

Forrest M. Smith III

DIRECTOR

Forrest Smith, a director of the Firm, practices in the Business practice area with a concentration in commercial real estate, banking and financial institutions and general business matters. As a respected professional, Forrest's national practice covers all areas of real estate, ranging from raw land to industrial, healthcare, multi-family, retail and hospitality, and includes representation of owners, developers, landlords, and tenants in all types of properties including build to suit. Forrest also maintains a diverse business practice consisting primarily of finance and lending, including workouts and foreclosures and representation of corporations, partnerships, limited liability companies and other entities in all areas of contract, transactional and business matters. He is also trained as a mediator and has successfully mediated numerous corporate, business and real estate disputes. Since 1985, Forrest has been Board Certified in both Commercial and Residential Real Estate Law by the Texas Board of Legal Specialization.

Practice Focus

Business & Corporate, Construction, Distressed Assets, Energy, Oil and Gas, Financial Services, Real Estate, Real Estate Financing, Retail, Restaurant & Hospitality

Honors

- Board Certified, Texas Board of Legal Specialization, Commercial Real Estate Law (1985-Present)
- Board Certified, Texas Board of Legal Specialization, Residential Real Estate Law (1985-Present)
- AV Preeminent®, Martindale Hubbell
- Texas Rising Stars, Thomson Reuters
- Best Lawyers in America®, U.S. News & World Report (2019 - 2022)
- Top Lawyers – Real Estate, *Houstonia Magazine* (2016, 2019)
- Texas College of Real Estate Attorneys (elected in 1986)
- Texas Bar Foundation, Fellow

Admissions

- State Bar of Texas, 1980

Associations

- Texas Bar Foundation, Fellow
- State Bar of Texas Grievance Committee (Chair of District 4D Grievance Committee 2008 and 2009; Member 2003-2009)



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LAW SCHOOL

St. Mary's University Law School
J.D., 1980

UNDERGRADUATE

University of Texas at Austin
B.B.A., 1977

- Real Estate Law Advisory Commission, Texas Board of Legal Specialization (Chair of Commission 2000 and 2001; Member 1989-2001)
- Real Estate Law Exam Commission, Texas Board of Legal Specialization (Chair of General Exam Subcommittee 2007 and 2008; Member 2002-2008)
- Real Estate, Probate and Trust Law Section (former member of Legislative Review Committee, Committee Regarding Legal Fees Paid by Title Companies, Uniform Land Security Interest Act Committee and Property Code Review Committee)
- Houston Realty Business Coalition
- Association of Commercial Real Estate Professionals
- Houston Bar Association
- San Antonio Bar Association (1982-2000)

Experience

- Counsel to numerous banks and other lenders in a wide range of commercial loan types (including real estate, construction, development, business and asset based, syndicated loans and others), special asset management (workouts, foreclosures, and REO sales) and residential loans.
- Houston local counsel to New York-based company in acquisition of 16 Houston area shopping centers including post-contract due diligence relating to zoning compliance, fire and safety code compliance, compliance with governmental and private restrictions, and project impact of current and future TXDOT highway expansion projects.
- Lead local counsel to a consortium of banks for purpose of negotiating, documenting and rendering legal opinions in the refinancing of debt for several hotels in different states by a national hotel entity, including the review, drafting, and negotiation of sophisticated loan documentation packages.
- Formation and representation of various development and ownership entities in the acquisition and redevelopment of mixed-use hotel, retail and residential condominium projects in historic district and designated empowerment zone.
- Counsel to international conglomerate in the sale-leaseback of 60-acre office/industrial facility including fifteen buildings.
- Representation of national bank in the sale-leaseback of headquarters office building and adjacent parking garage.
- Represented various developers and contractors in connection with HUD financing and the purchase, construction and leasing of various apartment projects in Texas.
- Counsel to various financial institutions in connection with acquisition, construction and sale of real estate, master lease preparation, leasing of branch facilities as anchor tenant, tenant leases in various owned buildings, lease amendments, renewals and option exercises.
- Represented international hotel corporation in the construction of a 1,000 room hotel located in a third party development project which included a shopping mall; subsequently represented pension fund in acquisition of the mall, including due diligence relating to over 100 anchor, retail and kiosk leases.
- Texas local counsel to public corporation in negotiation and review of loan documents for acquisition of a European corporation, including drafting of opinion letter addressing Texas laws.
- Counsel to international chemical manufacturer in development and construction of two chemical manufacturing plants in Texas.
- Represented hospital in development, construction and leasing of a high-rise medical office building adjacent to the hospital.
- Counsel to developer in formation of development entity and acquisition, construction, sale of lots and negotiation of build-to-suit leases within a 300-acre office/industrial development near the Houston Ship Channel.
- Represented insurance company, as landlord, in investigating, developing strategies and handling mold claims in several Texas shopping centers (all resolving without litigation).
- Counsel to national lender in connection with a distressed loan and post-foreclosure issues in connection with suspected mold contamination in various office buildings, a public museum and a dormitory building located in Florida

(all resolving without litigation).

- Represented landlords and tenants during entire career in space and anchor tenant leasing of spaces in numerous types of facilities including office buildings, shopping centers, industrial, healthcare and other developments in Texas and other states.

Publications

- Co-Author, "A Study of Texas Usury Law," St. Mary's Law Journal, Volume 10, No. 3, 1979
- "Second Mortgages on Texas Homesteads Under the Internal Revenue Code of 1986," Vol. 2, No. 6, Texas Real Estate Law Reporter
- Author and speaker for numerous bar associations and community programs on varied topics including: negotiating and closing of real estate transactions; "Qualified Residence Interest" under the 1986 Tax Reform Act; the proposed "Uniform Land Security Interest Act;" mechanic's, contractor's and materialman's liens and other topics.