

# Brad Knickerbocker

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**“I assist clients in getting their deals done and pride myself on being easily accessible and responsive.”**

Brad has extensive and wide-ranging experience in business and corporate law, with an emphasis on real estate acquisitions/dispositions, development/construction, litigation, zoning, commercial leasing, and financing of projects throughout the United States. Brad's real estate experience alone includes acting as outside general counsel for a \$1 billion public REIT (and affiliates) with respect to the acquisition, development, and disposition of large properties in more than 20 states; drafting/negotiating complex and routine retail (stand-alone, closed mall, strip centers, and out lots) leases and ground leases, and shopping center easement and cost sharing agreements (REAs and OEAs); drafting/negotiating complex and routine office, warehouse, and industrial leases; addressing land entitlement and zoning issues; prosecuting routine and complex real and personal property tax appeals for taxpayers; and litigation involving real estate use and development.

## Business & Corporate

- Real Estate
- Construction & Development
- Business Litigation
- Environmental
- Mergers & Acquisitions
- Franchising
- Automotive

## Representative Matters

- Lead or co-counsel in several property tax disputes in the Michigan Tax Tribunal and appellate courts involving disputes with tax dollars at issue ranging from \$10,000 to over \$40MM.

- Lead or co-counsel in several commercial litigation cases involving commercial transactions and real estate matters.
- Acted as general counsel to several private companies as well as a private K-8 school, responding to day-to-day legal issues as they arose.
- Prepared and negotiated leases/ground leases on behalf of numerous tenants including Buffalo Wild Wings franchisee, Ruby Tuesday franchisee, Big Boy International, Snap Fitness franchisee, Blackrock Bar & Grill franchisee, along with several commercial leases for office, warehouse and manufacturing space for local, regional and national corporate entities.
- Lead attorney and successful in a case of first impression in the Michigan Court of Appeals that involved a challenge to the Michigan Treasury's long-standing interpretation of a statute requiring the Treasury to exercise discretion in waiving penalties and interest when a written request to rescind a Personal Residence Exemption is made, but not acted upon by the local assessor. *Denton v. Dep't. of Treasury*, 317 Mich. App. 303, 894 N.W.2d 694 (2016)
- Prepared and negotiated leases/ground leases on behalf of landlords who leased to national/regional companies (or their franchisees) including O'Reilly Auto Parts, Dollar Tree, CVS (and Arbor Drug), Family Dollar, Kroger, Sears Hardware, Emery Air Freight, Caribou Coffee, Tower Automotive, Papa Romano Pizza, The Private Bank, Northern Trust, Oppenheimer, Morgan Stanley, Blockbuster, Radio Shack, and Navistar.
- Acted as interim in-house general counsel for 12 months for Big Boy Restaurants International, a regional family restaurant franchisor, in matters such as advising, directing, and handling the legal aspects of franchising, leasing, construction, employment, insurance, property sales, trademark, and various other day-to-day legal matters as they arose.
- Lead attorney and victorious in a case of first impression in the Michigan Court of Appeals that involved a fake title company, alleged bogus loans, and fraud against an institutional lender where the issue was whether a thief can fraudulently convey stolen money. The court found that he/she cannot. *Alliance Bancorp. v. Select Mortgage, et. al.*, COA Case No. 274853 (2008)(unpublished).
- Co-counsel on \$186MM portfolio CMBS loan involving properties in several states, including negotiation and drafting of a master loan agreement, notes, cross-collateralization agreement, mortgages, and other security instruments.
- Lead attorney for the acquisition, development, and lease-up of both phases of a large office and research complex in Novi, MI.
- Lead attorney in the development and sale of numerous business site condominium parcels at Silver Lake Village in Fenton, MI, involving national retailers Home Depot and Sears (Hardware).
- Acted as general counsel to a public company, Chateau Communities, Inc., addressing a majority of all corporate and commercial issues including insurance issues, company service contracts, joint ventures and co-development agreements, and property management issues.
- Lead attorney in acquisition of \$85MM and \$32MM real estate portfolios involving multiple operating manufactured housing communities throughout the U.S.
- Lead attorney for the due diligence into all property matters in connection with lead up to and eventual initial public offering of the multi-state manufactured housing community owner/operator, Chateau Properties, Inc. (n/k/a Chateau Communities, Inc.) and its subsequent merger with a comparable REIT, ROC Communities, Inc. and its real estate holdings.

## Education

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- Wayne State University Law School, 1987
  - J.D., *cum laude*
- Western Michigan University, 1984
  - B.S., *cum laude*

## Memberships

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- State Bar of Michigan
  - Real Property and Business Law Sections

## Admissions

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- Michigan, 1987
- U.S. District Court, Eastern District of Michigan, 1988
- U.S. District Court, Western District of Michigan, 1988

## Professional Achievements

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- Michigan *Leading Lawyers*, 2017-2021
- *dbusiness*, "Top Lawyers," 2017-2020
- Michigan *Super Lawyers*, 2011-2012
- Martindale-Hubbell® AV Preeminent® Peer Review Rating
- "Buying and Selling Real Estate, an International Guide." International Lawyer's Network, *Conveyances of Real Property in Michigan*, Co-author, 2nd ed., 2018; 3rd ed., 2019.