Foster Garvey

Joseph W. West

Principal (Retired) | **Portland**

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Overview

Joe is now retired and is no longer practicing law. Please contact Tom Scott for legal advice on real estate matters.

Joe focused his practice on guiding property owners, developers and lenders through multifaceted residential and commercial real estate transactions. He practiced in the areas of real estate, business and banking law in Oregon for more than 30 years. Joe's real estate practice included 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 negotiated and drafted joint venture agreements, purchase and sale agreements, commercial leases, easements, option agreements and loan and financing documents. Joe also provided legal advice on title, land use, environmental and Section 1031 exchange issues.

His business practice included 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 represented 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.

Areas of Focus

- Business & Commercial Transactions
- Cannabis

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- Family-Owned & Closely Held Business
- 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, 2020-2026
- *The Best Lawyers in America©,* Real Estate Law, Corporate Compliance Law, Corporate Governance Law, Leveraged Buyouts and Private Equity Law, 2011-2025
  - *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

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- 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.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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.
- 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

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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.

- 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.

- 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 & Insights

Blog Posts

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OLCC Issues Winter Holiday Compliance Checklist

12.07.17

Is a Cannabis Lease Void as an Illegal Contract?

10.04.17

News

Foster Garvey Recognized Among Nation's Top Firms in 2026 Chambers USA Guide: 34 Attorneys and 15 Practices Ranked

06.04.26

71 Foster Garvey Attorneys Recognized Among the 2026 Best Lawyers in America; Paul Trinchero Named 'Lawyer of the Year'

08.21.25

Foster Garvey Recognized Among Nation's Top Firms in 2025 Chambers USA Guide; 26 Attorneys and 13 Practices Ranked

06.05.25

65 Foster Garvey Attorneys Selected to The Best Lawyers in America® 2025, Three Named 'Lawyer of the Year'

08.15.24

Foster Garvey Recognized Among Nation's Top Firms in 2024 Chambers USA Guide; 20 Attorneys and 10 Practices Ranked

06.06.24

57 Foster Garvey Attorneys Recognized Among the 2024 Best Lawyers in America; Two Portland Attorneys Named 'Lawyer of the Year'

08.17.23

Foster Garvey Receives Honors in 2023 Chambers USA Guide; 21 Attorneys and 10 Practices Featured

06.01.23

45 Foster Garvey Attorneys Recognized Among The Best Lawyers In America®

08.18.22

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

06.01.22

38 Attorneys Named 2022 Best Lawyers in America; 11 Named Best Lawyers: Ones to Watch

08.19.21

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

05.20.21

43 Attorneys Named 2021 Best Lawyers in America; 10 Named Best Lawyers: Ones to Watch

08.20.20

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

04.23.20

50 Foster Garvey Attorneys Named 2020 Best Lawyers in America

08.15.19

32 Attorneys Named Super Lawyers and Eight Named Rising Stars

06.10.19

Events

"Commercial Leases in the 21st Century," The Seminar Group

05.11.18

"Cannabis Legal Panel," RAD Expo

01.18.18

"Key Considerations When Buying, Selling and Leasing Real Estate for Cannabis Use," Cannabis Investment Network – Portland Pitch Event

10.11.17

Growing Up Green: Learning How to Blossom in Oregon's Budding Marketplace

05.18.17

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

02.08.12

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

12.11.09

Legal Alerts

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

07.06.20

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

04.23.20

Oregon Governor Extends Eviction Moratorium to Commercial Leases

04.16.20

Publications

Highway Access, Principles of Oregon Real Estate Law

01.01.03

Connect with Joseph

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