



**Todd & Weld** LLP



## Real Estate Litigation

**When landowners, developers, and condominium associations are faced with a dispute over real estate, they turn to Todd & Weld for sound guidance grounded in well-established knowledge and expertise.**

Our seasoned attorneys assist real estate litigation clients in a wide range of matters, including the acquisition, disposition, valuation, and division of real estate assets; breaches of real estate contracts; landlord-tenant disputes; partnership disputes; land use and easement disputes; and disagreements between property owners and contractors.

We also assist clients in disputes with or before governmental entities – such as eminent domain proceedings, zoning matters, appealing special permits or variances, and building affordable housing under M.G.L. c. 40B.

Our attorneys regularly guide clients through matters concerning interests in real property in the specialized Massachusetts Land Court, as well as in other state and federal courts. We also help clients achieve favorable resolutions of real estate matters in arbitration, mediation, or other forms of alternative dispute resolution.

We serve as outside litigation counsel for the Massachusetts Housing Finance Authority which, as with many of our other clients, requires us to deal with bonding issues, work-out situations, contract challenges, and major eviction problems.

### Attorneys

- Joseph M. Cacace
- Tyler E. Chapman

- Matthew S. Furman
- David H. Rich
- J. Owen Todd
- Gregory R. Browne
- Widmaier M. Charles
- Samuel Myers

## Representative Results

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Recent representative results in real estate litigation matters include:

- Persuaded the Massachusetts Supreme Judicial Court to rule in favor of the firm's developer client on the question of when the six-year Statute of Repose begins to run in the context of a multi-building condominium project
- Persuaded the Massachusetts Supreme Judicial Court to reverse a lower court's dismissal on summary judgment of a client's regulatory taking claim involving the site of the Encore casino.
- Successfully argued that a Massachusetts Land Court judge should affirm on behalf of clients broad easement rights for full access to their property via a driveway that crisscrosses the boundary lines of several subdivided parcels
- Obtained a ruling from a Massachusetts Superior Court judge that rejected a commercial tenant's claim for more than \$7 million based on alleged interference in a build out of a Domino's Pizza franchise location
- Secured an order from a Massachusetts Superior Court judge denying a hotel operator's preliminary injunction request in a lease dispute based on the operator allowing the property to fall into disrepair
- Obtained a jury defense verdict dismissing all claims against a real estate developer client related to the purchase of a closed school and subsequent development of the property into single family homes

## News & Insights

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- Firm Utilizes 2024 Amendments to Zoning Act to Defeat Abutter Permit Challenge for Family Business
- Matt Furman Appointed Co-Chair of the Litigation Section of the Real Estate Bar Association
- Appellate Court Affirms \$2.15M Judgment for Luxury Hotel Client
- Matt Furman presents webinar on commercial evictions
- Matt Furman to present webinar on rights of first refusal
- Matt Furman offers insights in news article on right of first refusal decision
- Matt Furman to present on Massachusetts lis pendens statute
- Matt Furman in article examines meaning of 'clear proof' in MA adverse possession, prescription cases

## Results

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- Firm Utilizes 2024 Amendments to Zoning Act to Defeat Abutter Permit Challenge for Family Business

- Appellate Court Affirms \$2.15M Judgment for Luxury Hotel Client
- Firm obtains Land Court decision after trial quieting client's title and reforming deeds and mortgages
- Judge allows putative class action to proceed against condo association for imposing 'resale fees' against unit sellers
- Appellate court awards \$600K in back rent to luxury hotel and possession of leased premises; orders hearing on additional damages
- David Rich, Evan Johnson obtain verdict for landlord in commercial lease dispute
- Housing Court judge bars dangerous tenant from accessing apartment pending outcome of eviction proceeding
- Tyler Chapman obtains defense judgment in commercial lease dispute
- Firm obtains summary judgment win in dispute over real estate purchase and sale agreement
- Firm obtains judgment defeating adverse possession claim
- Firm obtains judgment defeating adverse possession claim
- Housing Court imposes 'use and occupancy' fees on alleged trespasser
- Firm persuades Land Court judge to affirm broad easement rights for clients
- Suzanne Elovecky obtains decision defeating claim to condo unit