, awarding her over \$500,000, comprised of her lost principal, interest, and attorney fees.
- Our firm represented the builder of a 124-unit senior living facility in a city zoning dispute regarding the type of construction required for the facility. The firm intervened and obtained a favorable resolution with the city, saving our client significant construction costs.
- The Robbins Firm represented a group of investors who were defrauded in a sophisticated real estate investment scam. We sued nine defendants in federal court on counts of conspiracy, conversion, fraud, unjust enrichment; and violations of 18 U.S.C. § 1961, et seq., Racketeering Influenced Corrupt Organizations Act ("RICO"). We obtained (confidential) settlements with two defendants, and judgment of over \$4 million – including treble damages – against the remaining defendants.
- The firm successfully represented a Fortune 100 company in a recent multi-million dollar contract dispute with a real estate investment firm involving the company's lease of 100,000 Sq. Ft. of office space in north Atlanta. The property, which was part of a previously troubled CMBS trust, had housed the company's regional headquarters. Our firm worked with in-house counsel for the company to structure a settlement that allowed the company to proceed with its plans to move to a new location in Atlanta and save the company approximately \$4 million in future liabilities.
- We represented two individuals who borrowed over \$1 million dollars to build a home in Sandy Springs. The lender filed suit against our clients. In the lawsuit, the lender sought to void modifications to debt instruments that the lender executed. We obtained summary judgment in our

client's favor. The decision was subsequently affirmed by the Georgia Court of Appeals and has been cited numerous times.

- Our firm represented the developer of a major Atlanta condominium project in the Buckhead area against condominium purchasers. The purchasers sought to rescind their contracts to buy condominiums. Most of the cases have settled on terms very favorable for our client.