



Real Estate Litigation

Drawing on a distinct blend of litigation experience and a deep perspective on real estate, Reinhart's attorneys are skilled at finding solutions to real estate disputes involving individual and corporate entities, as well as successfully resolving cases. The group's volume of work involving title insurance coverage, escrows, conveyancing, boundaries, RESPA, loan fraud and public land records allows it to quickly and efficiently reach a reasonable outcome for the parties involved, often before the case goes to trial. We pride ourselves on never losing sight of the human elements that can be central to cases like this, and approach real estate dispute resolution keeping in mind the legal, business and individual concerns that have to be addressed.

Reinhart's Real Estate Litigation attorneys are widely regarded as experts in the field, and have contributed to significant laws and publications over the last two decades. One such textbook, the 1,400-page Title and Escrow Claims Guide, is national in scope and is published by American Land Title Association. It distills the custom and practice employed by title insurers and escrow companies, is used by employees of every major title insurer, and has been cited as a learned treatise by appellate courts.

Reinhart's Real Estate Litigation team brings a multi-office, multidisciplinary approach to handle litigation for a diverse range of real estate clients including owners, developers, construction contractors, subcontractors, architects, lenders, municipalities, property owners, investors, syndicators, redevelopment authorities, business improvement districts and title insurance companies.

Our team includes trial lawyers and real estate attorneys who combine their expertise to offer clients efficient, creative and knowledgeable service in litigation matters. Reinhart Real Estate Litigation attorneys are skilled in resolving matters before they reach trial, but also handle diverse and sophisticated cases brought in state and federal courts throughout the United States.

Reinhart Real Estate attorneys are experienced in all varieties of real property disputes, foreclosures of mortgages and land contracts, leasehold disputes and construction contract disputes. Our Real Estate Litigation team handles a wide range of boundary and easement disputes and is well-versed in the intricacies of the law concerning recordings, curing of title and adverse possession. Our team also represents title companies in sophisticated policy coverage issues, claims of escrow negligence and disputes concerning claimed Real Estate Settlement Procedures Act (RESPA) violations.

We assist condemnors and condemnees with the pursuit and defense of acquisitions pursuant to the constitutional exercise of eminent domain. Additionally, we have assisted real estate developers and construction contractors to favorably resolve OSHA citations issued during the course of construction projects.

Reinhart's Real Estate Litigation team has experience in disputes involving the following practice areas:

- Boundary disputes



- Construction contracts
- Condemnation
- Construction disputes
- Contract breaches
- Damages
- Easements
- Eminent domain
- Environmental litigation
- Evictions
- Foreclosures
- Injunctions
- Land use
- Landlord-tenant
- Liens
- OSHA
- Real property
- RESPA
- Title insurance
- Water rights
- Zoning

Matters

Counsel for First American Title in petition before the Wisconsin Supreme Court in which the court reversed a

punitive damage award against the insurer as being an unconstitutional taking of property. *Kimble v. Land Concepts, Inc.*, 2014 WI 21, 353 Wis.2d 377, 845 N.W.2d 395 (2014). Counsel for Wispark before the Wisconsin Supreme Court requiring a public works building being enjoined from its creating a nuisance affecting a commercial building in downtown Milwaukee. *Bostco LLC v. Milwaukee Metro. Sewerage Dist.*, 2013 WI 78, 350 Wis. 2d 554, 835 N.W.2d 160. Expert witness on title to land surrounding the harbor of Ashland, Wisconsin on behalf of Soo Line, Wisconsin Central, Ltd. and City of Ashland in large EPA cleanup case, *Northern States Power Company v. The City of Ashland*, United States District Court, Western District of Wisconsin, Case No. 12-CV-602-bbc. Counsel for Chicago Title in important appellate case holding that a title insurer did not have a duty to defend or pay the insured on a claim concerning a boundary dispute. *Geiger v. Chicago Title Insurance Co.*, 2011 WI App 136, 337 Wis.2d 429, 805 N.W.2d 734 (Wis. App.). Counsel for *amicus curiae* Wisconsin Land Title Association in landmark case affirming private owners' title obtained from railroads after ICC abandonment of rail lines and limiting use of federal rails-to-trails legislation. *Johnson 1988 Trust v. Bayfield County*, 649 F.3d 799 (7th Cir. 2011), earlier decision 520 F.3d 822 (7th Cir. 2008). The decision was discussed in William T. Stuart and Thomas M. Hruz, *Switching Tracks: How the Seventh Circuit Restored Certain Landowners' Rights to Abandoned Railroad Rights-of-Way*, American Land Title Association *Title News*, Volume 90, Number 10 (October 2011), p. 23. Counsel for *amicus curiae* Wisconsin REALTORS^(f) Association in significant Wisconsin Supreme Court decision adopting the concept of master planned communities in Wisconsin; participated in oral argument. *Solowicz, et al. v. Forward Geneva National*, Appeal No. 2008AP10, 2010 WI 10, 323 Wis.2d 556, 780 N.W.2d 111 (2010).

- Our client was a minority member of a family partnership that held land worth several million dollars. When his sister withheld money from him and created other serious disputes, our team filed suit in Michigan, obtained the withheld money and negotiated the purchase of our client's interest for well above its fair market value.
- When our client was the victim of property flipping and a double sale of real estate, we successfully mediated the dispute, and our client was paid back all the money she had advanced.
- When lenders were concerned about hidden liens having priority over certain new loans, the Nevada Land Title Association retained us to file a brief with the Nevada Supreme Court. The court adopted our position in full. The decision has since been relied on by other state Supreme Courts throughout the country.
- Our client rented out luxury homes in northern Wisconsin on a weekly basis until the county zoning administrator cited him for violating the zoning ordinance. We appealed the zoning administrator's decision to the county board of adjustment and then to the circuit court, where the judge found that the zoning ordinance does not prohibit weekly rentals.
- When our client was sued for specific performance of an option she had signed to sell commercial real estate, we defended her by asserting the option was void for fraud in the inducement. After a trial, the fact finder agreed and found the option unenforceable.
- When our client, a builder, before our involvement, had lost an arbitration involving its construction dispute

and was obligated to pay several hundred thousand dollars, we appealed the arbitration award asserting improprieties in the arbitration proceeding. The Wisconsin Supreme Court agreed and set aside the award. Later, after another arbitration in which we represented the client, a favorable award of several hundred thousand dollars was made to our client.

Key Contact



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