



Kathryn J. Carlisle-Kesling

Of Counsel

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Kate brings over two decades of industry experience to assist developers, builders, lenders, and title companies with real estate and construction transactions, projects, and workouts.

PRACTICES

Real Estate Development and Finance
Commercial Leasing
Residential and Community Development
Zoning and Land Use
Distressed Assets

EDUCATION

University of Toledo, J.D., 1999
University of Cincinnati, B.A., 1996

BAR ADMISSIONS

Ohio
Utah

COURT ADMISSIONS

U.S. District Court for the Southern
District of Ohio
U.S. District Court for the Northern
District of Ohio

Kate has extensive experience guiding clients at every stage of the project development lifecycle—from planning to due diligence and title to acquisition and through lease out, management, and operation. Kate has led transactions involving a wide range of development projects including commercial, industrial, retail centers, office buildings, hotels and resorts, restaurants, senior living centers, multifamily apartments, condominiums, oil and gas projects, and subdivisions. She draws on experience with dispute resolution, bringing persuasive communication and negotiation skills to help clients navigate thorny issues that arise in transactions.

Kate frequently writes and presents on real property matters including multi-use development, acquisition and conveyance issues, real estate taxation, leasing, title and escrow issues, foreclosure and its processes, probate and trust matters, deeds and conveyance, marketable title act, and curative statutes and actions.

Kate served as a member of the prestigious Ohio State Bar Association, Real Property Section Council, from 2015-2019 and was one of the first lawyers in Ohio to become a Certified Specialist in Residential Real Property Law. Kate also Chaired the Cleveland Metropolitan Bar Association, Real Property Section.

Prior to joining Holland & Hart, Kate was a partner shareholder with Buckley King in Ohio.

CLIENT RESULTS

Before joining Holland & Hart, some of the matters Kate worked on include:

- 20 year-representation of one of Ohio's largest independently owned title agents, involved in title/escrow issues/reviews/closings, claim resolution, preparation of conveyance documents. Co-authored "Best Practice" policies (including security and IT/cyber policies) and assisted client to become one of the first ALTA Best Practice certified agents (by a third-party auditor), in Ohio.
- Lead counsel for a major financial institution in the review of hundreds of leases, licenses, easements, service agreements, and right of way agreements for bank branches and ATM locations.

- Local counsel for a fully integrated real estate development, construction, property management, and capital company located in Utah.
- Lead counsel for a major hotel acquisition and franchise in Cleveland, Ohio.
- Lead counsel for one of Ohio's largest gas and oil operations, as land owner, including leases, pipeline agreements, and access agreements.
- Lead counsel in *Johnson v. New Direction IRA FBO King C. Lam*, 2018-Ohio-4608, 2018 Ohio App. LEXIS 4920, successful oral argument and appeal in Cuyahoga County, Eighth Appellate District Court, involving a purported termination of easement appurtenant, bona fide purchaser statute, and forfeiture deeds.
- Lead counsel for land developer in sale of a subdivision and preparation of covenants, conditions and restrictions.

PUBLICATIONS

"Utah's Continued Momentum in Residential and Commercial Real Estate," *The Enterprise: Utah's Business Journal*, 10/12/2020

"Revised Ohio Title Standards," co-author, *Ohio State Bar Association, Real Property Section*, 2010-2019

"History of Recording and Ohio Standards of Title Examination: A Multi-Year Project," *Cleveland Metropolitan Bar Association, Real Estate Section Newsletter*, Fall 2017

"A Break in the Chain of Title: Curing Defective Titles," *Properties Magazine*, February 2017

"Complaints Against the Valuation of Real Property Moving into 2017 - Delivering Value to Your Customers," *Title Topics, Ohio Land Title Association Newsletter*, 2017

SPEAKING ENGAGEMENTS

"Beware of the Boilerplate," *Cleveland Metropolitan Bar Association's 41st Annual Real Estate Law Institute*, November 2019

"Investing in Real Estate, Using Self-Directed IRA's," *Draper Library and Cleveland Metropolitan Bar Association*, August 2019 and June 2019

"The Crossroad Between Real Estate and Estate Planning: Disability and Estate Planning Institute for Peace of Mind," *Osher Lifelong Learning Institute at the University of Utah*, March 2019

"Purchase Agreements: The Title Condition, the Conveyance, and the Solar Addendum," *Wasatch Transactional Attorney Group*, February 2019

"At the Corner of Bitter and Sweet - Mixed Use Leasing, New Urbanism from the Tenant Perspective: Residential and Office," *Cleveland Metropolitan Bar Association's 39th Annual Real Estate Institute*,

November 2017

"Lender and Title Agent Best Practices in Real Estate Transactions and Closings," *Ohio State Bar Association's 24th Annual Bradley J. Schaeffer Real Property Institute*, December 15, 2016

RECOGNITION

- *The Best Lawyers in America*®, Real Estate Law, 2021
- *Utah Business Magazine*, Utah Legal Elite, Real Estate, 2020-2021
- Martindale-Hubbell®, Client Champion Silver, 2019
- Super Lawyers Rising Star, Real Estate, 2013

PROFESSIONAL AND CIVIC AFFILIATIONS

- NAIOP/Commercial Real Estate Development Association, Member
- Commercial Real Estate for Women (CREW) Utah, Member
- Urban Land Institute, Member
- Women Lawyers of Utah (WLU), Career Advancement Committee Member
- Utah State Bar Association, Member, Real Property and Estate Planning Sections
- Ohio State Bar Association, Section Counsel, Real Property Section
- Ohio State Bar Association, Member, Committee on Re-writing Ohio Standards of Title Examination
- Cleveland Metropolitan Bar Association, Real Estate Section, Chair (2017-2018)
- MountainWest Capital Network, Member
- Salt Lake Estate Planning Council, Member
- Salt Lake Community College, Planned Giving Committee, Member
- TEENS, Inc., Board Member