

James G. Benjamin

Jim Benjamin is the manager of the real estate and business transactional department of the Firm. A past President of the Real Estate Section of the Colorado Bar Association, Jim served on the Executive Council of the Real Estate Section for more than two decades. Currently, he is a member of the Legislative Policy Committee and is a past member of the Colorado Bar Association's Ethics Committee and the Board of Governors. Jim has been named by Law & Politics® to its list of Super Lawyers® in real estate law every year since inception of the List.

Jim is a frequent lecturer for continuing legal education programs on substantive areas of real estate law and ethics for transactional lawyers. He is the Editor in Chief of Bradford Publishing's book on *Colorado Real Estate Forms Deskbook*. The book covers purchase and sale agreements, listing agreements, 1031 tax deferred exchanges, deeds of trust, promissory notes, leases, easements, closing documents, forcible entry and detainer and mechanics' liens. Jim is frequently retained as an expert witness to provide opinions and advice on complex real estate law matters pending in Court proceedings and also on the standards of care required by lawyers in the provision of representation on real estate transactional matters. In 1991, he founded the law firm of Benjamin & Associates, PC, which is now Benjamin, Bain, Howard & Cohen, LLC. Jim is currently a manager of the firm.

Practice Areas

Real Estate Loans

Real Estate Acquisitions and Dispositions

Commercial Leasing

Condominium and Common Interest Community Regime Formation

Reciprocal Easement Agreements

LLC Formation

Representative Matters

Financial Institutions

- Lender's counsel on real estate loans from \$500,000 to \$85 million
- Represented borrowers on asset-based loans, including a \$45 million loan to a livestock processing plant, a \$20 million lease-loan on commercial aircraft, and a \$4 million loan for a mining operation
- Represented borrowers in commercial real estate acquisition and refinancing loans, and, in construction and development loans, up to \$155 million
- Negotiated and documented real estate secured loans, as lender's counsel, for loans aggregating in excess of a half billion dollars
- Representation on behalf of lenders has included loans originated to provide for building construction, off-site (infrastructure) improvements and permanent or bridge-loan financing
- Negotiated, documented and closed industrial revenue bond transactions, loans made for the issuance of letters of credit and loans providing permanent financing on multi-

family residential buildings, multiple use condominium projects, single family residential subdivisions, office buildings, hotels, shopping centers, golf courses, mini-warehouses, industrial projects and vacant land.

- Representation that has continued through modification stages of the loan, workouts, collection, deed in lieu of foreclosure, and foreclosure and receivership
- Represented developers and landowners on:
 - acquisition and disposition of vacant land, subdivision, office buildings, apartment units, golf courses, resort property, ranches and shopping centers
 - hazardous waste issues
 - leasing and eviction matters
 - creation of condominium regimes and conversion of apartments to condominiums
 - creation of conservation easements
 - I.R.C., Section 1031 tax deferred exchanges and reverse exchanges
 - Conservation easements

Transactional Representation

- Real estate properties acquired or sold by his clients, aggregating in excess of hundreds of millions of dollars
- Represented developer in largest apartment acquisition in Denver history (\$155 million in 2002). Representation included property acquisition, financing, condominium conversion, formation of holding entities, and condominium sales
- Representative commercial real estate acquisitions and sales include:
 - AT&T Building (170,000 square foot class A office building in Downtown Denver)
 - International Athletic Club Building (Downtown Denver commercial office, retail, and athletic club)
 - Beacon House Apartments (112 unit apartment complex)
 - Parkside Village Apartments (288 unit apartment complex)
 - Woodbridge Apartments (194 unit apartment complex)
 - Cahners Publishing Facility (a light industrial/office complex)
 - DTC 5 Building (commercial office building in the Denver Technological Center)
 - Rampart & Lake Mead Shopping Center (Las Vegas shopping center)
 - Rampart Business & Industrial Center (vacant land – light industrial)
 - Texas Instruments Building (industrial building)
 - Waterpark III Office Building (108,000 square foot multi-story office building)
 - Crested Butte Airport (resort area subdivision)
 - Crazy Horse Campground (a commercial recreational campground)
 - Tiger's Run RV Park (a shared-ownership recreational vehicle park)
 - Prairie Canyon Ranch (a 2000 plus acre ranch)
 - Wal-Mart Shopping Center at Plum Creek (shopping center)
 - Beaver Lodge at Winter Park (a hotel, restaurant and condominium complex)
 - Sommerset Condominiums (a 250 unit condo project)

- Parkway Towers (a 580 unit apartment converted into condominiums after acquisition)
 - Tantra Lakes (a 301 unit apartment complex converted into condominiums after acquisition)
 - DuoFast Building (industrial/warehousing facility in Salt Lake City)
 - Belle Bonfils Blood Bank (public benefit conveyance of closed Air Force Base property, formerly a 120,000 square foot commissary)
 - Heritage Hills (patio homes subdivision)
 - Cambridge Park (single family residential subdivision)
 - Golden Eagle Ranch (private hunting preserve)
 - Pinnacle Highline Apartments (258 unit condo conversion)
 - BridgeCenter at Park Meadows (an executive office suite and office service center)
 - NorthRidge at Westminster (an office and light industrial development park).
 - The Promontory at Briargate Business Campus (development and vertical construction office condominium joint venture)
 - Santa Fe Business Center (development and vertical construction office condominium joint venture)
 - Briargate Austin Bluffs (development and vertical construction of medical office complex)
 - Bridges at Park Meadows (executive office suites)
 - Tiffany Plaza (shopping mall)
- Commercial leasing transactions – Retail:
 - Blockbuster Videos (pad site lease)
 - Pak Mail (private retail shipping facility)
 - Cellular One (cellular telephone installation and servicing center)
 - Grease Monkey (automobile maintenance facility)
 - Off Belleview Grill (restaurant lease)
 - Marina Landing Restaurant (restaurant lease)
 - Lodo Restaurant (restaurant lease)
 - Taco Bell (pad site sale)
 - First American State Bank (commercial bank facility)
 - Kaufman & Broad Home Builders (combination office and retail facility located in a shopping center)
 - Birner Dental Management Services (executive suite of dental offices)
- Commercial Leasing Transactions – Office
 - Downtown Child Care Consortium (in-office building child care facility)
 - North American Title Company of Colorado
 - Chicago Title Company Denver headquarters
 - Columbia College (17,550 square foot lease)
 - State Mutual Life Assurance Company (27,100 square foot lease)
 - Dixon Paper Company (16,000 square foot lease)

- Platte Valley Mortgage (32,000 square foot lease)
- Olympian Executive Suites (15,600 square foot lease of executive office suites).

General Legal Representation

- Creation of entity for holding title (Mr. Benjamin was a member of the committee that drafted revisions to the Colorado Limited Liability Company Act)
- Buy/Sell Agreements between principals
- Preparation of declarations of covenants, conditions and restrictions for condominiums, shopping centers, office parks, industrial parks, and residential subdivisions
- Preparation of reciprocal easement agreements for cross access and parking arrangements
- Lease negotiation and drafting (office space, warehouse space and retail space)
- Acquisition and sale representation (multi-family residential, shopping centers, office buildings, condominium projects, golf course developments, vacant land for development, ranch property, and subdivisions)
- Property management and leasing issues
- Foreclosure, receivership and eviction.

Professional Experience, Activities and Honors

- Roath & Brega, P.C. (98 lawyer firm), Shareholder, Member of Executive Management Committee, head of transactional real estate department
- McKenna, Conner & Cuneo, (a 250 lawyer firm, with offices in Washington, D.C., Los Angeles, San Francisco, Dallas and Denver), head of transactional real estate department
- Berryhill, Benjamin, Cage & North, P.C., Founding Principal
- Denver Bar Association, Member, Executive Council of Young Lawyers Section, 1979-82; Secretary, 1981-82
- Colorado Bar Association, Real Estate Section, Member of Executive Council since 1988, Chair 2004-05; Ethics Committee Member 1988-2008, Board of Governors 2006-2008
- State Bar of California, 1976 to present
- Author or Editor: *Colorado Real Estate Forms Deskbook*, Bradford Publishing (2009); *Commercial Law*, California Continuing Education of the Bar , Vol. II, 1977 (Articles 3, 4 and 5 of the Uniform Commercial Code); *Foreclosure Sale Excess Proceeds*, 23 Colorado Lawyer 375, February 1994; *Beneficiary Deeds in Colorado-Part I: Overview of Legislation*, 34 Colorado Lawyer 79, June 2005; *Beneficiary Deeds in Colorado-Part II: Practical Applications*, 34 Colorado Lawyer, Page 103, June 2005
- Author, *Letters of Credit* standard operating procedures manual for commercial banks
- Author, California CLE supplement on negotiable instruments, documentary drafts and bank deposits

- Author, CLE article on negotiation and documentation of construction and permanent real estate loan financing
- Rated “AV” by *Martindale-Hubbell Law Directory*
- Listed in Marquis’ *Who's Who in American Law*
- Listed in Martindale-Hubbell *Bar Register of Preeminent Lawyers*
- Towey & Zak, real estate litigator, 1977-1981
- Security Pacific National Bank, Los Angeles, 1971-1977, held positions as Operations Officer, Consumer Loan Officer and In-house Counsel
- Member, Colorado Bar Association Limited Liability Company Act Revision Committee, which drafted the amendments to the Colorado Limited Liability Company Act, adopted by the State Legislature in 1994 and member of the committee that drafted the Colorado Beneficiary Deed Act
- Member, Colorado Bar Association Ethics Committee that drafted the proposed revisions to the Colorado Rules of Professional Conduct to accommodate Multi-Disciplinary Practice
- Member, Colorado Bar Association committee to advise and assist the Colorado Legislature on its desired revisions pertaining to adverse possession
- Member, Colorado Bar Association committee that drafted the Beneficiary Deed Act

Pro Bono Activities

- General Counsel, Osage Initiatives (U.S. West-created organization to employ the homeless and economically at risk, utilizing an alliance of non-profit and for-profit entities, with the for-profits created to support the mission and financial needs of the non-profit alliance members)
- Real Estate Counsel for the Girl Scouts- Mile High Council.

Lecturer

- *Negotiable Instruments*, Security Pacific Bank Management Training (1977-1980)
- *Financing Commercial Real Estate*, Northwest Center for Professional Education (April 1986)
- *Mechanic's Liens*, Legal Educational Seminars (March 1980)
- *Forcible Entry and Detainer Actions*, (1983)
- *Public Trustee Foreclosures*, Bank One - U Hills (1984)
- *Lender Liability*, Bank One – U Hills (1986)
- *Asbestos and Hazardous Substance Liability for the Lender*, United Banks of Golden (1990)
- *Keys to Success in a Real Estate Transaction in Colorado*, National Business Institute (1994)
- *Multi Disciplinary Practice*, Real Estate Symposium, CLE of Colorado (2000)
- *Ethics Primer for Real Estate Lawyers*, Real Estate 101, CLE of Colorado, Inc. (2000)
- *Real Life Ethical Issues For the Transactional Lawyer*, CLE of Colorado, Inc.
- *Ethical Issues For The Transactional Lawyer*, CLE of Colorado, Inc. (2001)
- *Update On Ethics For Real Estate Lawyers*, CLE of Colorado, Inc. (2002)

- *Current Ethical Problems For Real Estate Lawyers*, Boulder County Bar Association, Real Estate Section (2002)
- *Legislative Update*, Real Estate Symposium (2003)
- *Real Estate Symposium*, CLE of Colorado, Inc., Program Chair, (2004)
- *A Dirt Lawyer's Perspective on Beneficiary Deeds*, Real Estate Symposium (2005)
- *Beneficiary Deeds*, Boulder County Bar (2007)

Education

University of Southern California, B.A., Political Science, Cum Laude, 1971

Loyola University, Los Angeles , J.D., 1976

Admitted to California Bar - 1976

Admitted to Colorado Bar – 1977

Admitted to United States Supreme Court - 2004