

Planned Community, Mixed-Use & Condominium

From start to finish and beyond, our attorneys have handled the largest number of planned community, mixed-use and condominium projects in the state of Texas and many unique projects nationwide.

Success is difficult. We understand. A successful planned community, mixed-use or condominium project requires complex decision-making: the development team must evaluate and select a structure tailor-made for the project, preserve the means to control the investment, navigate a hostile regulatory environment, respond to unpredictable lending requirements, create a product that is marketable to the end user and adapt to changed circumstances.

Winstead is one of the leading law firms in the real estate industry and regularly provides guidance in major metropolitan areas of the country for developers and owners of planned community, mixed-use and condominium projects. Our experienced legal counsel—from start to finish and beyond—is part of your project's success.

360 Degrees of Experience – Create It

Development Planning and Execution: Experience, Depth and Efficiency

Winstead's Planned Community, Mixed-Use & Condominium Practice Group provides counsel on all aspects of the development of planned communities, mixed-use projects, condominiums, hotels and golf and resort communities. Our practice group is comprised of attorneys with experience in broad areas, including structuring transactions, acquisition, development, administration, sale, construction, financing, land use and zoning, leasing, litigation, risk management and tax counsel.

Winstead's team of attorneys and paralegals assist developers with the design and implementation of sensible and workable residential, mixed-use and condominium governance systems of all shapes and sizes. We have designed governance systems for many of the largest (and smallest) projects throughout the state.

Winstead's experience regarding the requirements of the Interstate Land Sales Full Disclosure Act provides a significant advantage to developers and assists clients in avoiding the civil and criminal penalties that may apply if a developer is not in compliance with the Act. In many circumstances, we can identify and implement exemptions from registration under the Act, however, when registration is required, we work with clients to gather all applicable information, produce the necessary federal filings and process the filings to conclusion with diligence and efficiency.

Efficient Service

Effective and efficient representation is best provided by attorneys who devote a substantial portion of their practice to planned communities, mixed-use projects, and condominiums and who understand the structuring imperatives.

The breadth and depth of our experience covers a wide range of products, including attached and detached residential and commercial, airspace subdivisions, vertical and horizontal mixed-use, leasehold condominiums, and fractional ownership structures. We are equally skilled in the lending and equity arena and regularly advise developers with respect to retail lending requirements (FHA, Fannie Mae, VA), lenders with respect to construction, mezzanine and permanent loans, and investors with respect to equity investments in common interest ownership projects.

Experience and Depth

Being a good technical attorney is not enough. The best practitioners are also savvy negotiators and careful draftsmen with a sharp eye for detail. Our attorneys appreciate the practical aspects of a development project. They are proficient in developer exit strategies and understand the need for flexible financing. They are also aware of the pressures of the marketplace, up-to-date on regulations that affect our clients, and cognizant that the attorney's ultimate responsibility is to assist the developer in completing the project in a timely manner at a reasonable cost.

Winstead has a breadth of experience in the preparation and use of covenants, conditions and restrictions, reciprocal easement agreements, sophisticated parking arrangements, master condominium structures, and air rights structures, including the complex ancillary documentation needed to make these structures viable.

We are experienced in risk mitigation techniques for the developer, and we work closely with our clients and their insurance professionals to manage risks associated with common interest ownership development that are different from commercial development-related risks.

360 Degrees of Experience – Live It

Community Associations: Caring for Your Community the Winstead Way™

The Big Picture

Our practice group represents developers and resident-controlled community associations throughout Texas and beyond, including communities comprised of single-family homes, condominiums, townhomes, and commercial and mixed-use projects. The successful administration and management of community associations is a delicate balancing act, and with our depth of knowledge and breadth of experience, we know what works for the unique characteristics of your community. The “Big Picture” is a picture designed for your community.

Experience

Our team of attorneys, paralegals and support staff are experienced in all aspects of community association law, including representation of communities during developer control and the transition from developer to owner control and beyond, including the day-to-day corporate, risk-management, real estate and business operations of the association. Because each of our attorneys practice various aspects of community association law on a daily basis, our clients' needs can be met on a wide variety of legal issues by any attorney in our group on most matters.

Members of our Practice Group routinely provide the following services to our community association clients:

- Advising on day-to-day operational and governance issues, including the interpretation and application of community covenants, policies and procedures
- Collection of delinquent assessments
- Enforcement of restrictive covenants
- Preparing and reviewing management contracts and contracts for the operation, maintenance and repair of community components
- Interpretation and review of insurance policies for compliance with governing documents and advising risk management policies and procedures
- Amending governing documents to modernize and eliminate obsolescence
- Assisting the board with fiscal matters, such as budgeting, levying special assessments and establishing reserves and with fiduciary obligations and safeguards
- Counseling developer representatives or owner committees in the pre-transition, transition and post-transition phases of the community development
- Advice and counseling on warranty, construction and accounting claims
- Secondary mortgage approval services (FHA, Fannie Mae, VA, etc.)
- Arbitration, mediation and litigation services
- Advice and counseling on federal laws such as the Telecommunications Act of 1996, the Fair Housing Act, the Housing for Older Persons Act of 1995, Title VII and other employment discrimination laws, as well as similar state and local statutes and ordinances
- Reviewing loan documents and advising on sources of financing for repairs, capital improvements, etc.

Innovation

For decades, the attorneys in our group have been at the forefront of designing and implementing innovative community governance systems for condominiums, planned communities, resorts, and mixed-use developments, and have set the bar for community association documentation in the industry. There is a natural synergy between designing governance systems and counseling both developer and resident-controlled communities and their board members and managers who administer these systems daily. Our experience in designing and implementing governance systems provides us with a valuable perspective and unique position in understanding and administering community associations that are both flexible and sensible.

Technology

Our group leads the industry in leveraging technology to deliver information to our clients, board members and managers on a comprehensive and timely basis. Our client extranet, Winstead Association, is your personal portal for electronic file storage and information gathering, allowing you real-time access to your governance and project-related documents. Your project page is customized for your needs and your community, providing you with secure multi-level access to your community files on a 24/7 basis.

Efficiency

We know that your time is valuable and your community needs are immediate. We have designed effective systems to maximize efficiency for our clients: from our quick and easy intake process, to our "just in time" collection and enforcement systems, to our flexible and customized governance approach to your community.

Education

We are dedicated to providing our clients, developer representatives, board members and community association managers with the tools they need to get the job done. We offer customized educational events, seminars, and question and answer sessions to help you understand your legal duties and responsibilities so that you can prevent questions from becoming problems and resolve problems before they become lawsuits.