

Emily E. Fenster

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Professional Overview

Emily is an attorney in HCMP's Real Estate Group, focusing her practice on transactional matters. From assisting with site targeting and selection, securing financing, and drafting purchase and sale agreements to negotiating construction agreements, drafting leases, and formulating community governance documents, Emily works with her clients every step of the way to solve their problems and bring projects to completion. She routinely advises clients through the complex processes associated with condominiumization, assesses the tax implications of real estate transactions, and structures limited liability companies and other joint ventures for the purposes of real estate development and disposition.

Emily also has a significant background in land use and environmental law. She earned her Master of Community and Regional Planning from the University of Oregon, during which time she served as a researcher for the Institute for Policy Research and Engagement on its Natural Hazard Mitigation Plan. Through this work, Emily built an in-depth understanding of agency law and procedure – and the myriad ways in which they affect employers and other stakeholders involved in city-level land use decision-making. This in-depth knowledge of the development process makes her an invaluable resource for her clients and colleagues alike.

Prior to joining the firm, Emily spent several years working on construction litigation matters, including cases involving claims related to faulty materials and negligence in the building process, as well as complex claims stemming from failures during large-scale development projects resulting in landslides and related claims of water trespass and trespass to land. She also represented private and public employers in federal and state litigation involving a wide range of employment issues and business transactions, including real estate, construction, and contract negotiation.

Emily prides herself on being approachable to her clients and attentive to their needs. She strives to ensure that each of her clients feels comfortable coming to her with any problem – large or small – so that she can understand the challenges they face and help them achieve their goals.

Representative Matters

- Represent a regional healthcare facility in connection with purchases, sales, and medical-office leasing matters, including the acquisition of an \$84 million healthcare facility and the related negotiation and drafting of a complex suite of purchase-and-sale and leaseback documents.
- Represent a regional healthcare network in connection with purchases, sales, and leasing, including the acquisition of a \$15 million healthcare facility.
- Represent a joint venture client with the air-space condominiumization of its real estate asset and the related negotiation and drafting of a complex suite of long-term ground leases, leaseback, and condominium documents for the development of a mixed-use condominium tower.
- Represented a regional healthcare facility with its sale of a portfolio of gifted properties, including negotiating and drafting the related purchase-and-sale, leasing, and seller financing documents.
- Represent a global real estate investment firm with sale, development, leasing, and operational matters relating to its national portfolio of industrial and commercial properties.
- Represent local and national developers in connection with purchases and sales of a wide variety of properties, including commercial, mixed-use commercial, industrial, vacant, and multi-family properties.
- Represented an institutional asset manager in purchase of \$89 million logistics center in Texas.
- Represent developers in the preparation of condominium and community governance documents for residential, commercial, and mixed-use projects, including incorporation of nonprofit owners' associations, review and analysis of survey maps and plans, and preparation of declarations of covenants, conditions and restrictions, bylaws, rules and regulations, and related documents.
- Represent a variety of landlords and tenants in negotiating leases across several asset classes, including office, retail, medical, and industrial.

Professional and Civic Involvement

- Washington State Bar Association
- King County Bar Association
- Washington Women Lawyers
- Oregon State Bar, Quality of Life Committee
- Oregon Women Lawyers

Honors / Awards / Prior Experience

- Associate Attorney, Preg O'Donnell & Gillett, 2020 – 2021
- Honors Attorney, University of Oregon Office of the General Counsel, 2018 – 2020
- Legal Intern, Portland State University Office of the General Counsel, 2017 – 2018
- Graduate Research Fellow, Ecosystem Workforce Program, Institute for a Sustainable Environment, 2016 – 2017
- Natural Hazard Mitigation Plan Researcher, Institute for Policy Research and Engagement, 2017

Education

J.D., University of Oregon School of Law, 2018

- Co-Director, Land Air Water
- Conference Co-Director, Public Interest Environmental Law Conference

Master of Community and Regional Planning, University of Oregon, 2018

- Thesis, June 2018, *Community Coalitions & Community Benefit Agreements: Opportunities to Ensure Climate Change Mitigation Through Collaborative Planning*

B.A., Communications, Washington State University, *magna cum laude*, 2014

- NCAA Division I Women's Swimming Team member

Bar/Court Admissions

Washington State Courts

Oregon State Courts

Personal

I spend much of my free time outside with family, friends, and my mastiff mix, Bella. I love living in Western Washington because of the proximity to the water and mountains where I can hike, backpack, mountaineer, paddleboard, and kayak. I also enjoy painting, photography, and am learning to knit so I can donate to Blankets for Baby Rhinos, a conservation group that supports wildlife orphanages and anti-poaching units by supplying knitted blankets and clothing.