

## Van A. Tengberg

### Partner

[vtengberg@foley.com](mailto:vtengberg@foley.com)

San Diego  
858.847.6758

Washington, D.C.



Van A. Tengberg's practice centers on real estate acquisition and development, with a primary focus on shopping centers, office complexes, industrial business parks, hotels, golf courses, and resort facilities. He is chair of the firm's West Coast Real Estate Practice and a partner in the firm's Real Estate Practice and Finance, Hospitality & Leisure, and Sports Industry Teams. Van is a former member of the firm's national management committee, the former managing partner of the San Diego office, and also the former co-chair of the Hospitality & Leisure Industry Team.

Van is actively involved and is highly experienced in providing comprehensive legal services in connection with the acquisition, planning, financing, construction, and development of all types of commercial urban and regional development, redevelopment, and revitalization projects, including regional shopping malls, power centers, entertainment centers, retail centers, commercial office buildings, complexes, industrial business parks, hotels, resorts, and golf courses.

Van also has substantial experience in the negotiation and preparation of sophisticated and intricate partnership agreements, joint venture agreements, and limited liability company operating agreements with respect to these types of commercial real estate developments. His real estate and tax background and experience make him uniquely qualified to handle these types of projects.

Van represents institutional real estate companies in connection with the acquisition, development, redevelopment, financing, and tax structuring of retail, office, industrial, hotel, and resort portfolios and properties.

Van is highly skilled in all phases of golf course and resort acquisition and development. He coordinates the entire due diligence process and is involved in all aspects of the proposed acquisition or development.

Van also has extensive experience in forming and structuring both equity and non-equity private golf clubs. This includes structuring the equity/non-equity membership program in conformance with applicable federal and state securities laws and regulations, federal and state income tax laws, and regulations and state and local property tax laws. Van is also experienced in all areas relating to club operations, including the preparation and review of membership bylaws, rules and regulations, management agreements, food, and beverage concession agreements, licenses and permits, CC&Rs, environmental issues, equipment lease agreements, sales and marketing programs, and employment agreements.

Van actively represents lenders and borrowers in a wide variety of commercial real estate lending transactions, including construction loans, mini-perm loans, permanent loans, securitized loans, mezzanine financing, and all other commercial real estate financing transactions.

### **Awards and Recognition**

- Peer Review Rated as AV Preeminent®, the highest performance rating in Martindale-Hubbell® Peer Review Ratings™
- Selected by his peers for inclusion in *The Best Lawyers in America*® in the fields of Real Estate Law (2016 – 2023) and Leisure and Hospitality Law (2023)
- Selected for inclusion to the San Diego Super Lawyers lists (2013 – 2021)
- Honoree for the *Top Lawyers in Southern California*® (2020)
- Selected as a Leading Lawyer, Real Estate, West Coast, by the *US Legal 500* (2010)

### **Affiliations**

- Active in various charitable organizations in the greater San Diego area, including serving as a member of the board of directors of the Sabin Children's Foundation.
- Previously served as a scout leader with The Boy Scouts of America and as a member of the board of directors of the Southern California Chapter of the Cystic Fibrosis Foundation.

### **Presentations and Publications**

- **“Top Legal and Tax Issues,” National Golf Course Owner's Association, Multi-Course Owner's Retreat, Monterey, California (July 2023)**
- “Top Legal and Tax Issues,” National Golf Course Owner's Association, Multi-Course Owner's Retreat, Monterey, California (July 2019)
- “Plan With the Exit in Mind,” Golf Inc. Strategies Summit, Carlsbad, California (September 2018)
- “Top Policy and Tax Issues,” National Golf Course Owner's Association, Multi-Course Owner's Retreat, Chicago, Illinois (July 2018)
- “Updates from Washington,” National Golf Course Owner's Association Multi-Course Owner's Retreat, Monterey, California (June 2017)
- “Time for a Change: Reposition, Repurpose or Sell?” Golf Inc. Strategies Summit, Austin, Texas (September 2016)

- “Hot Legal and Legislative Issues,” National Golf Course Owner’s Association Multi-Course Owner’s Retreat, New York, New York (June 2016)
- “Time for a Change: Reposition, Repurpose or Sell?” Golf Inc., Strategies Summit, La Quinta, California (September 2015)
- “Hot Legal Issues,” National Golf Course Owner’s Association Multi-Course Owner’s Retreat, Monterey, California (June 2015)
- “Private Clubs: Pros and Cons of the Equity and Non-Equity Club Models,” Crittenden Golf Conference, Phoenix, Arizona (October 2014)
- “Getting Unstuck: How to Reboot Your Course and Your Finances,” NGCOA Annual Conference, Orlando, Florida (February 2014)
- “For Private Equity Clubs: Choices, Choices,” co-author, *Golf Inc. Magazine* (Summer 2014)
- Quoted, “Golf’s Three Biggest Legal Challenges,” *Golf Inc. Magazine* (Spring 2014)
- “A View From the Industry – My Take,” *Golf Business Magazine* (April 2014)
- “Transitioning Private Equity Clubs to Non-Equity Ownership,” Crittenden Golf Conference, Phoenix, Arizona (October 2013)
- “Restructuring the Private Club,” co-author, *Golf Inc. Magazine* (June 2013)
- “Restructuring the Private Club,” National Golf Course Owner’s Association Multi-Course Owner’s Retreat, Monterey, California (June 2013)
- “Back to Basics – The Discipline of Buying and Selling Golf Courses,” Crittenden Golf Conference, Dallas, Texas (October 2012)
- “The Hottest Issues Affecting Your Business and the Industry,” National Golf Course Owner’s Association Multi-Course Owner’s Retreat, Monterey, California (June 2012)
- “The Need for Change in Private Clubs,” co-author, *Activate eMagazine* (November 2012)
- “Up to Par: Top 10 Legal Issues Addressed in the Purchase or Sale of a Golf Course,” author, *San Diego Lawyer* (July/August 2012)
- “Emerging Trends and the State of the Golf Industry,” Crittenden Golf Conference, Phoenix, Arizona (September 2011)
- “A New World Order for Private Clubs,” author, *Golf Course Industry Magazine* (August 2011)
- “Distressed Retail: Where are we in the cycle? What are investor options and strategies?” U.S. Real Estate Opportunity and Private Fund Investing Forum, Laguna Beach, California (January 2011)
- “Secrets to a Successful Golf Course Sale,” Golf Inc., Las Vegas, Nevada (October 2010)
- “Deal Panel: Workouts, Deals, Opportunities and Financing,” National Golf Course Owner’s Association Multi-Course Owner’s Retreat, Monterey, California (July 2010)
- “Secrets to a Successful Golf Course Sale,” Golf Inc., Amelia Island, Florida (April 2010)
- *NGCOA’s Guide to Buying or Selling a Golf Course*, contributing author, National Golf Course Owner’s Association (2009)
- “Vacation Home Market Trends: Opportunities for the Golf Industry,” author, *Golf Course Industry Magazine* (September 2009)
- “Art of the Deal; Why Real Deals Worked, or Didn’t,” Golf Inc., La Quinta, California (October 2009)

- “Developing Golf Courses and Resort Communities – Planning with the End in Mind – Don’t Change Horses in the Middle of the Stream,” Urban Land Institute – Indian Wells, California (April 2006)
- “Bridging the Gap: Ensuring the Viability of the Golf Club After Turnover by the Developer,” ALI-ABA Resort Real Estate and Clubs, San Diego, California (August 2005)
- “Developing Golf Course and Resort Communities – Bridging the Gap: Ensuring the Viability of the Course After the Developer Exits,” Urban Land Institute, Lake Las Vegas, Nevada (April 2004)

## Sectors

- [Hospitality & Leisure](#)
- [Sports & Entertainment](#)

## Practice Areas

- [Corporate](#)
- [Finance](#)
- [Real Estate](#)

## Education

- University of San Diego (LL.M., cum laude, 1987)
  - Taxation
- McGeorge School of Law (J.D., 1982)
- University of California, Davis (B.A., 1979)

## Admissions

- California
- District of Columbia