

Uncommon Wisdom
Common Sense®

SHAUN C. McELHATTON

SHAREHOLDER

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Shaun McElhatton represents real estate developers and investors in connection with a broad range of real estate transactions. His primary area of focus is housing development, with particular experience in condominiums and town homes. He has been involved in more than two dozen mixed-use projects, many of which have involved complex commercial/residential structures.

Shaun approaches each project from the client's perspective, both in structuring the transaction and in executing the client's acquisition/development/financing/marketing plan. He helps clients from the early stages of a project, including acquisition, government approvals and subsidy, through financing and development. He negotiates purchase and development agreements, assists with due diligence and financing, and helps structure, negotiate and draft Operating Easement Agreements and Common Interest Community documents for mixed-use developments. His experience has included historic renovations, luxury and affordable housing developments, and projects including resort, hotel and commercial/retail components.

A prolific writer, Shaun has also spoken at industry and continuing legal education seminars on real estate development and finance issues. He is a member of the American College of Real Estate Lawyers, a national honor society, and has been selected for inclusion in *Super Lawyers*®. Shaun has also been named among *The Best Lawyers in America* in the area of real estate law.

PROFESSIONAL AND CIVIC ACTIVITIES

- Member, American College of Real Estate Lawyers (ACREL)
- Member and past Minnesota chair, American Bar Association, Forum on Affordable Housing and Community Development Law
- Member, Minnesota Real Property Council, the governing body of the Real Property Section of the Minnesota State Bar Association
- Director, Development Corporation for Children
- Director, Historic Saint Paul, Inc.
- Recipient of the Chairman's Award, Turning Point Inc.

REPRESENTATIVE MATTERS

- Represented the developer of a historic railroad depot that was subdivided into air rights parcels for separate residential and commercial condominiums, plus additional lobby and access parcels that were later sold to a governmental agency for reuse as a transit center hub.



CONTACT INFORMATION

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PRACTICE AREAS

Affordable Housing
Banking and Financial
Services
Commercial Real Estate
Hospitality
Real Estate
Residential Development

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- Drafted master covenants and sub-association documents for the developer of a large, mixed-use resort development in Costa Rica.
 - Represented the developer of a large conversion condominium development in Minneapolis involving an air rights subdivision of the property, and drafted and negotiated an Operating Easement Agreement and an Energy Center Agreement with the owner of the commercial air rights parcel.
 - Represented the developer of a luxury hotel constructed in an air rights parcel as part of a large, mixed-use development in Minneapolis, including drafting and negotiating an Operating Easement Agreement and integrated construction and architects' agreements for the hotel and the other components of the development.
 - Formed dozens of residential, commercial and mixed-use condominiums, town homes and cooperatives.

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PUBLICATIONS AND PRESENTATIONS

- Shaun will be speaking on the topic of current trends in commercial condominiums at the ACREL 2012 Mid-Year meeting.
- Shaun is featured in "The Twin Cities' senior housing boom," *Minnesota Real Estate Journal*, March 2012
- Shaun is featured in "McElhatton: Commercial real estate more complex than ever," *REJBlog*, November 2011
- Shaun is featured and interviewed in the article "The go-to lawyer for developers and investors," *Finance and Commerce*, April 2011
- "A tax credit for historic sites drives redevelopment," *Finance and Commerce*, March 2011
- Co-Author, "The Minnesota Real Estate Purchase & Sale Deskbook," Minnesota State Bar Association Continuing Legal Education, March 2010
- "Condominiums: Lease Restrictions May Violate Fair Housing," Mortgage and Real Estate Executives Report, March 15, 2008
- "Beware when Condos aren't Condos, but Securities," *Minnesota Real Estate Journal*, August 2007
- "Understanding the Challenges of Commercial Condos," *Minnesota Real Estate Journal*, October 1, 2004
- "Understanding Condo, Townhome Warranties," *Minnesota Real Estate Journal*, April 6, 2004
- Co-Author, "Insurance: Ten Misunderstood Aspects," Mortgage and Real Estate Executives Report, June 1, 1996

EDUCATION

J.D., *cum laude*, Harvard Law School, 1987

B.A., *cum laude*, Saint John's University, 1981

ADMISSIONS

- State of Minnesota, 1987

A Professional Association

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