

MICHAEL C. KIM
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ASSOCIATES



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THE FIRM

Michael C. Kim & Associates is committed to providing timely, responsive, cost-effective service to our clients. Our legal advice is supplemented by useful, practical advice based on decades of experience. We will work closely and tirelessly with you to achieve your objectives. Our relationship with our clients is based on mutual respect, trust and cooperation. We are sized purposefully and optimally to serve our clients with a personal and efficient team approach. Client focus is our culture.

TYPICAL SERVICE TO CLIENTS INCLUDE:

- Advice and guidance on full range of legal questions on powers, duties, responsibilities and operations of board of directors, such as association v. unit owner maintenance responsibilities, insurance obligations, use of common facilities, resident misconduct handling, election procedures, budget and assessment requirements and governing document interpretation
- Review and updating of declaration and by-laws to comply with current requirements of the Illinois Condominium Property Act or the Illinois Common Interest Community Association Act, as applicable
- Document preparation and step by step guidance to amend declaration and by-laws
- Prepare and review rules and regulations
- Contract review and documentation (for example, management, construction, laundry room, roof top antenna, common element alteration, cable or satellite TV, and commercial space lease agreements)
- Developer transition services, including enforcement of association's rights to documents, funds and accounting by developer as required by law, and litigation of claims against developer for construction deficiencies and other misconduct
- Negotiation and documentation of loans taken by association for major projects

- Guidance and advice on employment issues
- Collection of delinquent assessments and related action in foreclosure and bankruptcy proceedings
- Enforcement of association's rights under mixed use development agreements such as reciprocal easement agreements and expense sharing arrangements
- Enforcement of easement and other property rights against adjacent property owners
- Defense against claims of breach of fiduciary duty against officers and directors of the association
- Defense against claims by employees, unit owners and residents alleging illegal discrimination

CREATIVE AND SPECIAL PROJECT EXPERIENCE INCLUDES:

- Sale of entire condominium property in exchange for units in new condominium project
- Subdivision of commercial garage unit into 200+ parking space units and sale at cost to residential unit owners
- Purchase and use of adjacent property for additional parking capacity and green space
- Achieve a comprehensive negotiated turnover agreement with developer involving a master association, 13 condominium associations, private utility systems and related golf course and commercial areas, involving complex contingent purchase rights and incentives, in one of the largest turnovers in Illinois
- Development of affordable condominium project undertaken by community based organization
- Creation of "sweat equity" condominium project with Habitat for Humanity

- Development of a single scattered site multi-building condominium project
- Negotiate and document special easement agreements with adjacent land owners and/or developer
- Negotiate with developer for commercial condominium unit owner protections and conditions and provide for other purchasers' ratification of same
- Dealing with hazardous materials situations at association property
- Creation of special limited common element controls and right of first refusal covenants for penthouse floor of condominium project
- Structure innovative selling arrangement for implementing sale of unit as part of a settlement agreement with unit owner
- Use of bankruptcy remedy to rescue financially failing condominium association (first time in Illinois)
- Commercial condominium development and consultation
- Consultation on creation of condominium comprised of detached stand-alone single family residences
- Negotiate expedited alternative dispute resolution procedure between condominium association client and commercial property owner

(1/1/2012)

MICHAEL C. KIM

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Principal. Mike received his undergraduate degree (Political Science Major) from the University of Hawaii (Manoa Campus, Honolulu, HI) and his law degree from Northwestern University School of Law (Chicago, IL). He is licensed to practice in Illinois and its courts, and also before various federal courts, including the U.S. District Court (Northern District, IL) (both General and Trial Bar), the Court of Appeals for the Seventh Circuit, and the United States Supreme Court. His practice is focused on condominium and homeowner association law, construction law, real estate law and civil litigation. He has been involved in condominium practice for over 30 years. He has personally handled a wide range of litigation, including construction defect claims, contract disputes, enforcement of declaration/bylaws/rules by injunction actions, financial mismanagement claims, consumer fraud claims, civil rights/discrimination charges, directors and officers liability defense, commercial lease disputes, sexual harassment claims, employment grievances, constitutional issues, assessment collection, easement disputes, and mixed use development disputes. In addition, Mike has prepared condominium documentation for developers, negotiated and documented condominium loans for both associations and lenders, prepared and negotiated contracts (involving construction, management, landscaping/ snowplowing, laundry lease, cable TV, alternative energy suppliers, developer transition, and antenna leases), reviewed rules and regulations, prepared declaration/bylaws amendments, assisted in election procedures, documents, and administration, conducted rules violation hearings, and counseled innumerable clients on condominium and/ or corporate issues. As an adjunct professor with the John Marshall Law School, he has taught at the School's Graduate Program in Real Estate Law on condominium, cooperative and common interest community law. Mike co-authored the Historical and Practice Notes to the Illinois Condominium Property Act, has long been active in legislative efforts involving the Act and has written extensively on condominium law and issues, including articles published by the John Marshall Law School, Community Associations Institute (CAI) (both National and Illinois) and the Association of Condominium, Townhome and Homeowners Associations (ACTHA). Mike has taught numerous times at CAI-National's prestigious Community Association

Law seminar, has spoken at CAI National Conferences, has taught other attorneys at the Law Education Institute, National Business Institute and Lorman Education Services seminars, and has lectured for the Chicago Bar Association, the Illinois CPA Society, and the Illinois Institute for Continuing Legal Education. After being heard at a CAI Law Seminar, he served as a principal guest speaker for the CAI-Hawaii and Hawaii Real Estate Research and Education annual seminar. He has served on the Board of Governors of the CAI College of Community Association Lawyers, of which he is a charter member; the College was established to recognize distinguished service to community association law and commitment to highest ethical and professional standards. He also served as President of CAI-Illinois, during which time he encouraged use of alternative dispute resolution for community associations. Mike has served as Chair of the Real Property Law Committee of the Chicago Bar Association as well as its Condominium Law Subcommittee and also as Chair of the Condominium Committee of the Illinois State Bar Association Real Estate Law Section Council. He is a member of the American Bar Association's Forum on Construction Law and its Real Property Law Section. Recently he has chaired ACTHA's Ad Hoc Committee to develop recommendations and legislative proposals to the Condominium Advisory Council established by the Illinois Legislature. His pro bono activities have included work to develop affordable condominiums for low income families with Uptown Habitat for Humanity and work as General Counsel to the Association of Sheridan Condo Co-op Owners (ASCO). He has been regularly sought out and quoted in various media, including the Chicago Tribune, Chicago Sun-Times, Crain's Chicago Business, and WTTW Chicago (Channel 11). At times, Mike has been involved in high profile cases involving significant media attention, notably the injunction case involving Laddie (the pot-bellied pig) and a Tourette's resident's civil rights case against a client association and its directors. On a personal note, he has served as President, Treasurer and Secretary of a condominium association. In 2005, 2006, 2007, 2008, and 2012, Mike was recognized as an Illinois "SuperLawyer" by Law & Politics which conducted an extensive, selective search process. In 2010 and 2011, he was recognized as an Illinois "Leading Lawyer" by the Leading Lawyers Network. He has achieved an "AV" peer review rating with Martindale-Hubbell Law Directory, indicating the highest level of legal ability and ethics.

ELIOT G. SCHENCKER

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Associate Attorney. Eliot received his undergraduate degree (Political Science Major) from Indiana University (Bloomington, IN) during which time he served as a Congressional legislative intern and his law degree from Western State University College of Law (Fullerton, CA). He is licensed to practice in Illinois and its courts and before various federal courts, including the U.S. District Court (Northern District, IL) and the United States Supreme Court. He has substantial litigation experience in both Illinois and Federal Courts and formerly served with the Illinois Attorney General's Office (Chicago, IL), handling a variety of civil matters involving state agencies, officials, and employees. Eliot focuses on litigation and arbitration matters (including declaration enforcement actions, construction defect cases, easement disputes, consumer fraud claims, municipal code violations, Illinois Commerce Commission utility matters, mixed use development disputes, and developer financial liability matters), as well as a variety of transactional matters (including contract review and documentation, real estate tax appeals, advice on Section 22.1 disclosure obligations, and declaration/bylaws/rules amendments). In response to a request by the Association of Sheridan Condo/Co-op Owners (ASCO), he (along with Kris Kasten) has prepared a workshop on the topics of protecting the association's interest in foreclosure situations and the new FHA condominium approval guidelines. Eliot serves as Chair of the Chicago Bar Association's Condominium Law Subcommittee.

KRISTOFER D. KASTEN

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Associate Attorney. Kris received his undergraduate degree (Media Studies) from the University of Illinois (Urbana-Champaign) and his law degree from The John Marshall Law School where he received a number of honors and achievements. He has both transactional and litigation experience. Admitted to the Illinois and U.S. District Court bar, Kris devotes his efforts to various litigation matters (including assessment collection, foreclosures, bankruptcies, construction defect cases, enforcement of declaration/bylaws/rules actions, breach of contract cases, and financial claims against developers) and transactional matters (including contract review, negotiation and documentation, statutory updating of declaration/bylaws projects, declaration/bylaws/ rules amendments, and loan transactions). In response to a request by the Association of Sheridan Condo/Co-op Owners (ASCO), he has prepared a workshop (along with Eliot Schencker) on the topics of protecting the association's interest in foreclosure situations and new FHA condominium approval guidelines. He serves as Legislative Liaison for the Chicago Bar Association's Condominium Law Subcommittee.

