

## Joseph W. West

Principal

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Joe focuses on guiding property owners, developers and lenders through multifaceted residential and commercial real estate transactions.

Joe has practiced in the areas of real estate, business and banking law in Oregon for more than 30 years. Joe's real estate practice includes representation of owners, developers, tenants and lenders in a wide variety of matters, particularly in connection with residential and commercial real estate acquisition, leasing, development and finance.

He routinely negotiates and drafts joint venture agreements, purchase and sale agreements, commercial leases, easements, option agreements and loan and financing documents. Joe also provides legal advice on title, land use, environmental and Section 1031 exchange issues.

His business practice includes business planning, limited liability company and other entity formation, joint venture agreements, negotiation and preparation of contracts, purchase and sale of business entities and corporate governance matters. Joe also represents several nonprofit corporations.

Joe formerly served as in-house counsel with U.S. Bancorp, where he provided legal advice regarding all aspects of finance and banking, including commercial and consumer lending, retail and electronic banking services and regulatory compliance.

### Services

Business & Corporate  
Finance  
Cannabis  
Family-Owned & Closely  
Held Businesses  
Financial Services  
Real Estate  
Real Estate, Land Use &  
Environmental

### Admissions

Oregon, 1985  
U.S. District Court, District of  
Oregon, 1985

## Education

J.D., University of Oregon School of Law, 1985

B.S., Willamette University, Political Science and Economics, 1982

## Honors & Recognition

*Chambers USA* (Oregon) Leading Individual, Real Estate, 2020-present

*The Best Lawyers in America*®, Real Estate Law, Corporate Compliance Law, Corporate Governance Law, Leveraged Buyouts and Private Equity Law, 2011-present

- *Best Lawyers*® “Lawyer of the Year,” Corporate Compliance Law, 2023
- *Best Lawyers*® “Lawyer of the Year,” Corporate Governance Law, 2022
- *Best Lawyers*® “Lawyer of the Year,” Corporate Compliance Law, 2016, 2021

Oregon Super Lawyer list

- *Oregon Super Lawyers*, 2008-2019
- *Super Lawyers Business Edition*, 2015

Martindale-Hubbell AV Preeminent rating

## Professional Activities

Oregon State Bar, Member

- Real Estate and Land Use Section

Foster Garvey, Managing Director of Portland Office, 2021-2022

## Community Activities

*Pro Bono* Counsel to several nonprofit organizations including Oregon Business Association, Edwards Center and Northwest Mothers Milk Bank.

## Experience

Purchase of Denver-area hotel

Represented hotel investment group in its \$9 million purchase of a hotel in Denver, Colorado. Assisted client in the negotiation of the purchase and sale agreement as well as survey and title review, additional due diligence and closing documents.

Multiple office leases in historic downtown Portland building

Represented commercial landlord in negotiating several office leases in a historic downtown Portland, Oregon, office building, including office buildout terms.

**Retail lease negotiations for footwear manufacturer**

Represented footwear manufacturer in its negotiation of various retail leases and to coordinate the review of additional retail leases in various U.S. locations. Negotiation included lease termination and renewal rights, exclusivity clauses, tenant improvement concessions and limitations on CAM charges.

**Purchase of Portland office building**

Represented commercial lighting business in the purchase of an office building in Portland, Oregon. Negotiated the purchase and sale agreement and handled related title review, due diligence and financing document review. Also assisted client with coordinated bank and SBA financing for the project.

**Purchase of vineyard acreage in Oregon wine country**

Represented Oregon winemaker in its purchase of vineyard acreage in Yamhill County, Oregon, including title review, due diligence matters and preparation of closing documents.

**AIA design-build agreement with architect/contractor in multi-phase hotel project**

Represented the owner of a Holiday Inn Express franchise in Oregon in negotiating and preparing an AIA design-build agreement with an architect/contractor for a multi-phase project that included the replacement of siding and windows. Extensive negotiations included provisions for liquidated damages for late delivery of work and coordination of work to minimize interference with hotel operations.

**Asphalt Refinery Purchase**

Represented purchaser of asphalt refinery assets and real property located in Portland, Oregon, including acquisition of submerged land lease, railroad easement rights, and extensive pipeline easements and City of Portland franchise rights. Transaction included formation of new purchaser entity and review and negotiation of loan documents to finance the acquisition.

**Commercial Loan for Equipment Dealer Acquisition**

Represented nationally-based commercial lender in \$25-million equipment and real estate secured financing as part of a \$45-million asset acquisition of heavy equipment dealer in Lane County, Oregon, including negotiating and preparing secured loan documentation for real and personal property located in multiple Oregon counties.

**Industrial Site Acquisition and Development**

Represented Japanese microchip manufacturer in \$3.8-million acquisition of industrial park site in Hillsboro, Oregon, and subsequent construction and development of \$8.1-million semiconductor manufacturing facility, including synthetic lease financing.

#### Land Acquisition and Residential Development

Represented residential developers in land acquisitions and subsequent developments for subdivision, PUD, town and condominium projects in Portland, Oregon, metropolitan area. This included negotiating and documenting options to purchase for regional homebuilder on over 150 acres of land in Washington County, Oregon, for residential subdivision development. Also represented several family farm clients in multi-million dollar sales of land to developers and subsequent tax-deferred exchanges into investment real estate.

#### Multistate Loan

Represented owner of assisted-living facilities in connection with obtaining \$40-million line of credit secured by 16 assisted-living properties located throughout the United States, including subsequent amendments with additional 18 assisted-living facilities as collateral.

#### Shopping Center Acquisitions

Represented purchasers and sellers in multimillion dollar acquisitions and sales of regional, retail shopping centers, including negotiating financing and reviewing leases, title, environmental and other due diligence matters. These transactions include acquisitions to complete Section 1031 tax-deferred exchanges. Ongoing representation for owners include leasing and loan covenant compliance matters.

#### Industrial Site Ground Lease and Development

Assisted regional leasing equipment dealer with ground lease and industrial building development in Washington County, Oregon, including option to purchase.

#### Portland, OR Office Building

Represented purchaser of downtown Portland, Oregon office building, including due diligence review of all leases, estoppel certificate coordination, title and survey review and closing matters. Ongoing representation negotiating new leases.

#### Hotel Transactions

Represented buyers and sellers in hotel purchases and sales, including financing matters.

#### Purchase of Power Generator Facility

Represented purchaser of electric generator facility, including negotiation of Purchase and Sale Agreement, title review and closing matters.

### News

45 Foster Garvey Attorneys Recognized Among *The Best Lawyers In America*®  
*Foster Garvey Newsroom*, 8.18.22

Foster Garvey Recognized Among Nation's Leading Law Firms in 2022 *Chambers USA* Guide;  
21 Attorneys and 10 Practices Featured  
*Foster Garvey Newsroom*, 6.1.22

38 Attorneys Named 2022 Best Lawyers in America; 11 Named Best Lawyers: Ones to Watch  
*Foster Garvey Newsroom*, 8.19.21

Foster Garvey Named Among Leading Law Firms in *Chambers USA*; Three Attorneys Added to  
Rankings  
*Foster Garvey Newsroom*, 5.20.21

43 Attorneys Named 2021 *Best Lawyers in America*; 10 Named Best Lawyers: Ones to Watch  
*Foster Garvey Newsroom*, 8.20.20

Foster Garvey Named Among Top Firms in Chambers USA, Including Ranking of Six New  
Attorneys  
*Foster Garvey Newsroom*, 4.23.20

50 Foster Garvey Attorneys Named 2020 *Best Lawyers in America*  
*Foster Garvey Newsroom*, 8.15.19

32 Attorneys Named Super Lawyers and Eight Named Rising Stars  
*Foster Garvey Newsroom*, 6.10.19

### **Speaking Engagements**

"Commercial Leases in the 21st Century," The Seminar Group  
Continuing Education Seminar  
Portland, OR, 5.11.18

"Cannabis Legal Panel," RAD Expo  
Speaking Engagement  
Portland, OR, 1.18.18

"Key Considerations When Buying, Selling and Leasing Real Estate for Cannabis Use,"  
Cannabis Investment Network - Portland Pitch Event  
Speaking Engagement  
Portland, OR, 10.11.17

Growing Up Green: Learning How to Blossom in Oregon's Budding Marketplace  
Cannabis Business Seminar  
Portland, OR, 5.18.17

Real Estate for Planners: What Planners Should Know About Real Estate Issues  
Seminar

Garvey Schubert Barer, Portland, OR, 2.8.12

Legal Issues for Planners, Oregon Chapter of the American Planning Association  
Speaking Engagement

Portland Building Auditorium, Portland, OR, 12.11.09

### **Legal Alerts**

Oregon Extends Eviction Ban, Allows Deferred Loan Payments and Prohibits Foreclosures  
7.6.20

Washington Governor Extends Eviction Moratorium to June 4th and Prohibits Rent Increases  
for Commercial Leases  
4.23.20

Oregon Governor Extends Eviction Moratorium to Commercial Leases  
4.16.20

### **Publications**

Highway Access, Principles of Oregon Real Estate Law  
1.1.03