



Kathryn J. Carlisle-Kesling

Partner

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

Comprehensive and Strategic Real Estate Development Advisor. Kate has extensive experience guiding clients at every stage of the project development lifecycle—from planning and structure, to due diligence, title and survey, investment, financing, acquisition, development, entitlements, and through lease out, management, and operation. She 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 developments, condominiums, renewable projects, oil and gas projects, and master planned communities.

Real Estate Advice for Leveraging Tools to Finance Energy Efficiency and New Markets. Kate has led transactions involving C-PACE (Commercial Property Assessed Clean Energy) financing and New Market Tax Credit deals.

Kate frequently writes and presents on real property and other matters including multi-use development, the real estate closing process, negotiation strategies to secure a successful real estate deal, investing in real estate using Self-Directed IRAs, acquisition and conveyance issues, real estate taxation, leasing, title insurance coverage and escrow issues, foreclosure and its processes, marketable title act, curative statutes and actions, and how to develop invaluable networking and business development skills.

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

Lead counsel for multiple land developers in Utah in the preparation of covenants, conditions and restrictions, easements, design guidelines, and sale of lots.

PRACTICES

Real Estate
Leasing
Real Estate Finance
Master Planned Communities
Finance
Resorts and Hospitality

INDUSTRIES

Financial Institutions
Renewable Energy and Storage
Cannabis and Psychedelics
Construction and Development
Food, Beverage, and Consumer Products
Healthcare

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

Representation of Conrad & Bischoff Inc. and its related companies in its acquisition by Parkland Corporation, through its wholly owned U.S. subsidiary Parkland USA.

Lead counsel in Utah related to a large compliance project involving residential leasing, property management licensing, federal and Utah consumer laws.

Lead counsel in Utah involving the sale of a large luxury residential property in one of our ski resorts in Utah.

Lead team involving multiple portfolios of leases for restaurant and office locations.

Lead counsel in the sale of a complex property involving real estate improved with storage units, in Utah.

Lead counsel on the acquisition of land for one of Dayton, Ohio's most modern and innovative medical facilities.

Assisted in representation for a major financial institution providing loan financing on multiple properties in Utah and surrounding states.

Assisted with representation of an approximately 13,000 acre site owner, with the master planned community, development agreement, open space easements, and other aspects of the project.

Lead counsel to multiple clients to develop form lot sales agreements, ground leases, options to lease, mechanic's lien waivers.

Performed due diligence review for real estate, loan documents, and negotiated title insurance/loan policies for a finance transaction involving over 20 petroleum service stations, located in the mid-western United States.

Performed due diligence review for multiple geothermal, solar, and battery storage project sites in Utah.

Assisted with representation in the sale of Destination Homes' single family residential and town home divisions.

Co-lead with representing a multi-national client with a lease negotiation involving in excess of 105,000 rentable square feet.

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

"Promises Delivered: CDFI Fund Announces \$5 Billion in New Market Tax Credits," *Holland & Hart News Update*, 09/09/2021

"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

SPEAKING ENGAGEMENTS

"Estate Planning with Real Estate and the Corporate Transparency Act," *Salt Lake Estate Planners Fall Forum*, November 2023

"Real Estate: The Current State of the Leasing Market," *Holland & Hart In-House Counsel Seminar*, June 2023

"How to Get a Seat at the Table and Stay There (on Business Networking)," *Utah Women in Banking Conference*, April 2023

"Lease Language," *Collier's Utah*, November 2022

"Deal and Negotiation Seminar," *CREW Utah*, November 2022

"Finding Your Seat at the Table... and Then Staying There," *2022 Women & Business Conference, 46th Annual Salt Lake Chamber Women's Center of Utah Athena Awards*, November 2022

"Title in Real Estate Transactions - Title Company, Buyer, Seller Perspectives," *National Business Institute (NBI)*, November 2022

"Real Estate Trends in Utah-2021," *Salt Lake Community College*,

Planned Giving Committee, June 2021

"Ducks in a Row: Estate and Disability Planning," *PBS Utah/KUER*, October 2020

"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

"Introduction to Estate Planning," *Larry H. Miller Lunch 'N' Learn Series*, September 2019

RECOGNITION

- *The Best Lawyers in America*®, Real Estate Law, 2021-2024
- *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

- CREW Utah, Member
- Urban Land Institute, Member
- Utah ULI Trends 2023 Conference Planning Committee, Member
- Women Lawyers of Utah, Career Advancement Committee, Member
- Utah State Bar Association, Real Property and Estate Planning Sections, Member
- American Bar Association, Real Property, Trust, and Estate Law Section
- Ohio State Bar Association, Real Property Section, Member
- Ohio State Bar Association, Committee on Re-writing Ohio Standards of Title Examination, Member
- Salt Lake Estate Planning Council, Member
- Salt Lake Community College, Planned Giving Advisory Council, Member
- TEENS, Inc., Board Member