Real Estate Litigation & Disputes

The real estate advocacy team of Lathrop GPM offers a one-stop for all types of legal disputes that may arise from the purchase and sale of real estate. We represent developers, individual investors, owners and tenants. Although we are effective negotiators, we understand that litigation is sometimes unavoidable. We draw on the strengths of our other practice areas to provide counsel on the wide range of legal issues related to real estate. Unlike other real estate firms, we can meet both your transactional and litigation needs. We advise clients in sophisticated real estate litigation matters, among them:

- Adverse possession
- Bankruptcy litigation
- Boundary disputes
- Collections
- Construction disputes
- Environmental/land use management
- Eminent domain/condemnation
- Foreclosure sales
- Indoor air quality (IAQ)
- Insurance disputes
- Land use and zoning
- Landlord/tenant
- Lien disputes
- Loan restructuring and workouts
- Mechanic's liens/bonds
- Mold
- Real estate development
- Real estate tax challenges and protests
- Receiverships
- Restrictive easements

- Special use permits
- Statutory/warranty issues
- Title insurance
- Vendor/purchaser

Representative Experience

- Obtained a $500,000 judgment for an international retailer in a condemnation matter involving the apportionment of an appraiser's award pursuant to a commercial lease. The judgment was later affirmed by the Kansas Supreme Court.
- Represented a real estate developer in a highly contested condemnation matter brought by a local municipality and a state department of transportation. The jury awarded our client $1 million in damages, plus statutory interest, where the pre-appeal award was $530,000.
- Represented bank in litigating and successfully settling with a mortgage originator over an incorrectly completed real property subordination agreement.
- Successfully resolved a property dispute regarding the vesting right where the Missouri Department of Transportation became involved. Our client prevailed in trial court and in the Court of Appeals.
- Represented cities in obtaining a ruling from the Minnesota Supreme Court affirming reinstatement of an NPDES permit allowing the cities to move forward with the construction of a multi-million dollar joint wastewater treatment facility.
- Assist businesses, developers and individual property owners in obtaining compensation for government seizure or property damage. This includes counseling clients seeking compensation for takings for public improvements, and for the effects of new regulations.
- Work with governmental authorities who are seeking to condemn property for various public improvements. Specifically, we have represented the Minneapolis Community Development Agency in acquiring real estate for redevelopment purposes.
- Regularly represent commercial lenders in foreclosing mortgages by action, pursuing collection of the debt, and obtaining court appointment of receivers for a variety of commercial and residential properties, including manufacturing facilities, condominiums, several office towers, automotive dealerships, hotels and office and retail space.

- Represented lead lender in multimillion dollar restaurant and convention center loan participation litigation, including the subsequent foreclosure and collection.
- Represented material supplier in successfully preventing discharge of client's half million dollar debt in bankruptcy in a mortgage fraud case against a principal of the debtor and revoking the discharge of another principal of the debtor.
- Represented clients in environmental cost recovery claims resulting in the recovery of millions of dollars in investigation and cleanup expenses.
- Represented lenders in a series of cases brought by homeowners alleging that their mortgages are invalid and the banks did not have a legal right to foreclose on the homeowners' properties because the banks were not in possession of the notes secured by the mortgages.
- Quieted title to foreclosed upon real estate after former homeowner filed documents fraudulently representing that he had paid his mortgage in full and redeemed the property during the redemption period.
- Represented lender in mortgage fraud case against mortgage brokers, builders, and title companies based on a scheme by the defendants to induce the lender to fund mortgage loans on properties with artificially inflated values and unqualified "straw man" purchasers.
- Challenged real estate taxes on apartment building successfully helping the client save in real estate taxes over three years.
- Represented commercial business owners in defending and obtaining successful results in eminent domain (condemnation) actions.
- Represented owners and contractors in prosecuting or defending construction claims, insurance and bond claims, and mechanic's liens.