

Real Estate Litigation

Litigation serves the needs of the real estate world.

One of Winstead's historical core areas has been and remains its sophisticated real estate practice—we even wrote the book. Winstead attorneys have authored the preeminent legal resource books for Texas entitled Texas Foreclosure and Texas Real Estate Litigation. The natural outgrowth of strength that Winstead brings to clients in this area is the resolution of disputes, including through litigation, that arises from our real estate practice.

To that end, we leverage the knowledge, resources and experience of our full-service business law firm with a litigation department consisting of more than 100 attorneys. Our litigation team brings advocacy experience to the courtroom, administrative forums and arbitration venues.

When litigation is necessary, our attorneys work with clients to develop and implement an effective and efficient strategy. We are fully committed to our clients and their objectives, and work vigorously to protect their rights and interests. Our group includes accomplished trial attorneys who are annually recognized and honored within the profession as "go-to" lawyers accomplished in litigation, arbitration and all aspects of dispute resolution. Indeed, among our groups are several active trial lawyers who are also recognized as effective mediators and arbitrators.

Representative Experience

- **Broker commission disputes:** Winstead handled a series of cases for a national real estate brokerage entity in Tennessee, Georgia and Texas. The disputes centered on unpaid commissions and each was settled on favorable terms to the client without the necessity of trial.
- **Developer litigation:** Winstead attorneys have been actively involved in litigation against a municipality for damages resulting from the city's failure to maintain a parking garage in a high density area of the city and for reneging on an agreement to provide tax incentives for the construction of a major office building atop the garage.
- **Property tax protest litigation:** Winstead attorneys appealed an appraisal district ruling raising the tax valuation on a landmark Dallas residence from slightly more than \$3 million to \$10 million. The case was tried to a jury that took less than twenty minutes to render a verdict in favor of our client, resulting in a reduction of the tax assessment to just under \$3 million.
- **Tax appraisal protests - commercial:** Winstead attorneys pursued an appeal from the appraisal district doubling the tax assessment for retail shopping center owners whose retail centers collectively were doubled in assessment value in one year, from \$150 million to \$300 million.
- **Landlord tenant disputes:** Winstead attorneys represented a national sporting goods chain that owned a major restaurant adjacent to one of its mega stores. After a lengthy litigation process culminating in a jury trial, the jury found unanimously in favor of our client, resulting in an eviction of the tenant.
- **Broker defense:** Winstead attorneys represent a regional commercial real estate broker from claims of breach of fiduciary duty, breach of contract and related tort claims in connection with an approximate \$2 million real estate transaction in Dallas, Texas.
- **Environmental real estate litigation:** Defended a \$400 million claim arising from alleged dumping of lead contaminated sludge into a series of open mine shafts in west Texas. Case settled prior to trial on terms favorable to our client.
- **Real estate partnership disputes:** Winstead attorneys defended a series of cases involving claims by investors (limited partners) against the general partner involving two multifamily housing projects in Texas.
- **Real estate lender litigation:** Winstead attorneys are involved in defending numerous multimillion dollar claims against lending clients, wherein claims for wrongful foreclosures on major commercial properties resulted in a significant opinion being rendered by the Texas Supreme Court.