

High Swartz LLP

- Corporate ▪ [Real Estate](#) ▪ Land Use & Zoning ▪ Litigation ▪ Trusts, Estates & Elder Law
 - Employment ▪ Family Law ▪ Environmental Law ▪ Municipal & Governmental Law
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[High Swartz LLP](#) is a general practice law firm serving clients in Montgomery County, Philadelphia County, Chester County, Delaware County, Bucks County and throughout Southeastern Pennsylvania from its office in Norristown, Pennsylvania. Established in 1914, High, Swartz is the oldest law firm in Montgomery County.

Through our commitment to continue the tradition of excellence established by our founding partners, we have earned a reputation as one of the most prominent and respected firms in Southeastern Pennsylvania. Our attorneys, leaders in Pennsylvania professional associations, have been recognized individually for their contributions to the legal profession, including leadership in bar association groups, teaching, client representation, and their service to the community.

As members of a mid-sized firm, our attorneys, individually and cooperatively, work to see that our clients receive prompt, cost-effective service.

Each lawyer within the firm focuses on several specific areas of the law. Our attorneys provide businesses, non-profit organizations, governmental bodies, and individuals with counsel in many diverse areas including business organization, business transactions, commercial litigation, employment law, real estate law and land use, education law, and construction litigation. We assist individuals with matters including family law, divorce, personal injury, civil litigation, and elder law and estate planning, and advise and represent municipalities in a variety of matters.

Our attorneys are assisted by a highly qualified team of paralegals and support staff, and use state of the art technology in data processing, litigation support, and trial presentation.

Our office at 40 East Airy Street, Norristown, Pennsylvania, is one-half block from the Montgomery County Court House. Our building is designed and equipped for the practice of law.

The success of our clients is our highest goal, and we do everything possible to ensure that all of our clients receive comprehensive, sophisticated, legal representation in the most efficient and cost-effective manner.

HIGH SWARTZ REAL ESTATE PRACTICE

The High Swartz real estate team has many years of experience providing top quality real estate services, including experience in complex transactions for a variety of for-profit and non-profit clients in Pennsylvania. The High Swartz real estate team is experienced in the following practice areas:

➤ **SALE/LEASEBACKS AND MASTER LEASES**

Our attorneys have represented a number of prominent health systems and medical practice groups in the Delaware Valley in connection with the acquisition and disposition of their real estate assets. In several transactions, we divided portions of health care campuses into separate condominium units, some of which were sold by our client to investors and leased back by the client. In others, we created air rights estates and ground leases for purposes of obtaining financing to improve the buildings and other improvements within the air rights estates. In still others, we negotiated master leases for properties owned and developed by others, and a series of subleases for use by smaller tenants of the property. Some of these transactions involved the sale or the purchase and rehabilitation of existing buildings; others involved the purchase of land for ground up development of new facilities. The facilities have included major medical office buildings, satellite outpatient clinics and physician offices, and specialty hospital buildings. In many of these transactions, we were deeply involved in negotiating construction contracts with builders and loan documents with lenders.

➤ **FINANCING AND DEAL STRUCTURING**

The Firm's real estate attorneys have deep experience representing developers of all types of real estate, including retail projects, mixed-use housing and commercial developments, and office buildings, including medical office buildings, among others. Our experience extends beyond Pennsylvania, as we have been involved in transactions in various states throughout the United States.

During the course of our representations, we have been called upon to draft and negotiate a full range of agreements relating to the development and financing of all types of real estate. In addition to those mentioned above, these have included:

- Development agreements
- Office and retail leases
- Ground leases
- Agreements of purchase and sale
- Regulatory and operating agreements
- Conservation easements and restrictive covenants
- Property management agreements
- Real estate brokerage and leasing agreements
- Loan documentation, including loan agreements, promissory notes, mortgages, and related security instruments, such as assignments of project documents
- Intercreditor agreements
- Partnership and limited liability company operating agreements

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-

➤ **REAL ESTATE LITIGATION**

The firm's litigation attorneys have had significant experience in advising our real estate clients how best to initiate, pursue, and negotiate settlements of real estate related litigation to assure compliance with various types of agreements and applicable laws. Our real estate litigation practice has included cases involving issues such as the following:

- Boundary disputes
- Brokerage commission and deposit money disputes
- Construction contract and other contract disputes
- Landlord/tenant disputes
- Eminent domain and condemnation
- Partition
- Quiet title actions
- Title claims
- Title insurer defense in land disputes
- Local and state code compliance

➤ **AFFORDABLE HOUSING**

The real estate attorneys at High Swartz have represented many for-profit and non-profit developers with respect to affordable housing and HUD financed projects. These have ranged from smaller low income housing tax credit (LIHTC) developments involving new construction of 40 or fewer apartment units; to Section 236(e)(2) rehabilitation/preservation transactions involving layered refinancing for 250 apartment units, the de-coupling of interest reduction payments from the original loan, and the application of such payments to new, HUD-insured, first lien financing. Several of the projects have involved mixed-use facilities requiring submission of the project building or buildings to a condominium regime or regimes, with commercial space on the first floor and residential units on the upper or adjacent floors.

➤ **ZONING AND LAND DEVELOPMENT APPROVALS**

Attorneys at High Swartz have extensive experience in zoning, subdivision, land development, building permit, and related approval processes. The Firm's long history in Montgomery County provides an intimate knowledge of the workings of the County government and its local communities. In addition, we have significant experience in other southeastern Pennsylvania counties, including Philadelphia, Bucks, Chester, Delaware, Lehigh, and Berks Counties. Our familiarity with local governmental bodies and other approval agencies in each of these Counties enhances our ability to advocate for the needs of our real estate development clients.

Whenever possible, we approach the land development approval process as a consensus-building effort. We attempt to work with each municipality and its residents in order to achieve support for or lessen opposition to a project during the approval process. However, if necessary, we are prepared to litigate development approval issues and the rights of our clients to assure that laws governing the approval process are administered and applied appropriately.

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-

➤ **REAL ESTATE TAXES**

Our attorneys have extensive real estate tax experience not only in Montgomery County, but also in counties throughout eastern Pennsylvania, including Philadelphia. We have pursued real estate tax assessment appeals for properties of all types, including affordable rental housing, utility, and condominium properties, as well as real estate tax exemptions for properties owned by non-profit entities. High Swartz attorneys have negotiated payment in lieu of tax ("PILOT") agreements and real estate tax abatements for new construction under Pennsylvania's Local Economic Revitalization Tax Act ("LERTA") throughout the Commonwealth, and have participated in the negotiation of tax increment financing agreements with local taxing officials. Our attorneys are also familiar with the complexities of Pennsylvania and Philadelphia real estate transfer tax statutes and regulations.

➤ **EMINENT DOMAIN**

Our attorneys have represented landowners and condemning authorities in Eminent Domain actions throughout southeastern Pennsylvania, and are well versed in all aspects of the eminent domain process. Our representations have included eminent domain proceedings of various types, including roadway development and expansion, open space, and utility and access easements.

➤ **CONDOMINIUMS AND PLANNED COMMUNITIES**

Our attorneys have extensive experience with the creation of condominiums and planned communities in Pennsylvania, including the development of major luxury new high-rise projects in Philadelphia, the conversion of high-rise office buildings to mixed residential/commercial condominiums, the conversion of rental townhouses to the condominium form of ownership, the creation of "land condominiums" as a method of dividing property ownership, and the use of condominium regimes as a financing device.

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-

OUR REAL ESTATE TEAM

The High Swartz real estate team is comprised of Arnold (“Arn”) Heller, William (“Bill”) Kerr, Gilbert High and Eric Smith. Additionally, other firm attorneys, with specialties in corporate law and real estate/construction litigation are available to participate on an as-needed basis.



Arnold Heller is a Partner, and joined High Swartz after more than 30 years in the Philadelphia office of Blank Rome LLP, 25 of which were spent as a partner in the real estate department. Arn has represented numerous clients in purchase and sales transactions and has extensive experience in title matters, finance, and drafting and negotiation of construction contracts. He advises a range of clients including affordable housing developers, healthcare providers, condominium developers, and homeowners associations on matters pertaining to the creation and preservation of housing as well as the formation of joint ventures, drafting and negotiation of construction contracts, acquisitions and sales, leases, sale/leasebacks, and matters pertaining to real estate transfer taxes. Mr. Heller practiced with the Appellate Section of the Tax Division of the United State Department of Justice from 1973 through 1977, and prior to that clerked for the United States District Court in the District of Columbia. He is a former Board member and Chairman of the Zoning Board of Tredyffrin Township in Chester County. Mr. Heller received his J.D. from Vanderbilt University Law School and his B.A. from Williams College.



William F. Kerr is a Partner, and has more than 18 years experience in the area of real estate law, focusing on land use, land development, zoning, real estate taxation, real estate transactions, eminent domain, real estate valuation, and real estate code compliance. He was previously a partner in the Philadelphia office of Blank Rome LLP. He represents developers in Philadelphia and throughout eastern Pennsylvania in obtaining various land development, subdivision, zoning, building, and related approvals. Mr. Kerr has extensive experience in successfully pursuing real estate tax assessment appeals and nonprofit real estate tax exemptions in Philadelphia and throughout eastern and central Pennsylvania. He has significant expertise in addressing real estate tax assessment issues related to affordable housing properties, and was part of the affordable housing industry group which successfully pursued legislation to amend Pennsylvania’s General County Assessment Law in 2003, which outlines principles applicable to assessments of affordable housing rental properties. He is a cum laude graduate of the Temple University Beasley School of Law, and also holds a Masters degree in City and Regional Planning from Rutgers University.



Gilbert High has devoted his career primarily to the practice of Municipal and Real Estate and Land Use Law. He has extensive experience in legislative drafting, subdivision and land development, zoning litigation, public employment issues, local taxation, public contracting, and the law of easements and rights of way. He regularly speaks on issues pertaining to municipal liability, particularly regarding the maintenance of the Urban Forest, a subject on which he has lectured nationally.

- Corporate ▪ [Real Estate](#) ▪ Land Use & Zoning ▪ Litigation ▪ Trusts, Estates & Elder Law
 - Employment ▪ Family Law ▪ Environmental Law ▪ Municipal & Governmental Law
-



Eric B. Smith's practice focuses on commercial and real estate litigation as well as municipal litigation. Mr. Smith's commercial litigation practice includes the representation of clients in contract and warranty disputes, disputes under UCC-Sales, construction disputes, mechanics' liens, Contractor and Subcontractor Payment Act claims and unfair trade practice claims. Mr. Smith's real estate litigation practice includes the defense of title claims, adverse possession, easement and boundary disputes, quiet title, reformation, partition and eminent domain, as well as title agency liability and defense.

Mr. Smith has served as a court appointed master-in-partition for the Court of Common Pleas of Montgomery County. Mr. Smith's municipal practice includes home rule law as well as municipal litigation. Since 2005 he has served as the Solicitor for the City of Reading Charter Board. In 2014, Mr. Smith was also appointed as a part-time Solicitor for Montgomery County assisting the Office of the Controller. Active in the Montgomery Bar Association since 1998, the Association selected Mr. Smith as its Secretary in January 2013, and he will serve as the Association's President in 2017. Previously he served on the Association's Board of Directors, Editor-in-Chief of the Montgomery County Law Reporter and Chair of the Young Lawyers Section. Mr. Smith has also served on the Pennsylvania Bar Association's House of Delegates since 2004. Law and Politics Magazine has named Mr. Smith a Super Lawyer – Rising Star, for those under 40, from 2005 through 2012, and has named Mr. Smith a Super Lawyer in 2013 and 2014. Since 2007 he has also served as the Judge of Elections for his voting district in Lower Merion Township.

High Swartz takes a team approach to the representation of its clients. The team approach enables its attorneys to work interchangeably on the complex issues that arise in the context of a real estate transaction. If you would like more information, or have any questions, please contact:

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