

Emerson M. Lotzia

Partner/Retired



Emerson M. Lotzia is a retired partner and real estate lawyer with Foley & Lardner LLP. He was a member of the firm's Real Estate Practice and its Energy; Health Care; and Hospitality, Resort & Golf Industry Teams. Emerson has represented lenders, developers and tenants in real estate financing, development and leasing matters. He has also focused on Leadership in Energy and Environmental Design (LEED) and Energy Performance, Energy Services and Managed Energy Services Agreements (ESA) and Property Assessed Clean Energy (PACE) legal issues and advised lenders, developers and operators of commercial facilities (continuing care retirement communities, retail, office and industrial facilities) on LEED, ESA and PACE structuring, financing, design, construction, operation, advertising and corporate disclosure matters. He has extensive experience in condominium law, federal and Florida land sales registrations and exemptions, community development districts and the representation of developers of golf course mixed use communities. He has represented developers of regional and power shopping centers and a national department store chain in leasing matters all over the country.

Emerson is a State of Florida Licensed Real Estate Broker and State of Florida Licensed Community Association Manager. The Real Estate Brokerage training and license allows Emerson to assist clients with Florida and multistate broker/owner listing and engagement agreements such as a \$800M multistate portfolio sale of apartments and fractured condominiums where he negotiated such an agreement with two national brokerage companies. His Community Association Manager training and license allows Emerson to assist Developers of condominiums and homeowner associations with the association structure documents, association start-up activities, operation and turnover matters such as forensic accounting and turnover issues for a 700 unit development in Central Florida, association and community development district assessment delinquencies for a large scale master planned mixed use community in Northeast Florida and condominium amendment documents for a residential condominium conversion project in the City of Jacksonville which were filed with the Division of Florida Condominiums, Timeshares and Mobile Homes.

Awards and Recognition

Emerson has been Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell's peer review rating system and was selected by his peers for inclusion in *The Best Lawyers in America*® since 2005. Emerson was also selected for inclusion in the 2006 and 2007 *Florida Super Lawyer*® lists and was recognized in 2011 by the *Legal 500* for his work in real estate. He was selected as the recipient of The Florida Bar President's Pro Bono Service Award for 2013 for the Fourth Judicial Circuit. Additionally, he is recognized by *Florida Trend* magazine as one of Florida's Legal Elite™.

Affiliations

Emerson is a member of the Florida Planning and Zoning Association, National Golf Course Owners Association, the Urban Land Institute and NAIOP. In addition, he is a Leadership in Energy and Environmental Design Accredited Professional (LEED AP). Nationally, fewer than 350 attorneys hold this designation.

Presentations and Publications

Emerson is the co-author of "Examples of the Good, the Bad and the Ugly of Greenwashing with LEED," *Florida Real Estate Journal*, October 1-15, 2009.

Education

- George Mason University (J.D., with distinction)
- University of Florida (LL.M)
 - Tax Law

Admissions

- Florida
- Virginia
- U.S. Tax Court
- U.S. Claims Court
- The U.S. Courts of Appeals for the Fourth, Fifth, and Eleventh Circuits
- U.S. District Court for the Middle District of Florida