



→ David M. Hymer

Of Counsel

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David Hymer is of counsel in the Real Estate, Energy, Land Use & Environmental Practice Group in the firm's San Diego office.

Areas of Practice

David has significant experience in real property acquisitions, development, leasing and sales. His experience includes complex real estate purchase and sale transactions representing developers of master planned communities in all aspects of development and sale; representing public and privately-held homebuilders in land acquisitions and related matters; landbanking transactions; representing shopping center developers and investors; ground leases; built-to-suit transactions; real estate loan transactions; and construction contracts.

Honors

Benchmark Litigation, Litigation Star, 2021-2023

Martindale-Hubbell® AV Preeminent Rating - Corporate Real Estate Law

Legal 500 - 2015 (Real Estate and Construction)

Lawyer of the Year - Real Estate, *Best Lawyers in America*, 2022, 2023

The Best Lawyers in America - 2014-2026 (Real Estate Law)

Selected as "California Dealmaker" for 2009 by *California Real Estate Journal*

San Diego Super Lawyers - Top Lawyers (Real Estate) 2014

San Diego Magazine - Top Lawyers (Real Estate) 2014

Experience

Representative Matters

- *Acquisitions and Sales* - Transactions include the sale of a 670,000-square-foot shopping center in Sacramento, California; the sale leaseback of an office building/corporate headquarters; the sale of an 800,000-square-foot industrial/R&D complex in Rialto, California; option agreement for 1,250-acre residential development in Ventura County; numerous homebuilder land acquisitions; and hotel and retail acquisitions throughout the United States.
- *Master-Planned Communities* – Represent developers of large master-planned communities, including San Elijo Hills and Villages at Escaya, in all aspects of development and merchant builder sales programs.

- Joint Ventures – Structured joint ventures for residential developments.
- *Troubled Assets* - Forebearance agreements, loan modifications, deeds in lieu of foreclosure, and purchases of troubled real estate loans.
- *Construction Contracts* - Construction, design-build and architect contracts; representation of developers of high-rise condominium projects, including One Rincon Plaza in San Francisco, the tallest residential building west of the Mississippi.
- *Leasing* - Representation of owners and tenants in retail, office and industrial/R&D lease transactions, including lease of 150,000-square-foot facility to Lockheed Martin and lease of 750,000-square-foot facility to General Mills.
- *Real Estate Finance* - Representation of owners obtaining construction, acquisition and development and mezzanine loans, including numerous loans in excess of \$100 million. Representation of parties to landbanking transactions.

Articles

- Buyer Beware: Purchasing Assets From a Receiver
11.02.2011
- What Happened to Our Antiquated Mechanics Lien Law?!
12.06.2010
- New Anti-Deficiency Protection for Residential Real Property Loans
10.01.2010
- Credit Warming: First New CMBS Sale in Over Two Years Ready to Close
11.19.2009
- You Can "Extend and Pretend," "Delay and Pray," or "Pay and Pray" and Not Get Criticized... Sort Of
11.04.2009
- Major New Opportunity to Modify CMBS Loans Created by New Tax Rule - Special Servicer's Hands Untied
09.17.2009
- Good News for Developers Regarding Construction Defect Statute of Limitations
08.04.2009
- How the Regulatory Effects of Distressed Loans Affect Lenders, Borrowers and Loan Purchasers
04.28.2009
- Buying and Selling Troubled Real Estate Loans on Uncompleted Projects: Selected Issues
01.22.2009
- Assembly Bill 2738 Changes Subcontractor Indemnity and Defense Obligations
01.06.2009

Real Estate, Land Use & Environmental Law Blog

- "Judicial Council Amends Tolling Period for Statutes Limitations Impacted by COVID-19," June 1, 2020
- "California Judicial Council Adopts Rule Tolling Statute of Limitations," April 7, 2020
- "Head's Up: Changes Made to Civil Code Section 1542," January 18, 2019

Media Mentions

Sheppard Mullin Takes In 10 McKenna Attys In Calif.
Law360, 04.07.2014

Speaking Engagements

REIT discussion panel, Stanford Alumni Association of San Diego, September 5, 2013

"Foreign Investment in the U.S.," Pacific Rim Advisory Council Conference, Jakarta, Indonesia, April 2013

"Purchasing Distressed Assets and Receiver Sales," 31st Annual Real Property Law Section Retreat, Lake Tahoe, Nevada, May 6, 2012

"Charter Facilities: Rules, Restrictions and Opportunities (non-Prop. 39)," 18th Annual California Charter Schools Conference, San Diego, California, March 9, 2011

"Negotiating Your Best Deal in a Tenant's Market" - Luce Forward and Studley Presentation, September 28, 2010

"Commercial Leasing - Fundamentals of Negotiating a Good Lease," Association of Corporate Counsel June MCLE, San Diego, June 17, 2010

Mr. Hymer is a frequent speaker on topics such as limited liability companies, current issues in real estate transactions, leasing issues and methods to limit developer liability.

Memberships

San Diego County Bar Association

International Council of Shopping Centers

National Association of Industrial & Office Properties

Stanford Professionals in Real Estate

Former member of the Board of Directors of the San Diego Council on Literacy

Past co-chair of the Real Property Section of the San Diego County Bar Association

Past co-chair of the Southern California Construction and Commercial Industrial Development Subsection of the Real Property Section of the California Bar Association

Practices

Real Estate, Energy, Land Use & Environmental

Real Estate Acquisitions and Dispositions

Real Estate Development

Commercial Leasing

ESG and Sustainability

Joint Ventures and Strategic Alliances

Industries

Construction

ESG and Sustainability

Food and Beverage

Multifamily Housing

Education

J.D., Stanford Law School, 1987, *Order of the Coif*

B.A., University of Pennsylvania, 1983, *summa cum laude*

Admissions

California