

## John C. Livingston

### Partner

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### Services

Business & Finance  
Contracts & Commercial  
Agreements  
Real Estate Finance & Capital  
Markets  
Real Estate Investment &  
Development

### Industries

Energy  
Energy Investment  
Project Development & Finance

John Livingston is a member of the firm's Real Estate Investment and Development Team and the firm's Energy Team. He devotes his practice to sustainable development, including mixed-use projects, LEED certified projects, and renewable energy contracting. Mr. Livingston has experience representing lenders, buyers, sellers, developers, investors, owners, managers and others in all aspects of commercial real estate development, investment and leasing, and solar and biomass developers as well as commercial and industrial energy users.

Mr. Livingston was named a North Carolina "Rising Star" in 2010, and again in 2019 and the six years immediately preceding, for Real Estate Law by *Super Lawyers* magazine. He has been recognized as a 2013, 2015, 2016 and 2017 "Legal Elite" by *Business North Carolina* magazine in the area of Real Estate. Mr. Livingston is also among the first attorneys in Raleigh to be designated a LEED Accredited Professional. He is a graduate of the 28<sup>th</sup> class of the Greater Raleigh Chamber of Commerce's Leadership Raleigh.

### Experience

Assisted a New York-based real estate management and investment company in purchasing over \$113 million in apartment projects across four Southern states. These transactions involved complex real estate, financing, and corporate issues, including title issues involving bankruptcy, acquisition financing consisting of both Freddie Mac and Fannie Mae guaranteed loans, and solicitation of investors through a crowd funding website.

Represented Goldsboro Milling Company in securing a \$170 million loan from multiple lenders secured by personal and real property in multiple states.



Represented national real estate company in disposition of portfolio of apartment complexes in South Carolina.

Representation of Stonecutter Capital in refinancing of seven-property multi-state portfolio of apartment complexes with over \$115 million in Freddie Mac guaranteed debt.

Represented national investor in acquisition and financing of \$30 million apartment complex in Charlotte, North Carolina.

Represented Hill Partners, Inc., a commercial real estate firm specializing in shopping center development, in connection with The Promenade at Coconut Creek, North Broward County's premier open air shopping and dining experience, featuring over 36 stores and boutiques, 14 restaurants, and Silverspot Cinema, a state-of-the-art 11 screen luxury theatre.

Represented national apartment owners in securing supplemental Freddie Mac financing for 304-unit apartment complex.

Represented developer, Hill Partners Inc., in the acquisition, financing, and leasing of Lifestyle Center located on 300 acres with mixed-use and freestanding properties in Columbia, South Carolina.

Represented developer in the acquisition, financing, and leasing of 540,000 square foot Lifestyle Center with mixed-use and freestanding properties in Clemmons, North Carolina.

Assisted real estate developer in the acquisition of a site in downtown Raleigh that will one day be home to an urban mixed-use public-private partnership project with retail, office, and residential space on top of a 550 space underground parking deck.

Serve as leasing counsel to regional developer and investor with over 1,500,000 square feet of office and flex space.

Represent open-source software company in a variety of real estate matters, including headquarters and office leasing and subleasing across the United States and internationally.

Assisted client with all aspects of developing and financing a 20 MW solar facility in northeastern North Carolina, including joint venture agreement with financing partner, power purchase agreement, construction financing, EPC contract, and sale of facility.

Represented Access Medical Development, nationally recognized medical real estate developer, in condominiumization and sale of mixed-used development in midtown Raleigh with over 80,000 square feet of office space and over 45,000 square feet of retail space.



Represented national professional trade association with real estate matters nationally and in select international locations.

Represented early stage developer in development and sale of 20.8 MW and 26 MW solar facility.

Represented a major proprietary computer storage and data management company headquartered in Sunnyvale, California, in condominiumization and financing related to \$61 million data center.

Represented Guggenheim Real Estate, LLC, a real estate investment firm and a subsidiary of Guggenheim Partners, in connection with Specialty Shops at Southpark, a 65,000 square foot retail center in North Carolina.

Represented Kane Realty as a joint venture partner involved in the development and construction of a continuing care retirement community (CCRC) known as The Cardinal at North Hills, including complex financing issues, and provided guidance on obtaining regulatory approvals from the North Carolina Department of Insurance.

Represented solar developer in leasing space from the City of Raleigh on its convention center roof for the installation of solar PV electric panels.

Have represented a number of commercial and industrial clients in the development of renewable energy projects or the purchase of renewable energy from third-party providers.

Assisted a North Carolina-based real estate firm in connection with its acquisition, disposition, and leasing of multiple Triangle area projects, including medical office buildings, office parks, and flex/warehouse projects.

Have negotiated dozens of PPA and REC agreements on behalf of renewable energy project developers for projects totaling more than 300 MW of capacity.

Represented early stage developer in development and sale of 75 MW solar facility.

Represented lender in structuring of unique rooftop solar transactions.

Developed construction loan documents and program for lender's use in making loans to utility scale solar facilities.

Represented national real estate company in acquisition and financing of \$20 million apartment complex in Atlanta, Georgia.

Represented national real estate company in acquisition of \$47 million apartment complex in Cary, North



Carolina.

Represented publicly traded technology company in their expansion of headquarters on North Carolina State University's Centennial Campus.

Representation of Stonecutter Capital in purchase of two apartment portfolio purchase with \$45 million purchase price in Greenville, South Carolina, including annexation and acquisition financing.

Representation of Stonecutter Capital in sale of apartment complex in Columbia, South Carolina for \$22 million.

Represented seller of iconic Krog Street Market and Atlanta Stove Works urban, mixed-use development for more than \$45 million.

Represented seller of a \$40 million multi-family complex in a sale that involved 1031 exchanges for both buyer and seller and a defeasance of the existing loan on the property. Prior representations for the owner of the site included a buyout of a joint venture partners interests and supplemental financing.

Represented Hudson Capital Properties, a national, multi-family real estate company, in its \$43,000,000 sale of the Preserve at Dunwoody, an apartment complex in Atlanta, Georgia. The deal closed on January 30, 2019.

Represented Hudson Capital Properties, a national, multi-family real estate company, in its \$56,000,000 refinance of Hudson Ridge, an apartment complex in Atlanta, Georgia. The deal closed on February 1, 2019.

## **Education**

University of North Carolina School of Law, J.D. (2006) *Order of the Coif, high honors*

University of Florida, B.S., Civil Engineering (2003) *cum laude*

## **Admissions**

North Carolina (2006)

## **Professional & Community Activities**

North Carolina Bar Association, Real Property Section, Legislative Committee, Member

Center for Energy Education, Board of Directors, Member

National Association of Industrial and Office Properties (NAIOP) - Research Triangle Chapter, Developing Leaders Board of Directors, President

Urban Land Institute (ULI), Young Leader, Roundtable Committee

## **Insights**



### Alerts

Treasury Issues Second Round of Proposed Regulations Providing Additional Guidance for Making Investments in Qualified Opportunity Zones

April 25, 2019

### Perspectives

'Opportunity Zones' gaining steam in the Triangle. Here's where they are.

February 4, 2019

### News Releases

Kilpatrick Townsend Attorneys Named 2019 North Carolina Super Lawyers

January 28, 2019

### Alerts

Opportunity Zone Program Offers A New, Tax-Efficient Vehicle For Investors And Developers

November 29, 2018

### Events

Tomorrow's Real Estate

August 2, 2018

### Events

Center for Energy Education's Solar Farm Workshop for Eastern North Carolina Public Officials: Legal Considerations for Landowners and Counties

April 10, 2018

### Events

Center for Energy Education's Solar Farm Workshop for Northeastern North Carolina Public Officials: Legal Considerations for Landowners and Counties

February 8, 2018

### News Releases

Kilpatrick Townsend Attorneys Named 2018 North Carolina Super Lawyers

February 6, 2018

### Events



UNC Alumni Panel  
January 23, 2018

#### [Publications](#)

Legal Issues for Solar Facilities  
May 22, 2017

#### [Events](#)

Behind The Curtain  
April 27, 2017

#### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2017 North Carolina Super Lawyers  
January 30, 2017

#### [News Releases](#)

Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2017 "Legal Elite"  
January 11, 2017

#### [Events](#)

Tomorrow's Real Estate — The Growth Story  
July 28, 2016

#### [In The News](#)

Kilpatrick Townsend's Media Report April 22-28, 2016  
April 29, 2016

#### [News Releases](#)

Kilpatrick Townsends John Livingston Named to the Board of Directors of the Center for Energy Education  
April 18, 2016

#### [In The News](#)

Kilpatrick Townsend's Media Report January 22-28, 2016  
January 29, 2016



### [News Releases](#)

Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2016 "Legal Elite"

January 19, 2016

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2016 North Carolina Super Lawyers

January 15, 2016

### [News Releases](#)

Kilpatrick Townsend Elects New Partners in Raleigh

January 6, 2016

### [Publications](#)

Commercial Lease Provisions and Issues

December 17, 2015

### [News Releases](#)

Kilpatrick Townsend Attorneys Named 2015 North Carolina Super Lawyers

January 28, 2015

### [News Releases](#)

Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2015 "Legal Elite"

January 19, 2015